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- 1.3 submitted together with an Arboricultural Report, and a Flood Risk Assessment.
- 1.4 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 mini roundabout arrangement. The proposed roundabout would be formed opposite the existing junction with Hazlewood Close. Two pedestrian access points to Plots 1 and 10 are also proposed off Sutton Park Road.
- 1.5 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.
- 1.6 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 Appeal withdrawn.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 following the decision at the Planning Development Control Committee meeting of 7th April 2009 to defer the application to allow the Highway Authority and the Applicants to liaise to resolve the junction issue. Having considered the application further the highway Authority have verbally advised that they would not object to the application as it is now submitted. Formal written clarification is awaited and will be added to the update sheet.
- 3.2 Environment Agency - Although no response has been received by the Environment Agency, it should be noted that following recent changes to the consultation procedure, the Environment Agency are not a consultee any more for this type of development. It is therefore recommended that should Members be minded to approve the application the conditions on the original application be carried forward.

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- 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.
- 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.

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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.

3.9 Neighbour/Site Notice – 3 letters received (Two from Hillcrest Residents' Association) The main points raised were:

1. 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.
2. 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.
3. 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 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.

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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
- 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 previously approved application proposed an identical mini roundabout between the site entrance on to Sutton park road and Hazelwood Close, this arrangement was revised as part of the early stages of the application, following extensive consultation with the Highways officer, and the roundabout replaced with a single priority T-junction access onto Sutton Park Road. This proposal was considered by Members at the Planning (Development Control) Committee meeting of 7th April 2009, when Members resolved to defer the application to allow the Highway Authority and the Applicants to liaise to resolve the junction issue. Members will recall that they considered the application to be acceptable subject to the access arrangements being via a mini-island as previously approved. Following these discussions the Applicants have decided to replace the T-junction arrangement with access arrangements identical to those previously approved under 06/0436/OUTL.
- 4.7 All plans have been revised and reconsultation with the Highway Authority has confirmed, albeit only verbally at this stage, that they would not object to the application as it is now submitted. Formal written clarification is awaited and will be added to the update sheet. On this basis, I consider that an acceptable highway access arrangement has been achieved.
- 4.8 The requisite re-notification of local residents, including the Hillcrest Residents Association, has also been undertaken, and no comments have been received to date.

LAYOUT AND SITING OF PROPOSED PROPERTIES

- 4.9 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.

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- 4.10 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.

FLOOD RISK

- 4.11 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

- 4.12 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.
- 4.13 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.
- 4.14 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

- 4.15 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.

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OTHER MATTERS

- 4.16 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.
- 4.17 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.
- 4.18 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.
- 4.19 Additional information from the agent has been received to further justify their request. The agent reminds the District Council that the legislation allows any length of planning consent to be granted and there is no requirement to show special circumstances. However, Severn Trent Water (STW) have a duty in law to maximise proceeds from the disposal of this land, with the poor market conditions a sale may not be readily achievable in the near future. STW are a landowner and not a developer and for this reason the sale of the site is the only reasonable option. STW have little option to offer the sale of this site in the worst market conditions in decades against a statutory duty to maximise income. A five year grant of consent will provide the flexibility needed to fulfil those duties.
- 4.20 Government advice is contained within Circular 08/05, which states that for the majority of planning permissions and consents three years gives the Developer long enough to begin implementation. However, the Town & Country Planning Act 1990 allows the Council to consider whether to substitute a longer period for implementation, which the Circular advises should be after consideration of any material considerations. The Council should look at the size and nature of development and assess what is reasonable.

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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) 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

ii) 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)

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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 it is recommended that delegated authority be given to REFUSE this application.

Application Reference:	09/0066/FULL	Date Received:	02/02/2009
Ord Sheet:	382957.883583101 278012.095927525	Expiry Date:	04/05/2009
Case Officer:	Paul Round	Ward:	Franche

Proposal: Residential development of 73 No. dwellings with associated internal roads, access, car parking & landscaping

Site Address: LAND OFF PUXTON DRIVE, KIDDERMINSTER, DY115HY

Applicant: A & J Mucklow Ltd

Summary of Policy	H2, H4, H5, H10, D1, D3, D4, D7, D10, D11, D13, D16, NR5, NR7, NR8, NR9, LA2, LA4, NC1, NC5, NC6, NC7, TR1, TR9, TR17, LR1, LR3, LR6, CY4, IMP1 (AWFDLP) SD5, CTC1, CTC8, CTC11, CTC15, D6, T1 (WCSP) CF2, CF5, QE1, QE3, QE4, QE7, QE9, T2 (WMRSS) Design Quality SPG; Planning Obligations SPD PPS1, PPS3, PPS9, PPS25
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 forms a 1.63 ha piece of land situated on the south east side of the Marlpool Gardens estate. The site constitutes a rectangular shaped piece of ground that wraps around the estate behind properties in Brooklands Drive and Puxton Drive. Access is gained from Brooklands Drive and Hawkstone Close. To the south lies to the Puxton Marsh SSSI and the Stour Valley.
- 1.2 The site is allocated for residential purposes within the Local Plan, and washed over by the Landscape Protection Area. The southern most part of the site falls within Flood Zone 3/2.
- 1.3 The land in question has been earmarked for development for a considerable amount time. Members will note from the planning history below that permissions for residential development have been secured since 1998. Reserved matters have been approved since the outline permission and work commenced on site. This results in the developer being in a position of having an extant permission for 46 houses that can he can continue to implement at any time in the future. This position has been confirmed by the approval of a Certificate of Lawfulness in 2006.

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2.0 Planning History

- 2.1 **WF.243/75** – Residential development – **Refused - 20.05.75**
- 2.2 **WF.833/95** (Outline) – Residential development erection of 46 dwellings, construction of new access roads with works to and management of adjoining open space – **Approved 29.9.98**
- 2.3 **WF.159/00** – Variation of condition 1 (b) and (c) of planning permission WF.833/95 – to allow a further 3 years for submission of reserved matters and to allow development to begun no later than 7 years from the date of outline permission – **Approved 14.3.00.**
- 2.4 **WF.569/04** – Variation of condition 1 (b) and (c) of planning permission WF.833/95 and WF.159/00 to allow a further 3 years for submission of reserved matters and to allow development to begun no later than 10 years from the date of outline – **Withdrawn.**
- 2.5 **WF.64/04** – Reserved Matters: Access and siting of 46 dwellings and associated engineering works to regrade land – **Approved 27.7.04**
- 2.6 **WF.975/94** - Reserved Matters: External appearance, design and landscaping following outline approval (WF.833/95 and WF.159/00) and reserved matters – approval for siting and access (WF.64/04) ON land off Puxton Drive, Wolverley Park, Kidderminster – **Approved 12.10.04**
- 2.7 **WF.50/05** - Engineering works for surface water sewer to link to existing main sewer – **Approved 12.08.2005**
- 2.8 **06/0547/CETE** - Certificate of lawfulness for existing development to confirm that the ground works and erection of the retaining wall undertaken on the land constitute implementation of planning permission reference Nos. WF833/95, WF159/00, WF 64/04 and WF 857/04 which remain extant – **Approved 07.07.06**
- 2.9 **08/0651/FULL** - Residential development of 73 dwellings with associated internal roads, access, car parking & landscaping – **Refused 19.12.08 : Appeal Withdrawn**

3.0 Consultations and Representations

- 3.1 Wolverley & Cookley Parish Council (parish boundary adjoins the site) – Wolverley & Cookley Parish Council are totally opposed to the above development and wish to write expressing objection to the above planning application. The development will definitely increase the risk of flooding to both Wolverley and Cookley and Caunsall. The Council are totally opposed to building on the flood plain and the increase of landfill on this site will exacerbate the problems experienced in Wolverley over the last few months. The land at Puxton would have to be built up and is unstable and there would be a loss of amenity area in SSSI. The Environmental report is only relevant to the development site and does not address the adverse affect on other areas.
- 3.2 Highway Authority – Revised Plans – The road layout is now to adoptable standards. No objection subject to conditions.

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- 3.3 Environment Agency – We understand that this application is a resubmission of 08/0651/Full and have the following comments to make.

Flood Risk

Previous Consideration

In considering the previous applications for this site the 1 in 100 year flood level was modelled at 35.63m AOD. Accordingly the development levels of the extant permission were set to ensure that this was secured. Achievement of these required some raising of ground on site in 2006. This was a necessary consequence of delivering the abutting Kidderminster Flood Alleviation Scheme (FAS) which provides an overall flood storage capacity in the order of 700,000 metres cubed.

Present Consideration

Recent modelling by us in 2008 has resulted in a new higher theoretical 1 in 100 year level of 35.92m AOD. This results in a very small portion of the current application site (proposed lower site access road area) now falling within Flood Zone 3 (1 in 100 year floodplain) as defined in Planning Policy Statement 25 (PPS25): Development and Flood Risk.

Following implementation of the proposals as detailed in the amended Flood Risk Assessment (FRA) 024354 Wolverley Park, Kidderminster Revision 1 by Buro Happold January 2009, the development will be completely outside Flood Zone 3 (high risk).

Finished Floor Levels and Access

We note that the amended FRA (Ref 024354 Wolverley Park, Kidderminster Revision 1 by Buro Happold) dated January 2009 states all proposed dwellings will now have finished floor levels set at 36.82m AOD. This is 900mm above the 1 in 100 year flooding level providing an allowance for climate change and freeboard / model error as well as giving added protection from extreme flooding events. This is considered to be in line with best practice as directed in PPS25.

We note that the previously mentioned access road is also proposed to be set above the 100 year level at 36.08m AOD.

It should be noted that the extant permission was granted prior to the current government advice as stated in PPS25 (Dec 2006). No provision was included or required for the impacts of climate change so making the existing permitted scheme more susceptible to flood risk than the proposed development.

The current proposals would provide betterment in relation to fluvial flood risk compared to the extant planning permission.

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Flood Storage

As a result of increased 1 in 100 year model levels the applicant proposes to raise a small area of land above the 'new' 1 in 100 year level. Our calculations estimate that this will lead to a loss of flood storage capacity of approximately 16 cubic metres, based on 2% of the site flooding to a minimal depth, in the order of 50mm. In itself this loss is considered insignificant when compared to the 700,000 cubic metres storage of the Kidderminster FAS.

This would have a negligible impact on flood risk for third parties and is so small as to be beyond the capabilities of flood modelling to quantify any impact upon residents upstream or downstream of this proposal.

Surface Water Drainage

The previous planning application was considered in the context of the aim of improving the quality of the adjacent Puxton Marshes SSSI and the then English Nature requirements for recharging the wetlands. This proved to be very complex to implement and difficult to achieve.

Surface water run-off in the current application is intended to be limited to existing undeveloped rates and therefore would not have an adverse flood risk impact on site occupiers or third parties (section 5 of the FRA). The proposal now includes on site attenuation with SUDS and includes a 30% allowance for climate change. This is betterment over the extant permission.

Third party impacts

As detailed above, the proposed development is not considered to incur adverse impacts on third parties in terms of flood risk from fluvial flooding or from surface water run off flooding.

Conclusion:

The proposed scheme would offer flood risk betterment over that associated with the extant permission and is therefore considered to represent a safer and generally more sustainable development.

On that basis we raise no objection to the proposed development subject to the inclusion of the following condition:

Condition

The development permitted by this permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 024354 Wolverley Park, Kidderminster Revision 1 by Buro Happold dated January 2009 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off with the use of SUDS and on site attenuation so that it will not exceed the undeveloped run-off rate of 8l/sec/ha as stated in section 5 of the FRA.

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2. Finished floor levels shall be set no lower than 36.82m AOD (this is at 900mm above the 1% Flood Level of 35.92mAOD which includes an allowance for the impacts of climate change and for freeboard/modelling error).

3. Pavement access shall be set at least 150mm above the 1% flood level of 35.92m AOD i.e 36.07m AOD

Reason

1. To prevent flooding by ensuring the appropriate storage of and discharge of surface water from the site.

2. To reduce the risk of flooding to the proposed development and future occupants.

3. To provide safe access and egress during flood events and reduce reliance on emergency services during a severe flood event.

Flood Evacuation

Should Members wish to be satisfied on the issue of evacuation during a flooding event more severe than that for which protection is afforded, it is suggested that you consult with your local authority's Emergency Services officer and the Local Resilience Forum as advised by PPS25 and its Practice Guide para 2.57 and para 7.28.

3.4 Access Officer – All issues on the previous application have been satisfactorily resolved.

3.5 Arboricultural Officer – No objections subject to landscaping scheme and protective fencing for retained trees.

3.6 British Waterways – No objection subject to informative note

3.7 Crime Risk Manager – No objection in principle. Advice given on crime prevention measures that have been forwarded to the Applicant.

3.8 Environmental Health – No objection

3.9 Housing Services Manager – No objections to scheme. The units meet the space standard and satisfied with mix.

3.10 Natural England – Considers that the proposed development should have no impact on the SSSI. Would wish to see:

- Surface water utilised by a sustainable drainage method, and should be used to re-wet the SSSI
- Lighting scheme to be agreed

3.11 Severn Trent Water – No Objection subject to conditions

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3.12 Neighbour/Site Notice – 41 letters of objection have been received. These are broken down into the following:

1 letter from County Councillor Nigel Knowles:

May I re-iterate my previous objections, as to that companies recent failed application. I do not consider it possible or acceptable or logical that Mucklows could have properly addressed any of the substantial reasons for refusal, with this latest application. I am surprised that Mucklows did not have to go to Appeal, but instead have the option of returning with a further application to WFDC that is in essence, identical to this last application.

County Councillor Nigel Knowles' previous comments: I ask that WFDC rejects this hostile application. I believe the application should be referred back to Government or at least the West Midland Government Office as a special case. Government advice is to reject building on Flood Plains and this falls into that category. Your Committee should have a site visit. Further refusal reasons – inappropriate development in Green Belt land; Floodplain ground proposed would be subject to movement and flooding, proposed site has been built up with soil etc, and is unstable, risk of flooding around and into proposed homes is unacceptably high, current properties more likely to flood because of new proposals adversely affecting drainage, overload & water back up risk, run off risk. Loss of amenity area in SSSI and spoliation of marsh area and nature reserve ruination. Unacceptable precedent to build on flood plain. Complete ignoral of community preference to reject application no meaningful community consultation; proposal could adversely affect the anti-flooding defences protecting Kidderminster Town Centre climate change indicates more future flooding likely. Gross disturbance of wildlife on the site. Overload of road system and infrastructure, increased danger to pedestrians and children.

1 letter from Wolverley FLAG (Flood Action Group):

We wish to object to the application on the following grounds:

- Since the original building of residential development and flood protection on the flood plain we have had numerous instances of flooding Wolverley.
- This we partly attribute to the above
- The Environment Agency are in the process of reporting back to ourselves and the Parish Council on the effect and impact that this development has had on flooding issues on the village
- The report has been awaited for over a year now but is imminent. Would it be prudent to await the report before pushing forward with this application?
- At a recent meeting the Environment Agency stated that their original model when the original building took place predicted that the maximum flood risk would be as far down as Mill Lane. They also stated that the 1 in 100 years occurrence would have to change to a more realistic time frame due to the number of floods we have had and the ever changing weather patterns.

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- Since the original outline planning consent for this development was given many years ago, would it not be sensible to readdress this application given the flood issues we have.
- Are the Council totally disregarding Sir Michael Pitt's report which states that to protect communities "building on flood plains should be **THE ABSOLUTE EXCEPTION**, done only in areas of genuine housing shortage where there is no alternative land available.
- Will the council or the developers pledge funds for the defence of our village as they did to save Kidderminster when the original development took place?
- Or are we too insignificant & unimportant for you to care? And do we take it that you & the developers will keep pressing for approval until the committee agrees.
- Let me assure you that we as a committee and community, will not accept the potential consequences of the above development and make it quite clear that we will appeal to the highest authorities if this application is passed to have it overturned. We will also take legal advice to ascertain our position if the council passes this application and the houses are built causing us more flooding problems and misery.

26 Letters from residents of the Marlpool Estate raising the following issues:

- The site is a Nature Reserve and SSSI
- Houses will be built on the flood plain with greater risk through climate change
- Overdevelopment of the site, unacceptable housing density
- Development will adversely affect the value of landscape and natural environment
- Increased traffic leading to loss of road safety. Access from Brooklands Drive will be problematic. The road network cannot accommodate the additional vehicular movements.
- Sewerage issues. Current system incapable of accommodating additional properties.

12 letters from residents of Wolverley raising the following issues:

- Risk of flooding to Wolverley
- Awaiting report from Environment Agency
- Impact on SSSI and protected species
- The Strategic Flood Risk Assessment is not complete
- Disregards Pitt Report
- Need to take account of loss of water holding volume
- No requirement for housing
- Inappropriate development in the Green Belt
- Increased traffic generation

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4.0 Officer Comments

4.1 Members will recall considering the previous application at Planning (Development Control) Committee in December 2008. The application was refused for the following reasons:

1. The proposed development of 73 dwellings would only provide a total of 14 units or 19.2% for Affordable Housing purposes. It is considered that the proposed provision at less than 30% fails to meet the requirement for affordable housing as set out in Policy H.10 of the Adopted Wyre Forest District Local Plan. As such it is also contrary to the aims of Policy D.6 of the Worcestershire County Structure Plan, Policy CF.5 of the West Midlands Regional Spatial Strategy and Government Advice in PPS3.

2. By virtue of the number of dwellings the proposed development would create an unacceptably high density of development which does not give due regard to the character of the surrounding area. As such the proposed scheme would result in harm being caused to the visual amenities of the locality contrary to Policies H.5, D.1 and D.3 of the Adopted Wyre Forest District Local Plan, the aims of the adopted Design Quality Supplementary Planning Guidance and Government Advice in PPS1.

3. Part of the application site falls within flood zone 2 which is defined by PPS25 as having a medium probability of flooding. Notwithstanding the submitted Flood Risk Assessment, the Local Planning Authority is not sufficiently satisfied that the proposed development would not be affected by flooding or that by developing this site would not cause a greater occurrence of flooding elsewhere. To approve the application under these circumstances would be in conflict with Policy NR.5 of the Adopted Wyre Forest District Local Plan, Policy CTC.8 of the Worcestershire County Structure Plan and Government Advice in PPS25.

4. The proposed development would be located directly adjacent to the Puxton Marsh Site of Special Scientific Interest (SSSI). As a result of the number of proposed dwellings and their siting which would be in close proximity to the SSSI there is the perceived fear of harm to the biodiversity of this area of national importance to nature conservation. In view of this perceived harm it is considered that to approve the application would be contrary to Policy NC.1 of the Adopted Wyre Forest District Local Plan, Policy QE.9 (iii) of the West Midlands Regional Spatial Strategy and Government Advice in PPS9.

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5. The proposed highway layout is not considered to be up to the required adoptable standards by the Highway Authority. In particular, due to the lack of connection to the existing adopted footways and lack of closure of the existing turning head at Hawkstone Close, the Local Planning Authority consider that this situation will result in conflict and a reduction of vehicular and pedestrian safety. The responsibility for future highway maintenance of the proposed highway layout, including footways and street lighting, will fall to future residents of the proposed development thereby placing an unacceptable and unnecessary burden upon future residents. In the absence of an alternative management agreement plan, which would identify how the highways will be maintained in the future in accordance with the guidance set out within Manual for Streets, it is considered that insufficient provision has been made to ensure that the highway will be maintained to a satisfactory standard in the future. The proposed development would therefore be contrary to the good practice set out in Manual for Streets, Policies D.1, D.9 and TR.9 of the Adopted Wyre Forest District Local Plan and the adopted Design Quality Supplementary Planning Guidance.

4.2 This application has been submitted with additional and revised details in an attempt to overcome these reasons.

4.3 This report will primarily deal with the issues raised previously and a consideration of the revisions and additional information submitted, however towards the end of the report other issues will be discussed in the interests of clarity.

REASON 1 – AFFORDABLE HOUSING

4.4 The applicants have not altered the submission in respect of affordable housing making the following supporting remarks:

“No change has been made to this assessment [financial viability appraisal] since the last application; there is no requirement to do this as sales prices have fallen considerably in the last year, such that if the assessment was undertaken now it would be able to substantiate a much reduced amount of affordable housing.

Policy H10 seeks the provision of up to 30% affordable housing: 19.2% accords with Policy H10, having regard to the extant permission (0%) and financial viability – a material consideration as set out in PPS3.”

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- 4.5 Policy H10 of the Adopted Wyre Forest District Local Plan requires that proposals for 15 or more dwellings should provide affordable housing up to 30% of the development. Where the maximum percentage cannot be achieved the Affordable Housing Toolkit set out in the adopted Planning Obligations SPD makes it clear of the process that must be followed. This allows for a reduced ratio to be considered on the basis of submitted evidence to allow the Local Planning Authority to be sufficiently convinced that a departure from normal policy requirements can be justified.
- 4.6 The original permission allowed for 46 market houses on the site with no provision for affordable housing. There is therefore an opportunity with this application to provide social housing on the site, an opportunity that has not presented itself prior to this application. The provision needed to take account of the both the extant permission and the financial viability of the scheme to ensure that the social element is deliverable. To this end the developer has submitted a financial viability statement that has been verified by an independent expert, Rupert Scott, to establish the provision on this site. This exercise has resulted in the offer of 14 units being offered to provide the affordable housing element.
- 4.7 It is clear from the submitted financial viability statement and the independent verification report by Rupert Scott that the offer of the number of units here is the total number that the development can support financially. As such the policy framework tests have been met to allow a reduction in the percentage of affordable units.
- 4.8 In addition to this I feel that a material factor in this consideration is the extant permission. Whilst the reduction in the percentage of the total number of dwellings has been justified in its own right, it must be remembered that the Applicants have a viable scheme for 46 dwellings that attracts no affordable units at all, that they can build out at any time. The current proposal offers over 50% of the additional 26 resulting in just 20% of the total. This position of being able to provide affordable housing in an area that has little in this type of housing and on a scheme that has not achieved any units to date, I feel is a substantial benefit.
- 4.9 When weighing these factors together and on the basis that the Applicants have fulfilled their duty under the policy requirements, I consider that that reduced affordable housing number has been fully justified and should be accepted to bring affordable housing into this site and the surrounding area.
- 4.10 It is proposed to provide these 14 units on a 80/20 split of tenure, with three units being utilised for shared ownership / intermediate rent and 11 units being used for rented properties. This split of tenure has been also be agreed with by the Housing Services Manager.

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- 4.11 I feel that notwithstanding the reason for refusal on the previous application, bearing in mind the justification that has been submitted by the Applicant and the material circumstances of the extant permission, the application can be supported in policy terms.

REASON 2 – DENSITY OF DEVELOPMENT

- 4.12 Following the refusal reason on the previous application the Applicant's have undertaken a density study to support the application. Whilst it is acknowledged that no change in the number of units or their position, the density study and additional drawings provide additional information to support the scheme.
- 4.13 The policy framework in the form of Policy H5 of the Adopted Wyre Forest District Local Plan, requiring the density of any development to be at least 30 dwellings per hectare, this is read in the context of PPS3 that requires efficient and effective use of land. However, in all these considerations that character of the area is a determining factor.
- 4.14 The density study has considered the existing surrounding development which could be classified as a medium density area providing 38 dwellings to the hectare, and occupying 1932m² of area per hectare. It should be noted that in some pockets of the estate the density of development is greater.
- 4.15 The extant permission provided less than the requirement in respect of policy and fails the Governments guidance on developing housing sites, providing less than 30 dwellings to the hectare.
- 4.16 The current proposal of 72 dwellings provides 45 dwellings to the hectare and occupies an area of 2028m² per hectare. It can be seen that development provides an increased density of development, however it is my view that this increase does not detract from the surrounding area. This is clearly evidenced in the density study showing how the proposed site will merge with the existing estate with detriment to its character. In addition elevational drawings have been produced comparing the building from of the extant scheme with what is now proposed, showing that the proposal results in no greater visual massing to the previous permission.
- 4.17 When looking at densities of development in this context of what is tantamount to an extension of an existing estate, I feel that the wider picture should be considered. As such when taking both the existing and proposed developments into account it demonstrates that the proposal will result in an increase of 2 dwellings per hectare to the estate as a whole.
- 4.18 I consider that the additional information has justified that the proposed density is comparable and compatible with the surrounding residential estate and that it can be accommodated with detriment to the character of the surroundings. Therefore I consider that with this additional information the refusal reason has been satisfactorily addressed.

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REASON 3 – FLOODING

- 4.19 The reason for refusal on flooding surrounded firstly the risk of flooding on the site and secondly the risk of flooding elsewhere, the Local Planning Authority not being satisfied that the development would not result in increase risk in these two aspects.
- 4.20 Since the refusal of the application, the Applicants have submitted a revised Flood Risk Assessment and information note that deals with the Committee's concerns over flooding and the Environment Agency have submitted the long awaited report on flooding in Wolverley. These additional pieces of evidence provide material considerations in considering this issue.
- 4.21 In respect of on site flooding, the Applicant and the Environment Agency have provided additional information. Following recent modelling of the River Stour has confirmed that the whole of the site falls outside both Flood Zone 2 & 3, as shown on the Environment Agency maps. The application site is clearly earmarked in the Strategic Flood Risk Assessment as being a development site.
- 4.22 The Applicants have, as part of the flood risk assessment, modelled the potential for future flooding taking account of climate change. This modelling has resulted in agreed 1 in 100 flood event being increased with climate change to 36.07m AOD (above ordnance datum). This effectively results in 15 units theoretically being at risk of flooding (a 1 in 100 year flood – Flood Zone 3) at a future time taking account of climate change. As such to take account of future flooding issues the Applicants have agreed to raise the levels of part of the site to ensure that the dwellings are at an extremely low risk of on site fluvial flooding, putting the levels of the site completely within Flood Zone 1 having a 1 in 1000 year probability of flooding. The Applicants have confirmed that 500 cubic metres of soil can be provided from the site works to achieve these levels without resulting in any further importation of material.
- 4.23 Having fully considered the revised proposals the Environment Agency concludes that the proposed scheme offers flood risk betterment over that associated with the extant permission and is therefore considered to represent a safer and generally more sustainable development and offers no objection to the development, as set out in detail under Section 3.3 of this report.
- 4.24 In respect of surface water flooding, the scheme provides a Sustainable Urban Drainage System utilising pervious paving, rainwater harvesting and under ground storage tank to regulate high surface waterflows. These methods have been introduced to take account of a 1 in 100 year storm water flooding event, and are considered by the Environment Agency to provide sufficient provision to take account of such an event.

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- 4.25 Concern was also expressed at the time of the last application, and again has been raised by the residents of Wolverley concerning the impact of development on flooding in Wolverley. I am sure that Member's are aware of recent flooding in Wolverley which is up stream from the application site.
- 4.26 Following the flooding in July 2007 the Environment Agency commissioned a report into the flooding at Wolverley at whether the flood defences at Kidderminster were an attributing factor. The report was published in February 2009.
- 4.27 The report models a 50, 75 and 100 year event and also the flows at July 2007. It concludes that July 2007 was a 1 in 62 year event. In addition having looked between events between 50 and 100 years that the impact of the flood alleviation scheme at Kidderminster on flooding in Wolverley would result in a flooding increase of between 2mm and 13mm.
- 4.28 This report is significant in considering backing up of floodwater. In comparison with the size of the dam, the proposed raising of the levels of the site will have an extremely small impact if any on the flooding issues at Wolverley, especially when in view that the flood storage at for Kidderminster is in excess of 700,000 cubic metres compared with the 17 cubic metres as a result of the increased levels.
- 4.29 The site is not within a flood plain. However taking account climate change the flooding issue needs to be considered. In view of the additional information and reports and the advice from the Environment Agency it is concluded that the proposed development will not result in residential dwellings being put at adverse risk of flood nor will surrounding properties or villages be put at increased risk of surface water or river flooding. I believe that the additional information and advice has overcome satisfactorily addressed the reason for refusal.

REASON 4 – PERCEIVED HARM TO THE SSSI.

- 4.30 Although adjacent, the site falls outside the Puxton Marsh SSSI. English Nature who are the governing body for considering these special areas considers that the proposed development should have no impact on the SSSI. Would wish to see:
- Surface water utilised by a sustainable drainage method, and should be used to re-wet the SSSI
 - Lighting scheme to be agreed
- 4.31 Whilst the previous application proposed that all surface water was to be discharged into the sewage system, this revised application incorporates a system for collecting 'clean water' from roof and discharging water into the SSSI. This would result in approximately 10,000 cubic metres of water being discharged into the SSSI per year. This revised scheme will meet the requirements of Natural England. In respect of concerns over lighting this can be dealt with by way of a condition of any approval given.

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- 4.32 On the basis of the revised information I am satisfied that the proposed development will result in no harm or any perception of harm being caused to the SSSI, in fact the proposed works will result in enhancements to the biodiversity and future maintenance of the SSSI meeting the requires of PPS9 and Local Plan policy.

REASON 5 – HIGHWAYS

- 4.33 The highway reason for refusal centred on the internal road layout and its appropriateness in terms of achieving adoption status, it should be noted that the impact of the development on the surrounding highway network was not cited in the reason for refusal.
- 4.34 Since the refusal of the last application significant discussion have taken place between the applicant and County Highways, these discussions have continued through the life of the application resulting in revised plans being submitted.
- 4.35 The revised layout addresses all the issues previously raised, including the linkages through Hawkstone Close. County Highways are now satisfied that the roadways are up to adopted standards that would be considered through the due process. It should be noted that the scheme does include some private drives and parking areas that will not be adopted.
- 4.36 On this basis I consider that the revised plans now have resulted in a scheme that overcomes the previous concerns over maintenance issues and conforms the development to the existing estate have the main roadways adopted by the County Council. This once again in my view has addressed the reason for refusal.

OTHER ISSUES

- 4.37 Other issues were considered previously and found to be acceptable however for completeness they are dealt with below.

LAYOUT

- 4.38 The proposed design of layout follows a similar form to that of the extant permission splitting the development into two sections with half of the development being accessed from Brooklands Drive and the other half being accessed from Hawkstone Close. The dwellings have been positioned so as to front onto the estate roads provide clear frontages, taking the existing pattern of development on the surrounding estate and expressing it in a modern form. Whilst most of the dwellings have individual driveways some of the units have been designed with communal parking areas. Rear amenity areas and space standards have been maintained to the standard that this sought for in this type of development providing minimum garden lengths of 10 metres. It is considered that this approach to the layout, providing the additional dwellings, is acceptable and will not result in harm to the visual amenities of the area.

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DESIGN AND EXTERNAL APPEARANCE

- 4.39 The design of the dwellings has been the subject of detailed consideration by the Developer's Architects. The elevational treatment reflects the proportions of the existing development and aids the visual transition between the existing estate and the new development. The proposal involves a number of house types adding to variety of the development. There are number of occasions where specific designs are required on individual plots to provide dual aspects. Materials are shown to be mixture of brickwork and render, providing a modern context to the traditional proportions of the surrounding estate.
- 4.40 Overall I consider that the proposed design of the properties represents high quality design in this location, utilising the modern principles without contrasting with the surrounding residential area. In this respect the proposal sits comfortably with the design principles contained with the local plan and advice in the Councils Design Quality Supplementary Planning Guidance.

NEIGHBOURING PROPERTIES

- 4.41 Due to the layout of the development, it is considered that neighbouring properties will not be adversely affected through loss of privacy and overlooking. As noted above 10m gardens are maintained throughout and a minimum distance between existing property windows and proposed gables is a least 14m. These distances are considered to provide an acceptable relationship between the neighbouring properties and the development. In fact despite increasing the numbers the distances involved between the development and existing houses is identical to the previous layout.

DRAINAGE

- 4.42 In respect of other issues, concern has been expressed over the existing drainage system; this is a matter for Severn Trent who has not objected to the proposal, requiring drainage layouts to be submitted prior to works commencing on site. It is worth noting that the drainage strategy attached to the extant permission has been agreed with Severn Trent.

S.106 AGREEMENT

- 4.43 In February 2007 the Council adopted a SPD on Planning Obligations. This sets out the Council's stance on the type and level of contributions that would be required for certain types of development. The following table sets out the requirements set out in that document, to which the Applicant is willing to contribute. All these contributions have been fully integrated into the financial viability statement.

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<u>Requirement</u>	<u>Offered Provision</u>	<u>Required by SPD</u>
Open Space	No Additional Monies Offered	✓
Education Facilities	£38,224	✓
Affordable Housing	14 Units	✓
Highway Authority	£20,000 towards bus shelters	

- 4.44 Members will note that no monies are offered in respect of Open Space. Due to the situation of the existing play area on Willowfield Drive, there would not be a requirement to provide a play area on the site but provide contributions towards existing open space. However, in this case the developer has already contributed £106,435 and transferred land to the Council for improvements to the Puxton Marsh SSSI and to permit public access. On this basis I consider that the payments already made including the land transfer are sufficient to be able to waive the open space contribution as required by the SPD.
- 4.45 In respect of Education Facilities, the County Council have agreed to a substantial decrease in the contributions required partly due to the circumstances of the school but mainly due to being flexible in this regard, acknowledging the opportunity to provide affordable housing in this location.
- 4.46 Having taken a flexible view to the contributions, in light of financial viability statement, as required by the SPD, I consider that the proposed contributions are acceptable and accord with the policy context in this case.

5.0 Conclusions and Recommendations

- 5.1 The scheme has been re-submitted with additional information, documentation and revised drawings to address the previous concerns of the scheme.
- 5.2 The proposed development is considered to be acceptable in respect of design, layout and density providing affordable housing at an appropriate level given the financial viability of the scheme. The proposed traffic generation can be accommodated on the exiting road network without compromising highway safety, and neighbouring properties will not be adversely affected by the proposal. The impact of the development on the SSSI and future flooding have been fully considered and following consultation with the appropriate statutory undertakers, is felt no adverse harm will be caused to the SSSI and that the development would not put future residents or other areas at increased risk of flooding.

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5.3 I therefore recommend **delegated APPROVAL** subject to the signing of a **Section 106 Agreement** to secure the matters set out at paragraph 4.43 of the report and the following conditions:

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. B1 (Samples)
4. B11 (Details of Enclosure)
5. C2 (Retention of Existing Trees)
6. C7 (Landscaping – Large Scheme)
7. C8 (Landscape Implementation)
8. C12 (Details of Earthworks)
9. J1 (Removal of Permitted Development – Residential)
10. Severn Trent - Drainage
11. Environment Agency – Surface Water
12. Environment Agency – Run Off
13. Environment Agency – Floor Levels
14. Environment Agency – Finished Ground Levels
15. Environment Agency – SUDS scheme to be implemented
16. Natural England – Details of Lighting to be submitted
17. Natural England – Provision of Bat Boxes
18. Natural England – Protected Species Survey and Mitigation prior to Development Commencing
19. Natural England – Details of access to SSSI and information boards as appropriate
20. Natural England – Details of scheme of surface drainage onto SSSI
21. Highways - Access, turning and parking
22. Highways -Highway improvements / offsite works.
23. Highways - Wheel Washing
24. Highways - Parking for Site Operatives
25. Highways - Travel Plan Condition
26. No Implementation of material

Notes

- A. SN2 (Section 106 Agreement)
- B. SN3 (Protection of Species)
- C. Highways - Mud on Highway
- D. Highways - Section 278 Agreement
- E. Highways - Section 38 Agreement Details
- F. Highways - Drainage Details for Section 38
- G. Highways - No Drainage to Discharge to Highway
- H. Highways - Design of Street Lighting for Section 278
- I. Highways - Works Adjoining Highway
- J. Highways - Direction Sign
- K. Environment Agency – Long Term Management of SSSI
- L. Natural England – Informative
- M. British Waterways – Run-Off
- N. British Waterways – Contact

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Reason for Approval

The proposed development is considered to be acceptable in respect of design, layout and density providing affordable housing at an appropriate level. The proposed traffic generation can be accommodated on the existing road network without compromising highway safety, and neighbouring properties will not be adversely affected by the proposal. The impact of the development on the SSSI and future flooding have been fully considered and it is felt no adverse harm will be caused to the SSSI or put future residents or other areas at increased risk of flooding.

Agenda Item No. 5

Application Reference: 09/0230/FULL and 09/0231/LIST **Date Received:** 30/03/2009
Ord Sheet: 378568 275265 **Expiry Date:** 25/05/2009
Case Officer: Stuart Allum **Ward:** Bewdley and Arley

Proposal: Alterations and extensions, glazed smoking shelter, garden pergola, bin store, patio areas to flat roofs

Site Address: TALBOT INN, 73 HIGH STREET, BEWDLEY, DY122DJ

Applicant: The Talbot Inn

Summary of Policy	D.1, D.18, CA.1, LB. 1 LB.2, LB.3, TR.17 (ADWDLP) CTC.19, CTC.20 (WCSP) QE.5 (WMRSS)
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The Talbot Inn, a Grade II Listed Building dating from the early 18th Century, is located close to the road junction with the upper part of Load Street, adjacent to St Anne's Church. The site lies within the Bewdley Conservation Area.
- 1.2 There is an existing rear beer garden, on two levels, and to the side runs a passageway giving access to dwellings and other premises in Load Street. The site is typical of many in Bewdley, with commercial and residential uses in close proximity to each other.

2.0 Planning History

- 2.1 WF.286/91 (LBC – Modifications to first floor fire escape route and repairs to frontage - Approved
- 2.2 WF.799/96 (LBC) – Fire door onto passageway, steps up from rear garden and new gateway onto passage - Withdrawn
- 2.3 07/0479/LIST – Modifications to toilets, public bar areas, new doorway with steps, canopy to rear courtyard, doorway into alleyway, pergola to beer garden, retaining wall alterations, railings to existing first floor patio roof areas - Approved
- 2.4 08/0857/LIST – Erection of a glazed canopy to rear yard, erection of timber pergola to beer garden, modification to rear retaining wall incorporating wrought iron railings and erection of brick built store to rear - Withdrawn

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3.0 Consultations and Representations

3.1 Bewdley Town Council – Views awaited.

3.2 Highway Authority – Views awaited.

3.3 Conservation Officer - Whilst I have no objections over the proposals, I would like to see the following conditions placed on any approval:

- a) That details of all new windows and external doors, including 1:10 sections and profiles, finish and material, be approved.
- b) That 1:10 section and profile and finish details of the proposed new wrought iron pergola and of the wrought iron railings be approved
- c) That 1:10 section and finish of the proposed new oak pergola be approved.

All to be approved prior to the commencement of works on site and I recommend Approval subject to the conditions outlined above

3.4 Environmental Health – No adverse comments.

3.5 Neighbour/Site Notice – Six letters and emails of objection received. The main objections are summarised below:

- The construction of an emergency exit into a passageway on our client's land and which is part of her property.
- The construction of a balcony which will overhang the said land belonging to our client.

Both aspects will constitute a trespass and our client would seek to injunct to prevent such trespass incurring if necessary.

- We suffer existing noise pollution from the Talbot till 1.00 am at the rear and 2.00 am at the front at their peak times – more people in the garden would be unacceptable, particularly during the summer months. We however respect that they have a need to expand so that a limit on the licence in the garden to 11.00 and signs informing their clients to respect neighbours and leave quietly as seen in most licensed premises would seem appropriate.
- Practicality of the planned emergency exit which would be opposite my exit from the flat (and the Chinese restaurant). Also, the plans seem to show that the Talbot's exit would block an exit. Bearing in mind the volume of people leaving would hinder the safety of those of us this side of the wall.

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- We wish to lodge objections on the grounds of trespass (point 1) and to potential nuisances of noise, cigarette smoke and badly directed lighting (points 2-4).

I would also like to register my wish to speak at the Planning Meeting (unless the landowner wishes to do so).

- 1) We realise that the District Council cannot be involved in legal disputes, but we wish to draw to the attention of the Planning Committee that in September 2008 Mr. Wheway was sent solicitor's letters to the effect that he would be sued for trespass should he allow egress from his premises via his proposed new fire exit and drop-down escape ladder into the private alleyway which runs alongside his building. We are, therefore, somewhat surprised to see that he has resubmitted this application.

Curiously, under 'Certificate of Ownership – Certificate A' the Agent has signed that "The applicant certifies that on the day 21 days before the date of this application nobody except the applicant was owner ... of any part of the land or building to which the application relates." Technically this is true, in that the wall into which the applicant wishes to build his emergency fire exit does belong to him. However, the land onto which it opens does not belong to the applicant. 'Certificate of Ownership – Certificate B' relating to giving the requisite notice to the "owner of any part of the land or building to which this application relates" has been rubber stamped "Not Applicable"!

In any case, it is obvious from the narrowness of the passage, the slope, the low ceiling at the beginning, the exit onto an extremely narrow pavement – right at a busy road junction – that such an escape route for frightened, hastening customers would, in fact, represent a health and safety hazard in its own right – not only to customers of the pub, but also to residents of numbers 26, 27, 28 & 29 Load Street, whose right of way along the alleyway would be blocked by the proposed fire door whenever it was opened! (see my letters to the District Council dated 28th May and 31st July 2007 and 30th September 2008). It would be interesting to discover the Fire Officer's opinion.

- 2) The proposed building of a bar/servery in the yard. This would result in even more noise invading our premises from the Talbot than we already suffer.

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- 3) The proposed lean-to glazed smoking canopy suggests an open-sided construction, from which cigarette smoke could and would easily escape. If Mr Wheway could ensure that his smoking canopy was of a much more substantial construction, from which smoke could not escape, then that would be agreeable to us.

Currently we already suffer the intermittent smell of cigarette smoke in our downstairs sitting room and in our bathroom, which is also downstairs (out house being built into a slope) as well as in the approach to our house.

We would also object strongly to smoking in the beer garden because this is directly opposite to, and only a few metres from, our front door and window – with the result that smoke would invade this part of our premises. We do smell it outside the house now.

Smoking causes fires – even outdoors! Neither of us is a smoker. We have chosen not to smoke. Before the Government ban we did not expect smokers to give up smoking in public buildings – we simply avoided going to those buildings. In turn, we expect smokers to give us some consideration. We do not see why they should inflict the health harming stench of cigarette smoke on us, let alone in our own home and garden. Where are our rights? Or should we have to spend all the hours the pub is open in a public building before we have Government (or, indeed, any other) protection from the harmful and unpleasant effects of other people's cigarette smoke? If people wish to smoke, then that is their choice but they should do so where they cannot inflict the results of their habit onto others.

Smoking in a public building, like sex in a public place, is against the law and gives offence. Unlike sex, however, smoking is not a nature urge; it is simply a bad habit. If smokers cannot restrain themselves from having a smoke while they are in a public area, then what is to stop them from going home and smoking there – just as they would have to overcome sexual urges until they got home or somewhere more suitable? Then hard pressed landlords would not have to go to the trouble and expense of constructing smoking shelters and outside serveries.

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- 4) The proposed lighting to help visually impaired people should not be allowed to intrude onto our premises. Currently, and for at least the last 20 months, a dazzling halogen-type light mounted on the rear roof of the Talbot shines directly into our eyes as we exit our front door. Despite Mr Wheway's several promises to redirect the beam, he has failed to do so.

A right of freedom from nuisance is a right of long-standing. As a matter of common courtesy, surely the landlord should show some duty of care to his neighbours as well as to his staff and customers. He appears to have consulted his patrons, regulars and staff, but he certainly has not consulted his neighbours at number 26 or the owner of the alleyway – nor, we suspect, his other neighbours. Is that because we are a minority, so that our opinion either does not count or can be over-ruled by the majority? Is it some kind of bullying, where the majority opinion is so important as to obliterate others' valid views before they have even been expressed?

Although the text was present on the District Council's computer system on 7th April, shortly after we received your letter, the drawings were not scanned in until 14th April, probably due to pressure of work and the Easter break. Therefore, we would appreciate an acknowledgement of receipt of this letter to assure us that it has arrived before the 21 day deadline for lodging representations. Enclosed for same, please find a stamped self addressed envelope.

We have also notified Bewdley Town Council of the plans regarding the fire exit, but because of the delay in getting the drawings onto the WFDC computer, the Town Council may not be able to make any comments to the WFDC by deadline (23rd April).

4.0 Officer Comments

- 4.1 Several of the elements applied for in these applications already benefit from the Listed Building Consent granted on 9 October 2007. These include the pergola, the flat roofed patio areas, the beer garden servery, stone and changes to rear facing windows.
- 4.2 The approved smoking shelter from that application has, however, been moved further back in the site, to take advantage of a position adjacent to existing retaining walls.
- 4.3 All the changes applied for have the potential to affect the character and appearance of the Listed Building. However, and following extensive pre-application discussions, the Council's Conservation Officer is satisfied that these effects are manageable with suitably framed conditions. This view is supported by the Planning Case Officer.

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- 4.4 In terms of effect upon amenity, the potential for a degree of noise and disturbance from public house, where they lie adjacent to residential properties, is obvious. However, and in consultation with the Principal Pollution Control Officer (who offers no objections to the proposal), these effects could be controlled and mitigated by means other than planning conditions.
- 4.5 Regarding the proposed provision of a fire exit door to the side passageway, there is no compelling policy based reason to deny either planning permission or Listed Building Consent for this alteration. This may be the subject of an ownership or access dispute between the parties but Wyre Forest District Council is unable to arbitrate in such private matters.

5.0 Conclusions and Recommendations

- 5.1 These proposals meet the requirements of the appropriate policies and other guidance. Accordingly, these applications are recommended **APPROVAL** subject to the following conditions:

Application reference 09/0230/FULL

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Material samples/details to be submitted
4. Details of raised patio screening to be submitted

Note

SN12 (Neighbours' rights)

Reason for Approval

The proposed extensions and alterations are in harmony with the existing building and the surrounding area, and are capable of implementation without seriously harming the amenity or privacy of adjacent neighbouring properties. Accordingly, the policies listed above are considered to have been satisfied.

Application reference 09/0231/LIST

1. A7 (Listed Building/Conservation Area consent)
2. A11 (Approved plans)
3. Details of new windows, doors and pergolas (sections, profiles, materials and finishes) to be submitted.
4. Details of raised patio screening to be submitted

Reason for Approval

The proposed extensions and alterations would not detract from the character and appearance of this Grade II Listed Building and the character and appearance of Bewdley Conservation Area would be preserved. Accordingly, the policies listed above are considered to have been satisfied.

WYRE FOREST DISTRICT COUNCIL

PLANNING (DEVELOPMENT CONTROL) COMMITTEE

14TH MAY 2009

PART B

Application Reference:	07/0864/LIST	Date Received:	22/08/2007
Ord Sheet:	378551 275327	Expiry Date:	17/10/2007
Case Officer:	Stuart Allum	Ward:	Bewdley and Arley

Proposal: Installation of a satellite dish

Site Address: 53 LOAD STREET, BEWDLEY, DY122AP

Applicant: SIS/Coal Racing

Summary of Policy	LB.1, LB.2, LB.3, CA.1 (AWFDLP) CTC.19, CTC.20 (WCSP) QE.5 (WMRSS)
Reason for Referral to Committee	Application involving proposed Section 106 obligation
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 No. 53 Load Street is a Grade II Listed Building in Bewdley Conservation Area, now occupied by a betting shop on the ground floor. The site for the satellite dish is attached to the rear of the building, adjacent to the boundary wall and outbuildings.

2.0 Planning History

- 2.1 WF.21/05/LBC Installation of new shopfront, hanging sign, single storey extension to rear, internal alterations, two new rear doors and satellite dish - Approved 10/03/05
- WF.22/05 Single storey rear extension, new shopfront, satellite dish - Approved 10/03/05
- WF.42/05 One non-illuminated hanging sign – Refused 11/03/05
- WF.713/05/LBC Satellite dish - Withdrawn 14/11/05
- 07/0502/FULL Installation of satellite dish – Withdrawn 26/02/00

07/0864/LIST

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – No objection to the proposal and recommend approval, subject to a Section 106 Agreement ensuring that only one satellite dish is installed.
- 3.2 Conservation Officer - I have no objections to this in principle, but note that a consent is already in place for a satellite dish to this property. If the Section 106 is signed to agree to nullify the previous position already approved, then I will support this, on the following conditions:
- a) That the colour is to be approved prior to the commencement of works on site.
 - b) I recommend Approval, subject to the condition outlined above, and to the Section 106 to be signed to nullify the previous position already approved.
- 3.3 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 The original location approved for a satellite dish in 2005 was superseded by this application which shows the 900mm diameter dish located lower down the building, mounted on a short pole adjacent to the boundary with No.52 Load Street.
- 4.2 Whilst the size, design and latest location of the dish are satisfactory and acceptable in terms of their impact on the Grade II Listed Building, a separate legal agreement has been necessary to prevent the implementation of the originally approved dish, to avoid more than a single dish being erected in this historically sensitive setting within the Bewdley Conservation area. The Section 106 Agreement has been recently signed by both parties and the Consent can now be formally recommended for approval.

5.0 Conclusions and Recommendations

- 5.1 This proposal complies with all relevant policies and other guidance. The associated Section106 Agreement has now been signed.
- 5.2 The application is recommended for **APPROVAL** subject to the following conditions:
- 1. A7 (Listed Building/Conservation Area Consent)
 - 2. A11 (Approved Plans)
 - 3. Finished colour of satellite dish to be agreed

07/0864/LIST

Reason for approval

The satellite dish in the position installed is considered to be acceptable in terms of its impact upon the character and appearance of this Grade II Listed Building, within the Bewdley Conservation Area. As such, the works comply with the policies listed above.

Agenda Item No. 5

Application Reference: 09/0023/FULL **Date Received:** 12/01/2009
Ord Sheet: 375614 274478 **Expiry Date:** 09/03/2009
Case Officer: Paul Round **Ward:** Bewdley and Arley

Proposal: Replacement of outbuildings

Site Address: ST. JOHNS BARN, ST. JOHNS LANE, BEWDLEY, DY122QY

Applicant: Mrs E George

Summary of Policy	D1, D5, LA1, LA2, RB1, RB5 (AWFDLP) CTC1 (WCSP) QE3, QE6 (WMRSS) PPS1, PPS7
Reason for Referral to Committee	Development Control Manager considers that application should be considered by Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 St. John's Barn is located on St. John Lane which is an unmade track access off Long Bank to the South West of Bewdley Town Centre.
- 1.2 The barn has been recently converted to a dwelling under permissions in 2002, 2003 and 2007. The property sits in a large plot being accessed directly off St. Johns Lane having outbuildings situated to the west of the converted Barn.
- 1.3 The application relates to these outbuildings and seeks permission to remove and replace them.
- 1.4 The site is located within the Landscape Protection Area

2.0 Planning History

- 2.1 WF/0235/02 – Conversion of Barn to Dwelling : Approved
- 2.2 WF/1109/03 – Amendments to WF.235/02 : Approved
- 2.3 07/0075/FULL – Amendments to WF.235/02 : Approved

09/0023/FULL

3.0 Consultations and Representations

3.1 Bewdley Town Council – No Objection and Recommend Approval

3.2 Highway Authority – No Objection

3.3 Conservation Officer – I have no objections to these proposals. As out-buildings are already on the site, and the proposals are to remove these poor quality buildings and replace them with more sympathetic buildings, I do not find that these are contrary to policy.

3.4 Neighbour/Site Notice – 1 letter of Objection has been received.

1. The proposals should not be approved as they are contrary to Policy RB.5 of the Adopted Wyre Forest District Local Plan and are inappropriate. The reasons detailed within Wall, James & Davies's letter dated 8 January 2009 do not constitute special nor exceptional circumstances.

2. The proposed re-building of the outbuildings is in fact higher than the existing structures in more than 60% of the existing footprint.

3. There is evidence to suggest that there are barn owls in the area which can be heard most evenings. Furthermore, bats may well roost in the existing outbuildings.

4. Further and more prolonged activity on the site will cause further noise nuisance.

5. There was over-demolition carried out when the barn was re-developed which was raised by the Enforcement Officer previously which I understood should have been reinstated but hasn't been. Furthermore, the ridge of the barn development is higher than that of the existing structure.

In light of the foregoing, I would ask you to deny planning permission for this application.

4.0 Officer Comments

4.1 The outbuildings to which this application relates were shown as being retained on the original planning permission for the barn conversion and were to be used as domestic storage and garaging.

4.2 The buildings comprise of 147 cubic metres of space constructed of wood and corrugated tin roof, and whilst the applicant intended to refurbish to use as storage and garaging, due to the dilapidated state of these buildings it is apparent that this cannot be achieved.

09/0023/FULL

- 4.3 A scheme of replacement storage and garaging is now proposed comprising of 140 cubic metres of space a reduction on what exists on site at present and reduces the overall size of outbuildings on the site. The proposed buildings are constructed of timber boarding with a plain clay tiled roof to conform to the design and appearance of the existing barn. The height of the building has again being reduced, although on the lower section the height has been increased to achieve conformity in design.
- 4.4 In respect of visual impact on the landscape I consider that the reduction in the massing and height of the building have to be seen has substantial positive benefits along with the improvements to the design of the buildings. On this basis I take the view that there will be visual reduction to the harm to the landscape and as such the proposal is in conformity with the landscape policies of the Development Plan.
- 4.5 However, Policy RB5 of the Adopted Wyre Forest District Local Plan does not allow the erection of new curtilage buildings to converted dwellings on the basis of the harm that would be caused to the character of the barn. The agent for the applicant has pointed out that this policy relates only to “new” outbuildings and not replacements. Whilst I do not fully subscribe to this view point, I do feel that on this occasion that other material consideration should be brought to bear rather than taking a strong view on policy.
- 4.6 As stated above the thrust of the policy is to protect the character of the converted barn and as such to refuse the application clearly harm needs to be established. In this instance, due to the improvements in design, the reduction of the massing and the movement of the building further away from the converted building I do not consider that harm would be caused to the building, to the contrary I consider that considerable benefits are on offer. This view is fully endorsed by the views of the Conservation Officer.
- 4.7 On the basis of the considerations of the benefits and improvements that are proposed I do not consider that harm would be caused as a result of this proposal and as such I do not consider that the policy framework including Policies RB1 and RB5 will be prejudiced or compromised by this proposal.
- 4.8 I have considered the views of the neighbour fully, however for the reasons set out above I consider that RB5 has not been compromised and that whilst the height of the building is increased in part it is also reduced in part, it should be noted that there is an overall reduction in the volume. No evidence has been supplied to support the claim that Barn Owls roost in the barn, I am satisfied with my own visits to the site that a full protected species survey is not required in this instance. A full survey was carried out in 2007 and found no issues in this regard. A note is recommended reminding the Applicant's of their duty in respect of protected species. Other issues raised by the neighbour of continued construction noise are not planning issues that are material to this determination, and in respect of works to the barn, these have all been approved via the 2007 application.

09/0023/FULL

5.0 Conclusions and Recommendations

- 5.1 The proposed replacement outbuilding is considered to result in a visual reduction in the massing and improvements to the design and position of the building offering benefits to the character of the adjacent Barn Conversion and the Landscape Protection Area. Whilst it is considered that Policy RB5 of the Adopted Wyre Forest District Local Plan may apply to the proposal no harm can be demonstrated and as such it is considered that the policy framework will not be compromised.

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

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. B1 (Samples)
4. J5 (Domestic Garages: Restriction of Residential Use)
5. J6 (Building – Domestic Purposes only)

Notes

- A. SN1 (Removal of Permitted Development Rights)
- B. SN3 (Protection of Species)

Reason for Approval

The proposed replacement outbuilding is considered to result in a visual reduction in the massing and improvements to the design and position of the building offer benefits to the character of the adjacent Barn Conversion and the Landscape Protection Area. Whilst it is considered that Policy RB5 of the Adopted Wyre Forest District Local Plan may apply to the proposal no harm can be demonstrated and as such the policy framework will not be compromised. As such the proposal is considered to conform to Policies D1, D5, LA1, LA2, RB1, RB5 of the Adopted Wyre Forest District Local Plan.

Agenda Item No. 5

Application Reference: 09/0172/FULL **Date Received:** 12/03/2009
Ord Sheet: 377924 275067 **Expiry Date:** 07/05/2009
Case Officer: Paul Round **Ward:** Bewdley and Arley

Proposal: Proposed new dwelling & alterations to existing dwelling;
renewal of planning application no 06/0077/FULL.

Site Address: TOP ORCHARD, 12 MERRICKS LANE, BEWDLEY, DY122PE

Applicant: Mr M Webb

Summary of Policy	H2, D1. D3. D4. D10, D11, NR8, NR9, TR9, TR17 (AWFDLP) QE.3 (WMRSS) Design Quality SPG PPS1, PPS3
Reason for Referral to Committee	The applicant is a serving Wyre Forest District Council Officer or is an immediate family member
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site fronts Merricks Lane and accommodates an existing detached dwelling. The site is bordered by residential development on all sides and slopes downwards south to north. It is proposed to demolish an existing single storey extension at the existing property and site another residential property within the garden. The additional property would be detached with three bedrooms and have an integral garage.

2.0 Planning History

2.1 06/0077/FULL – Dwelling : Approved 16.3.06

3.0 Consultations and Representations

3.1 Bewdley Town Council – No objection and recommend approval

3.2 Highway Authority – No objection subject to conditions

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

09/0172/FULL

3.4 Arboricultural Officer – No objections

3.5 Neighbour/Site Notice – No representations received

4.0 Officer Comments

4.1 Approval was given in 2006 for this approval which has now lapsed.

4.2 The situation in policy terms and on the ground has not changed since the approval 2006. There have been no other material changes in circumstances.

4.3 The site lies within an area where residential development is acceptable in principle. Drawings submitted indicate a layout which would be in keeping with the existing character of the area. Furthermore, the proposed dwelling has been designed so that it fits in with the style of the existing dwelling and would not have a significant adverse impact upon the outlook or privacy enjoyed by neighbouring properties. The provision of an integral garage with parking space to front and turning area meets parking standards.

4.4 No neighbouring properties have raised any objections to this application.

4.5 In respect of highway access, no objections have been raised from the Highway Authority which replicates their previous comments.

4.6 Information required through previous conditions has been supplied with this application negating the need to use pre-start conditions on this occasion.

5.0 Conclusions and Recommendations

5.1 The scheme remains acceptable and compliant with Local Plan policy.

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Samples/details of materials
4. All means of enclosure shall be implemented in accordance with Drawing No TP/03A
5. Site and floor levels shall be implemented in accordance with Drawing No. TP/04
6. The approved drainage scheme shall be as shown on Drawings BR.01A and BR.02

09/0172/FULL

7. Access, turning and parking
8. No alterations shall be made to the roof plane facing southward.

Reason for Approval

The proposed dwelling is considered to be well designed and will have an acceptable appearance in the street scene. The impact of the dwelling upon neighbouring properties has been carefully assessed and it is considered that there will be no undue impact upon their amenity.

Agenda Item No. 5

Application Reference: 09/0173/FULL **Date Received:** 13/03/2009
Ord Sheet: 381820.073956481 **Expiry Date:** 08/05/2009
280774.436415206
Case Officer: Emma Anning **Ward:** Wolverley

Proposal: Proposed two bay detached garage

Site Address: PLOT 1 KINGSFORD STORES, KINGSFORD LANE,
WOLVERLEY, KIDDERMINSTER, DY115SA

Applicant: Mr I Jones

Summary of Policy	GB.1 GB.6 D.1 D.3 D.5 LA.1 LA.2 TR.9 TR,17 (AWFDLP) D.39 (WCSP) QE.1 QE.6 (WMRSS) PPG 2
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 site is that of the former Kingsford Stores located on Kingsford Lane, Wolverley. The site is washed over by Green Belt and is part of the Landscape Protection Area.

2.0 Planning History

2.1 07/0819/FULL Demolition of existing buildings and erection of one detached house and one detached bungalow - Approved

07/1269/FULL Changes to position and design of dwelling occupying Plot 1 - Approved

09/0167/FULL Amendment of house type to Plot 1 approval 07/1269 plus addition of timber decking - Approved

09/0173/FULL

3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council – Recommend refusal; an extra building on the site would increase the original footprint that was agreed and would also be in too close proximity to the fence.
- 3.2 Highway Authority – No objections
- 3.3 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 Consent is sought for the erection of a double garage to the south of the application site adjacent to the recently approved and constructed dwelling house.
- 4.2 The base of the garage had been constructed as of my site visit on 20 March 2009. This application therefore is partially retrospective.
- 4.3 The garage would measure 6m wide, 5.5m deep and would have a height of 5m.

PRINCIPLE OF DEVELOPMENT

- 4.4 The application site is washed over by Green Belt and therefore care must be taken to ensure that new developments are appropriate to the location and would not cause harm to openness or visual amenity. Planning Policy Guidance 2 sets out certain types of development that are appropriate in the Green Belt. However, the erection of detached outbuildings is not included in that definition and having made this point, it should be noted that the District Council has consistently allowed the provision of a detached garage with a maximum of two bays (a double garage) as permissible in the Green Belt. I therefore consider the provision of a double garage to be appropriate development in the Green Belt and therefore the principle of this proposal to be acceptable in this instance.

SITE HISTORY

- 4.5 The history of this site is relevant to this application as it is the basis on which the Parish Council has made its objection. As described above the site was originally occupied by the Kingsford Stores, a large detached property and attached store, several dilapidated outbuildings and a former swimming pool which had been filled in. A certificate of lawfulness also existed on the site for the use of a caravan as a dwelling. The site therefore benefited from two residential properties. The original planning application for residential development on this site sought for the removal of the aforementioned outbuildings and main house and their replacement with two detached dwellings.

09/0173/FULL

4.6 Having read the case officer's report it seems that the approach taken in approving the application was to consider each proposed dwelling in isolation, as individual replacements. The main house and its associated outbuilding had a combined volume of 701 cubic metres and the replacement two-storey dwelling (Plot 1) had a cubic content of 590 cubic metres; the height of the replacement dwelling was 0.4m lower than the main house which it replaced. As detailed above a subsequent application (07/1269/FULL) has been approved to vary the house type of Plot 1; the variations included alterations to the design and siting and more significantly proposed to utilise the former swimming pool area to provide a basement level at the property. The application was approved as the proposals had no significant impact on the appearance of the dwelling, nor would they have been detrimental to openness. The same reasoning has been applied to the more recent application for amendments to the house type, which has also been approved (09/0167/FULL). It should be noted that the Parish Council, in commenting on the recent application for amendments to the house type, did not object and recommended Approval.

SCALE, SITING AND DESIGN

4.7 Concern has been raised that the development ought not to be allowed as it would increase the amount of development on this site to an amount which would be over and above that which was considered appropriate at the stage of considering the original application. Having considered the site history as detailed above, and in considering that the original replacement dwelling was some 111 cubic metres smaller than the dwelling and stores it replaced, then I consider that the addition of a detached garage with a cubic content of 123 cubic metres would be acceptable on balance. However, I am of the opinion that this would represent the finite amount of development that should be allowed on this site in consideration of its planning history. The scale of the proposal is acceptable.

4.8 The garage would be sited between the south facing wall of the dwelling and the southern boundary, with 1 metre between the boundary and the proposed garage. The Parish Council has raised concerns that this relationship is not acceptable and the garage is too close to the boundary. I have considered the visual impact this may have and given that there is a row of albeit lopped conifer trees to the southern boundary which would provide screening to the ridge and that the development would sit comfortably against the building line established by the dwelling, I do not feel that it would result in a loss of visual amenity, nor would the proposal result in the creation of an incongruous feature. For these reasons I consider the siting to be appropriate and in accordance with Policies D.1, GB.6 and LA.1 of the Adopted Wyre Forest District Local Plan.

4.9 The proposed garage would be designed in the same architectural style as the main dwelling and would therefore relate well to its surroundings and would not look out of place in this setting.

09/0173/FULL

OTHER CONSIDERATIONS

- 4.10 The proposed garage would offer two covered parking spaces for use by occupiers of the main dwelling, this would accord with the parking provision requirements as set out in the Adopted Wyre Forest District Local Plan. The Highway Authority do not object to the proposal and I am therefore satisfied that it would not give rise to a situation which is detrimental to highway safety.

5.0 Conclusions and Recommendations

- 5.1 The proposal is appropriate development in this Green Belt location and would not cause harm to visual amenity or give rise to a situation that would be detrimental to highway safety.
- 5.2 The application is recommended for **APPROVAL** subject to the following conditions:
1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. B3 (Finishing Materials to Match)

Reason for Approval

The proposed garage is considered to be appropriate development in the Green Belt which, by virtue of its design and siting, would not cause harm to visual amenity or landscape character. The proposal would not give rise to a situation that is detrimental to highway safety. The proposal therefore accords with the policies listed above.

Agenda Item No. 5

Application Reference: 09/0188/FULL **Date Received:** 16/03/2009
Ord Sheet: 388135.540640081 **Expiry Date:** 11/05/2009
278901.902611972
Case Officer: Paul Wrigglesworth **Ward:** Blakedown and Chaddesley

Proposal: Erection of a three bedroom dwelling with access & car parking

Site Address: 13 THE CROFT, BLAKEDOWN, KIDDERMINSTER, DY103JP

Applicant: Mr A Spells

Summary of Policy	H.2, D.1, D.3, D.4, D.7, D.10, NR.7, GB.6, TR.9, TR.17 (AWFDLP) QE.3 (WMRSS) Design Quality SPG PPS1, PPS3, PPG2
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 This application comprises the side garden of a semi detached house located at the end of this cul-de-sac. The side garden is triangular in shape which widens out from 4 metres at the back of footpath to 18 metres at the point where it is level with the front of No 13. Adjacent to the property on the other side is a semi detached property which faces the full length of The Croft cul de sac. To the rear the boundary is flanked by trees and the land beyond falls away sharply in the direction of Churchill towards a pool. This adjacent land lies within the Green Belt and is also allocated as a Special Wildlife Site.

1.2 Access to the site is proposed to be gained directly from The Croft and 2 car parking spaces are planned for both the existing and proposed dwelling.

2.0 Planning History

2.1 WF375/95 - Erection of a two storey dwelling : Refused 20.6.95

2.2 WF375/96 - Erection of a detached dwelling : Approved 23.7.96

09/0188/FULL

3.0 Consultations and Representations

3.1 Churchill and Blakedown Parish Council – Objection to the proposal. The Parish Council considers that the site is inadequate in size to accommodate satisfactorily the proposed dwelling. The proposed building will have a cramped appearance and be out of keeping with nearby dwellings, as well have inadequate off street car parking provision.

3.2 Highway Authority – No objection subject to condition and note.

3.3 Arboricultural Officer - I have no objection to the proposed development but would like to see a condition requiring protective fencing in accordance with BS5837 at a distance of 5 metres for both trees.

3.4 Severn Trent Water Ltd – No objection subject to a condition.

3.5 Worcestershire Wildlife Trust - No objection provided that surface water run off and other potential pollution are closely controlled. Suggest bio diversity enhancement.

3.6 Neighbour/Site Notice - One letter of comment received:

'I have no objections whatsoever about the new dwelling at 13 The Croft but I am a little concerned about the sewers.

I want you to be aware that No 13's downstairs toilet sewer pipe runs across my back garden and into an inspection pit right by my back door.

I just feel that I did not want the new dwelling's downstairs toilet or upstairs toilet waste in any way to run into this pipe (I know that the upstairs toilet at No 13 does run into the main sewer in front of the property in the road). I also know that the water supply of No 13 runs from the road down the side and across my back garden.'

4.0 Officer Comments

4.1 This site, being the garden of an existing property, constitutes previously developed land and as such the erection of a dwelling in an area allocated for residential purposes such as this is acceptable in principle under the provisions of Policy H.2 of the Local Plan.

4.2 Against this background the main considerations are judged to be:

1. Whether the development constitutes overdevelopment of the site including car parking provision.
2. Whether it will look acceptable in the street scene
3. The impact on the adjacent Green Belt/ Special Wildlife site, trees and neighbouring property.
4. Other material considerations

09/0188/FULL

- DEVELOPMENT OF THE SITE INCLUDING CAR PARKING PROVISION
- 4.3 Planning permission has already been granted previously for a detached development on the same area of land (see WF375/96). However, that permission was never implemented and the consent has now expired.
- 4.4 The site constitutes the side garden of No 13 The Croft. The provision of a dwelling on this side garden will still leave No 13 with a rear garden measuring 7.6 metres wide and with a depth ranging from 15 metres to 8 metres. This constitutes a rear garden area of approximately 86 sq. metres.
- 4.5 The proposed dwelling is L-shaped and it will enjoy the benefit of a rear garden and private side garden. The dimensions of the proposed rear garden range from 8 metres to 6 metres to the rear boundary giving an area of 63 sq. metres. The distance to the rear garden boundary presents no problem of overlooking as the land to the rear is treed and there are no residential properties behind. The side garden is triangular in shape and varies in depth from 9 metres to 15 metres with an area of approximately 115 sq metres. The combined total private area consequently corresponds to approximately 178 sq. metres.
- 4.6 The existing house will have the smallest garden in The Croft and there are quite a few properties with larger private garden areas than the proposed dwelling but the garden areas proposed are nevertheless considered to be acceptable and larger than provided in many modern housing schemes. Furthermore, the site of the gardens should not affect the character of the area when viewed from public vantage points.
- 4.7 In terms of car parking provision there is provision at the front of each property for two spaces. The application has been considered by the Highway Authority and no objections have been raised with regards to the area to be used for this purpose.

IMPACT ON STREET SCENE

- 4.8 The proposed dwelling is detached and the neighbouring dwellings on either side are semi-detached. These two sets of semis have different styles and the proposed dwelling takes the general form of No 13 with an offset front door and porch and a hipped roof rather than the cottage design of No 15. Although there is a little overlap with the front line of No 15, it is considered that the new dwelling will fit into the street scene without looking incongruous or particularly hemmed in.

IMPACT ON THE ADJACENT GREEN BELT/ SPECIAL WILDLIFE SITE, TREES AND NEIGHBOURING PROPERTY

- 4.9 Policy GB.6 requires development adjacent to the Green Belt to be compatible with the visual amenity of the Green Belt. In this case the development will have very little impact due to the tree screen and the fact that it will be one amongst several dwellings already in situ. No objections have been received either from Worcestershire Wildlife Trust with regards to the effect of the development on an adjacent Special Wildlife Site.

09/0188/FULL

- 4.10 The application has been considered by the Council's Arboricultural Officer and he has no objections to the development subject to conditions. In reaching this conclusion he states:

'The only trees with amenity value are the two oaks in the woodland on the adjacent land. Neither of these trees are covered by a Tree Preservation Order and I would not expect the development to have a significant effect on their health and stability. To prevent storage of building materials and compaction around the root systems I would expect to see a circle of protective fencing with a radius of 5 m from the trunk of both trees.'

- 4.11 The only neighbouring property that is affected by the proposed development is at No 15 The Croft. The proposed development will not affect the front elevation of No 15. On the side of No 15 there are two small side facing windows at ground floor level and a larger first floor window which faces towards the proposed dwelling. However, none of these windows appear to be primary windows and the 45 degree code consequently is not infringed. It should be noted in this context that the proposed property lies to the north of No 15 and that no comments have been received from this address. In conclusion it is considered that the development accords with Policy D.1 in terms of the effect on the neighbouring property.

MATERIAL CONSIDERATIONS

- 4.12 With regards to the comments received from an adjacent property on the other side at No. 11, the plans show that storm drains will connect to a soakaway system and that the foul drains will connect to the front of the property and not to the rear and this arrangement can be made a condition of any consent. On this basis, the concerns raised are satisfactorily addressed.
- 4.13 There is no requirement for any Section 106 Agreement or bio diversity enhancement although bird boxes could be made conditional to any consent. In view of the nature of the site and the position of nearby trees removal of permitted development rights for extensions would be justified and in fact this occurred with the previous consent for a dwelling on this site, and is therefore repeated in this instance.

5.0 Conclusions and Recommendations

- 5.1 I recommend **APPROVAL** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)
4. B9 (Details of windows and doors)
5. B13 (Levels details)
6. C3 (Tree protection during construction)
7. J1 (Removal of permitted development – residential)

09/0188/FULL

8. F5 (Construction site noise/vibration)
9. B15 (Owl/bat box – modified)
10. Drainage condition
11. Obscure glass to side landing window
12. H13 (Access, turning and parking)

Notes

- A HN1 (Mud on highway)
- B SN12 (Neighbours' rights)
- C No burning under tree canopies

Reason for Approval

The application has been carefully assessed in terms of the principle of allowing the development and detailed considerations including the size of the site in relation to the development proposed, the effect on the adjacent Green Belt and Special Wildlife site, the impact on existing trees and neighbouring property and car parking and highway safety issues and the application is judged to be acceptable subject to conditions and complaint with the above mentioned policies in the Development Plan.

Agenda Item No. 5

Application Reference: 09/0193/LIST **Date Received:** 17/03/2009
Ord Sheet: 378571.187452375 **Expiry Date:** 12/05/2009
275265.007323681
Case Officer: Stuart Allum **Ward:** Bewdley and Arley

Proposal: Replacement beer chiller/refrigeration unit on top of existing first floor roof structure to rear (retrospective application)

Site Address: THE TALBOT INN, HIGH STREET, BEWDLEY, DY122DJ

Applicant: Mr M Wheway

Summary of Policy	LB.1, LB.2, LB.3, CA.1 (AWFDLP) CTC.19, CTC.20 (WCSP) QE.5 (WMRSS)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The Talbot Inn, a Grade II Listed Building dating from the early 18th Century, is located close to the road junction with the upper part of Load Street, adjacent to St. Anne's Church. This is within the Bewdley Conservation Area. There is an existing rear beer garden on two levels and to the side runs a passageway which gives access to dwellings and other premises in Load Street.
- 1.2 This application seeks consent for the retention of a beer chiller/refrigeration unit which has been installed on a flat roofed section to the rear of the premises, adjacent to the boundary with the neighbouring property to the south east of the site.
- 1.3 This unit replaces a similarly sized piece of equipment which formerly occupied the same space on the roof.

2.0 Planning History

- 2.1 WF.286/91 (LBC – Modifications to first floor fire escape route and repairs to frontage : Approved
- 2.2 WF.799/96 (LBC) – Fire door onto passageway, steps up from rear garden and new gateway onto passage : Withdrawn

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- 2.3 07/0479/LIST – Modifications to toilets, public bar areas, new doorway with steps, canopy to rear courtyard, doorway into alleyway, pergola to beer garden, retaining wall alterations, railings to existing first floor patio roof areas : Approved
- 2.4 08/0857/FULL – Erection of a glazed canopy for rear yard, erection of timber pergola to beer garden, modification to rear retaining wall incorporating wrought iron railings and erection of brick built store to rear : Withdrawn

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Objection to the proposal and recommend refusal as Town Councillors consider that the noise issue is resolved with the Environmental Health Officer, formal permission should not be granted.
- 3.2 Conservation Officer – I have no objections to the proposals and do not feel that they will have a significant detrimental impact on adjacent Listed Buildings, nor to the Conservation Area, and thus recommend approval.
- 3.3 Neighbour/Site Notice : one letter of objection received -

I have already voiced my objections to this application by writing letters to Bewdley Town Council (unaware they had no authority to grant permission) but I believe the contents of this letter were made available to Wyre Forest District Council, letters to John Campion (leader of Wyre Forest District Council on 29/1/09 and 25/2/09) objecting.

I also sent a recorded delivery letter to Mr Richard Williams, MCIEH, AMIOA (Principal Pollution Control Officer) telling him letter dated 7/12/08 (confirmed delivery 10/12/09) I had recorded (audio) on ten occasions after the so-called curfew time (midnight), the chiller.

Since then I have received text messages from the owner (Mr Wheway) acknowledging use of the chiller after midnight on several occasions. I have also been in contact with Simpson Millar (CWU Helpline) where I might add the person I spoke to wasn't so naïve as Mr Williams.

Also I used to be a telephone engineer (GPO/BT) in charge of night shifts, during the hours of darkness, in residential areas all machinery had to be muffled.

Also I would like to ask a question of the District Council, in the warmer weather, how can we open our doors and windows with tobacco fumes drifting in the air from the Talbot Public House (due to inadequate cover for smokers in yard). PS - Without my complaint this application would not have come to light.

09/0193/LIST

4.0 Officer Comments

- 4.1 It is clear from the comments of the Council's Conservation Officer that this application to retain the replacement chiller unit is acceptable in terms of the determination criteria of a listed building consent, which are considered with the way alterations and/or extensions to Listed Buildings might affect the character or appearance of such buildings, but not issues of neighbour amenity or privacy.
- 4.2 For clarity, however, it should be pointed out that the replacement of this equipment is not regarded as a material change to the external appearance of the building, and therefore no development has occurred which may have required the submission of a corresponding planning application.
- 4.3 A planning application, of course, would have been the arena for discussion of amenity issues as raised by the neighbour and Bewdley Town Council.
- 4.4 For information, Members should be aware that this matter has been thoroughly investigated by the Principal Pollution Control Officer.
- 4.5 To quote from the most recent response letter from that Officer dated 6/10/08, the complainant was informed:

I am now satisfied that the noise that causes you to wake up at night is not that of the chiller unit. You also have a very low background noise level at night which confirms that there are no other low frequency man-made sources of noise which could be affecting you. I am now satisfied that we have investigated your complaint comprehensively on 3 separate occasions.

In summing up, I will confirm that the units at the Talbot Inn did cause a statutory noise previously when they were being allowed to run all night, however I am satisfied that this is not the case as things currently stand.

5.0 Conclusions and Recommendations

- 5.1 The retention of the chiller/refrigeration unit is justified by compliance with the appropriate Listed Building Policies and other guidance.
- 5.2 It is therefore recommended that this application be **APPROVED** subject to the following condition:

A11 (Approved plans)

Reason for Approval

The retention of the chiller/refrigeration unit would safeguard the character and appearance of this Grade II Listed Building. The character and appearance of the Bewdley Conservation Area would also be preserved. Accordingly, the policies listed above are considered to have been satisfied.

Agenda Item No. 5

Application Reference: 09/0221/FULL **Date Received:** 27/03/2009
Ord Sheet: 383868 278158 **Expiry Date:** 22/05/2009
Case Officer: James Houghton **Ward:** Broadwaters

Proposal: Erection of an attached two bedroom dwelling with associated access & parking arrangement

Site Address: 32 BASKERVILLE ROAD, KIDDERMINSTER, DY102YE

Applicant: Nortonsend

Summary of Policy	D.1, D.3, D.17, H.2, H.7, TR.9 (AWFDLP) Design Quality SPG
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 application site fronts Baskerville Road, and in an area predominantly occupied by semi-detached and terraced properties. The property has not been extended but benefits from a substantial detached wooden garage to the side.
- 1.2 The application seeks consent to erect an attached two bedroom dwelling with associated access and parking arrangements.

2.0 Planning History

- 2.1 08/0804/FULL – Extension to existing dwelling and subdivision to form four 1 no. bed flats with associated access and parking : Refused 21/11/08.

3.0 Consultations and Representations

- 3.1 Highway Authority – No objections subject to conditions being added to any permission issued concerning the construction of vehicle access, driveway gradient and cycle parking, as well as notes on the alteration of highways and street lighting.
- 3.2 Severn Trent Water – No comments received.
- 3.3 Neighbour/Site Notice – No representations received.

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4.0 Officer Comments

4.1 Members may recall the previous application to extend and convert the existing property to form 4 no. flats (08/0804/FULL). This was refused, following a Committee Site Visit, at the 11th November 2008 Committee, for the following reasons:

- (1) *It is considered that by virtue of their size and overall volume in relation to the original dwelling, the extensions would not be subservient to and would be out of scale with the original property resulting in a detrimental impact upon the design of the property and the overall character of the area. As such the development is considered to be contrary to Policies D1, D3 and H7 (i and ii) of the Adopted Wyre Forest District Local Plan, the aims of the Design Quality SPG and PPS1.*
- (2) *It is considered that by virtue of the creation of 4 flats together with the internal layout proposed, the development would be likely to result in undue disturbance to the occupiers of the adjoining property and have an adverse impact upon the overall amenity enjoyed. The proposed development would therefore be contrary to Policies D1 and H.7 (v) of the Wyre Forest District Adopted Local Plan.*
- (3) *Whilst providing sufficient parking spaces to accord with the Adopted Wyre Forest District Local Plan Parking standards, the development is likely to attract additional cars from visitors whilst also resulting in the loss of available on street parking in an area where parking and manoeuvring is already congested. To approve the development would lead to the deterioration of highway safety which would be contrary to Policy TR9 of the Adopted Wyre Forest District Local Plan.*

4.2 This application seeks approval for the erection of a new two bedroom dwelling to be formed by a two storey extension to the side of no. 32 Baskerville Road. Parking is to be provided to the front of the new unit and would allow for two vehicles, amenity space to the rear would run parallel to that currently enjoyed at no. 32.

4.3 It is considered that there are three key elements in the determination of this application, the appropriateness of the structure in its own right in terms of design, the appropriateness of the proposed structure in scale and the impact of forming of a new dwelling in this location.

4.4 The design of the proposed structure is considered appropriate in this location. A similar sized side extension can be found at no. 31 Baskerville Road. Whilst the proposed extension would project 1.0m further than that found at no. 31 the extensions would appear comparable and the proposed extension would not serve to unbalance the pair of semi detached properties. It would normally be desirable to set back the extension at first floor in order to break up the front elevation and to provide a drop in the ridge line the proposed extension would continue the existing ridge line. However, in this case the provision of a set back and step down in the ridge would, in the context of the neighbouring property, introduce an incongruous and

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superfluous element into the appearance of the property and the street scene. The proposed structure would offer no detriment to the levels of light, privacy or the outlook enjoyed by the occupants of neighbouring properties and the 45^o Code guidelines would not be breached. In order to ensure that light, privacy and outlook are maintained it is suggested that a condition should be attached to any permission issued removing Permitted Development rights.

4.5 The scale of the proposed development is also considered acceptable. The current scheme is smaller than that previously refused in terms of the width of the extension and the omission of the previously proposed ground floor additions to the rear. It is considered that the reduced width and overall scale of the proposal, when viewed in conjunction with the adjoining property, addresses the previous concerns expressed under the first reason for refusal under 08/0804/FULL. The proposed extension amounts to an increase in floor area of 62% when the existing garage, to be demolished as part of this scheme, is taken into account, and 78% excluding the garage. It is therefore considered that the proposed development accords with the requirements of Policies D.1, D.3 and D.17 of the Adopted Wyre Forest District Local Plan.

4.6 A new dwelling would be considered appropriate in this location, the area is allocated primarily for residential use, adequate parking facilities and amenity space would be provided. It is not considered that a new dwelling in this location would contribute any negative impact to the amenity enjoyed by the occupants of neighbouring properties. In reducing the proposed development from four flats to one new two bedroom house in addition to the existing, it is considered that the applicant has satisfactorily addressed the second and third reasons for refusal of application 08/0804/FULL. The provision of a house rather than flats allows for a more traditional internal layout mitigating the potential disturbance to the occupants of the existing neighbouring properties. The required number of vehicle parking spaces given in the Adopted Wyre Forest District Local Plan for a two bedroom dwelling is one, the applicant has supplied two spaces allowing for a visitor or second vehicle minimising the impact of the new dwelling on the highway. The proposed development would therefore be considered to meet the requirements of Policies H.2 and H.7 of the Adopted Wyre Forest District Local Plan.

5.0 Conclusions and Recommendations

5.1 The proposed development is considered appropriate in terms of both scale and design. The new dwelling would offer negligible detriment to the street scene. The impact of the development upon neighbouring properties has been carefully assessed and it is considered that there will be no undue impact on their amenity. For these reasons the proposal is considered to accord with Policies D.1, D.3, D.17, H.2, H.7 and TR.9 of the Adopted Wyre Forest District Local Plan.

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

1. A6 (Full with no reserved matters)

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2. A11 (Approved plans)
3. B11 (Details of enclosure)
4. B3 (Finishing materials to match)
5. HC8 (Vehicular access construction)
6. HC14 (Driveway gradient)
7. HC35 (Cycle parking – modified – 3 bed property)
8. HC35 (Cycle parking – modified – 2 bed property)
9. C6 (Landscaping – small scheme)
10. C8 (Landscape implementation)
11. J1 (Removal of permitted development – residential)

Notes

- A SN1 (Removal of permitted development rights)
- B SN12 (Neighbours' rights)
- C HN5 (Alteration of highway to provide new or amend vehicle crossover)
- D HN14 (Affected street lighting / illuminated signs)
- E Level threshold access is required to all external doors

Reason for Approval

The proposed development is considered appropriate in terms of both scale and design, the new dwelling would offer negligible detriment to the street scene, the impact of the development upon neighbouring properties has been carefully assessed and it is considered that there will be no undue impact on their amenity. For these reasons the proposal is considered to accord with Policies D.1, D.3, D.17, H.2, H.7 and TR.9 of the Adopted Wyre Forest District Local Plan.