

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
8TH SEPTEMBER 2009

PART A

Application Reference: 09/0292/FULL **Date Received:** 23/04/2009
Ord Sheet: 379170 276065 **Expiry Date:** 23/07/2009
Case Officer: Paul Round **Ward:** Wribbenhall

Proposal: Erection of 46 affordable residential units and associated access and parking.

Site Address: FORMER BEWDLEY WRIBBENHALL FIRST SCHOOL, LAND ADJACENT TO SHAW HEDGE ROAD, BEWDLEY, DY121EH

Applicant: Wyre Forest Community Housing

Summary of Policy	H2, H10, D1, D3, D4, D10, NR1, NR7, NR9, NR13, GB6, TR9, TR17, CY5, IMP1 (AWFDLP) D5, D6, (WCSP) QE3 (WMRSS) Design Quality SPG, Planning Obligations SPD PPS1, PPS3, PPG13, Manual for Streets
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

- 1.1 Wribbenhall First School is situated off Shaw Hedge Road on the Wribennhall side of Bewdley, being bounded to the North by a play area, to the East and South by residential dwellings and to the west by Agricultural Fields, designated as Green Belt.
- 1.2 The site has a number of buildings in education use, along with playground areas and playing fields.
- 1.3 The site is allocated within the Adopted Wyre Forest District Local Plan as being for educational uses.

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- 1.4 The application seeks for the erection of 46 residential units following the demolition of the existing school buildings. The proposed units are to be used for affordable housing in their entirety and will be split as shown in the table below:

Number of Units	Accommodation Type	Area m2 per Unit
4	4 Bed 6 Person House	105
8	3 Bed 5 Person House	88
12	2 Bed 4 Person House	77
22	2 Bed 3 Person Flat	58 - 72

- 1.5 The application has been supported by:

- Design & Access Statement
- Tree Survey
- Flood Risk Assessment
- Ground Investigation Report

2.0 Planning History

- 2.1 Various but not of relevance

3.0 Consultations and Representations

3.1 Bewdley Town Council - Objection and recommend refusal.

Whilst Councillors fully supported and welcomed plans to provide more affordable housing in the town they had a number of concerns which they considered needed comprehensive answers to before they could recommend approval. These were:

Highways:

1. The effect that the additional volume of traffic would have on the community and the increasing risk of traffic, and speeding traffic at that, using Trimpey Lane, Crundalls Lane, Grey Green Lane and Shaw Hedge Road as "rat runs". All these roads are unsuitable for increased volumes of traffic.
2. The suggestion that the current 20mph speed limit may be increased to 30 mph.

Overdevelopment:

The concentration of housing units on the site was considered to be too dense with insufficient parking spaces for residents and visitors.

Risk of flooding:

Councillors understood that the developers intended to install a SUDS Scheme such that all storm water was retained on the site initially and only then slowly released but full information on this was considered to be essential before any plans were approved so that residents on Queensway can be assured that the development will not increase the risk of flooding to their properties.

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Sewage:

Councillors were concerned of the effect that the development may have on the existing sewage problems on Queensway and would wish to see a firm commitment from Severn Trent that the proposed improvements to sewage removal on the Kidderminster Road, (planned for 2010/11) were completed **before** this development was completed.

Radiation risks:

Councillors were concerned about potential health risks (e.g. leukaemia) from the pylons and power lines that are close to the development and which are extremely close to some units at the south west of the development. (Report from Cllr Dr Adams attached).

Infrastructure:

Concerns were expressed over the adequacy of the infrastructure to cope with an additional 47 housing units and an additional population of some 150 people.

3.2 Highway Authority - No objection subject to conditions

3.3 Arboricultural Officer - The proposed development will have a direct affect on a number of trees on the site, most of which are of poor quality and/or have low amenity value. However there are 6 individual trees and a group of 17 trees that are an important feature in the local landscape and should be protected.

It would appear that either the tree survey was carried out and the results for the tree survey were not taken into account at the design process, or the proposed site was designed and then the tree survey was carried out. Either way there are a number of important trees affected by the proposed development and a number of poor quality trees that are to be retained even though the tree survey recommends for them to be removed.

I would like to see the development redesigned, taking the advice of their own Arboricultural Consultant's report.

3.4 Central Networks – No objection subject to:

- All buildings with a maximum height more than 6m above existing ground levels are positioned a minimum of 8m from the centre line between the towers
- Existing ground levels are not increased by more than 1.5m within 8m from the centre line between the towers
- All lighting/CCTV columns situated within 15m of the centre line between the towers are no higher than 6m and are hinge and lower type
- All planting within 15m of the centre line of the towers is restricted to species with full grown heights no greater than 6m
- No excavation lower than 500mm of existing levels is to be undertaken within 5m of the tower base without prior consultation

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3.5 Community and Partnership Services - No objections, subject to financial contributions towards Public Open Space

3.6 Crime Risk Manager - From a crime prevention perspective I do not see any problems with the basic design. I have two recommendations to make:

- Control of the gates protecting the two courtyards. I would like to see some form of electronic control on the gates to ensure that they close after use.
- Lighting. The estate needs to have a suitable lighting plan to aid natural surveillance at night.

3.7 Environmental Health – No adverse comments

3.8 Policy Team - Adopted Local Plan policies CY.5 Existing Education Sites and LR.9 Outdoor Sports Pitches and Playing Fields are pertinent to this application.

Policy CY.5 states that within areas allocated for education development, proposals will be supported where they conform to other relevant policies in the Local Plan provided they demonstrate that there is no longer any need for the land or buildings to meet education requirements or wider community needs. It is considered that the applicants have demonstrated that there is no longer a need for these education facilities and that they are surplus to requirements. This is due to the implications from the recent Wyre Forest Schools Review in which the education system has shifted from 3 tier to 2 tier.

Policy LR.9 is also relevant here. This particularly relates to the loss of the playing field associated with the educational establishment. The policy seeks to safeguard such playing fields unless alternative or improved provision of at least equivalent community benefit is made available.

It is noted that the application includes no details at this stage of the provision of alternative such facilities for leisure and recreational use. This should be the subject of further negotiation in relation to planning obligations and should be considered alongside the playing field standards outlined in the 2008 PPG17 Audit.

However, officers should give further material consideration to the weighting given to the provision of affordable housing, which is a District Council priority and how this is to be balanced with the provision of alternative facilities for leisure and recreation.

3.9 Strategic Housing Services Manager - This scheme, if approved, would provide much needed social housing for an area which has significant housing demand but has had limited affordable housing development in recent years.

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Analysis of the waiting list shows that there are currently 853 households who require housing specifically on the Wribbenhall estate, Bewdley. Of this total, 145 households have a significant housing need which means that 145 households with a preference for housing within Wribbenhall require housing because they are either homeless or require rehousing due to a high medical need, exceptional social need and/or overcrowding.

Bewdley is also a market town, so therefore if the scheme is funded, it would also assist in meeting the HCA target of building 500 affordable units in rural and market towns area within Worcestershire.

- 3.10 Severn Trent Water - No objection subject to condition
- 3.11 Sport England – No objection as the monies are being re-invested in school sport facilities from the land sale.
- 3.12 Neighbour Notification – 2 letters received raising the following issues:

Letter 1

I am writing to express my concerns about the building of the new houses on the Shaw Hedge Road site. My farm is adjacent to the proposed site and existing play area which I believe is owned by community housing .For many years I have had major problems with children and young adults breaking down fences between the play area and the fields where my cows graze.

It is a constant concern that my animals may escape onto the housing estate causing possible injury or damage to property due to no fault of mine. I have erected and maintained my fence but this has been frequently vandalised, costing me time and money to repair it. I have approached Community Housing who promised to look into the matter but nothing has been done.

I feel that if this development is granted the problem will only get worse. Although I have no other objections from a farming point of view I do feel that Community Housing should take responsibility for the new boundary for the erection of a fence that is sufficiently high, strong, child proof and stock proof, and for its future maintenance.

Letter 2

I would like to draw your attention to a report of the House of Commons Cross Party Inquiry into childhood leukaemia and power lines (ELF EMF or extremely low frequency electric and magnetic fields). This is important because the boundary of the proposed above development has a pylon and ELF EMF along the back boundary of the site and some residential units are to be built within a few metres of these lines.

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The report studied in depth the publication of the Draper Report (Draper et al 2005) which reported that children brought up close to the high voltage transmission lines (HVOTL) are twice as likely to develop leukaemia in childhood. It states that the statistical association is clear but the causal mechanism is not yet understood.

The UK Government intends to bring forward precautionary measures later this year which may well include restrictions on the siting of homes within 60 metres of HVOTL as well as changes to household wiring practices.

This report requires your full consideration even if the measures are not yet in force as it will have serious effects on the health of the young occupants and possibly a reluctance of families to occupy the residences along the rear boundary.

4.0 Officer Comments

4.1 This application falls to be determined under the following headings:

- Principle of Development and Local Plan Allocation
- Design, Layout and Massing
- Highway and Parking Implications
- Impact of High Voltage Power Lines
- Impact on Neighbouring Properties
- Section 106 Agreement
- Other Issues

PRINCIPLE OF DEVELOPMENT AND LOCAL PLAN ALLOCATION

4.2 The site is allocated for educational purposes governed by policy CY.5 of the Adopted Wyre Forest District Local Plan, criteria iii), iv) and v) of the policy allows development where it able to ***“demonstrate that there is no longer any need for the land or buildings to meet education requirements or wider community needs, and do not diminish the amount of recreational open space in the locality, and are compatible with neighbouring or adjoining uses.”***

4.3 The school has become redundant as part of the education re-structure within Wyre Forest along with other schools. There has been a clear demonstration submitted with the application supported by the County Council that there are no viable community uses on offer. In respect of open space the County Council have confirmed that monies are being re-invested in school sport facilities from the land sale and Wyre Forest Community Housing have agreed to the Open Space contributions as discussed below. On this basis I am satisfied that other development is appropriate at this time.

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- 4.4 The locations for residential development are specifically described in policy H2 of the Adopted Wyre Forest District Local Plan, the allocation of this site results in the site not being suitable for residential development in policy terms. However other material factors can be weighed against the policy harm. In particular the high demand for affordable housing in this area and the lack of other sites of this scale and nature are decisive factors. As such it is considered that on this occasion the development can be judged as an acceptable departure to the prevailing Local Plan policies.
- 4.5 Therefore I consider that the principle of the site being utilised for an affordable housing site is acceptable on this occasion.

DESIGN, LAYOUT AND MASSING

- 4.6 The layout of the dwellings essentially is arranged in two horseshoe shapes, with three accesses to serve the development. The main central access is utilised as the main vantage point with buildings curving around this point creating a gateway approach and sense of arrival. The buildings then continue through the access allowing views of the Green Belt beyond. Dwellings are also situated to front onto Shawhedge Road, maintaining a distinct presence within the streetscene and are finished by railings and landscaping. Ample provision is given over to amenity spaces and private gardens, and along with parking provision and landscapes gives a pleasant feeling to the development without feeling cramped.
- 4.7 The frontage is defined by trees. The majority are to be kept as part of the development. A number are to be felled to create the central access point and whilst it is a shame to see these removed, as highlighted by the Arboricultural Officer, it is essential that they are to achieve the design layout and suitable access to the development. Although the trees are not protected mitigation in terms of substantial tree planting is proposed, and on that basis I am happy that the major green corridor is to be kept and enhanced. Discrepancies highlighted by the Arboricultural Officer have now been corrected.
- 4.8 The dwellings themselves are proposed to be constructed of brick and tile with canopies. The corner elements are highlighted by modern design of corner glazing elements and first floor box windows and a delicate use of render. The main frontage block is broken up by a staggered form reducing the massing to the street. Elevations within the development are more restrained in design but nonetheless provide a quality of design continuing the design concept throughout.
- 4.9 Overall I am satisfied that the design provides a quality of design that stands in its own right whilst integrating into the character of the area without creating visual harm. I am also satisfied that the development will not have a negative visual impact on the Green Belt.

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HIGHWAY AND PARKING IMPLICATIONS

- 4.10 The proposed traffic generation has been the subject of traffic assessment that has looked at the flow rates from the existing school. It has been clearly demonstrated that the development will result in a traffic flow reduction of 24% in total and an 82% reduction in peak traffic flows. Whilst it is appreciated that school traffic does not operate throughout the year I consider that there is ample demonstration that the number of dwellings proposed can be safely accommodated on the surrounding highway network and result in a reduction in vehicular flows and on-street car parking.
- 4.11 In respect of parking provision 65 car parking spaces are proposed for the 46 dwellings. The ratio allows for the required parking standards plus an additional 7 visitor spaces. Whilst this is an over provision of the maximum standards set out in the Adopted Wyre Forest District Local Plan I consider that due to the nature of the area the proposed ratios are acceptable and appropriate in this instance.
- 4.12 The Highway Authority has considered all aspects of the scheme and the Traffic Assessment as submitted and concurs with its findings and the views expressed above. They conclude that there will be no harm to highway safety and that the proposed junctions and road layout are acceptable.

IMPACT OF HIGH VOLTAGE POWER LINES

- 4.13 The north-west corner of the site is affected by power lines that cross over this part of the site. These are 33,000 volt lines which run between the main substations in Crundalls Lane and in Grey Green Lane.
- 4.14 Discussions with Central Networks have taken place and their comments are reported above. Policy NR13 dictates that development should adhere to the safety margins and guidelines. The development has been specifically designed to outside the way leave zone as specified by Central Networks with only car parking being affected, which is judged as acceptable.
- 4.15 Concerns have been expressed over the affect of the high voltage power lines on the future occupants of the dwellings especially in view of research into the links between such lines and leukaemia. This is a material consideration, however as there is no published Government Guidance on this matter I can afford it little weight. This being said, I have fully considered the relevant reports and papers, most notably the SAGE report which will inform the Government when decisions on policies are made. At section 5.4 of the SAGE report recommendation is made detailing the distances that new development should be away from high voltage power lines. For the type of lines in this development there is no restrictive distances recommended at this time. The 60m referred to in the neighbour representations relates to 275,000V and 400,000V lines. As confirmed under paragraph 4.13, the power lines in this case are 33,000 volt lines.
- 4.16 On the basis of the information available to me at this time, I conclude that juxtaposition of the dwellings to the power lines is acceptable in all respects.

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IMPACT ON NEIGHBOURING PROPERTIES AND LAND

- 4.17 Due to the position of the site, residential properties are only in proximity to the south across Shawhedge Road. The proposed layout allows a separation distance of 26m between the frontages of properties; this is more than sufficient given the two storey nature of the dwellings and the levels difference between the dwellings. I am satisfied that no loss of neighbouring amenity will occur.
- 4.18 Concern has been expressed concerning the fencing to the agricultural field beyond. The Applicants Agent has confirmed that Wyre Forest Community Housing is to supply and erect a new field fence, 1.35m high, as shown on the site layout plan. The fence would be a post and three rails, with galvanised stock wire mesh between the bottom and mid rails. The gaps in the hedge would be infilled with appropriate native species hedging plants. This information has been forwarded to the respondent seeking for comments on this approach, however to date no additional comments have been received. I would not wish to see a standard close board fencing style adjacent to the Green Belt. I am satisfied that the proposed boundary treatment respects the Green Belt, provides security and allows views through the development to the Green Belt beyond.

SECTION 106 AGREEMENT

- 4.19 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. As part of this development there is a requirement for a financial contribution of £12,759.60 towards Public Open Space, this figure takes into account the 50% reduction given to affordable housing schemes.

OTHER ISSUES

- 4.20 The Flood Risk Assessment deals with flooding and sewage disposal. This is particularly important due to the flooding issues that occur in Queensway. The development has been designed with sustainable urban drainage methods in mind and provides substantial betterment over and above the existing runoff situation. Foul drainage will be directed to the existing drainage system. I am satisfied that the proposed surface and foul drainage is appropriate and provides a better system than is place at present.

5.0 Conclusions and Recommendations

- 5.1 Although the site allocation prevents the proposed development, it is considered that there is sufficient justification to allow an affordable housing scheme in this location.

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5.2 The design, layout and massing is considered appropriate to its setting and the surrounding area. The impact on neighbouring properties and land has been carefully considered and it is concluded that no adverse harm will be caused as a result of the development. The proposed traffic generation can be accommodated on the existing highway network and provides a reduction in vehicles flows to the site, adequate parking facilities are provided within the site. The impact of the development on existing trees has been fully assessed and it is felt that the development can be constructed retaining the linear green form and mitigating for those that are lost. Although a high voltage power line crosses the site, the development is of sufficient distance away to not result in operational difficulties in maintaining the line, the impacts of radiation have also been considered. However, due to the nature of the line and the current research it is felt that there is insufficient information to conclude that any harm would occur to future residents. Adequate provision has been made for disposal of foul and surface water and due to the use of Sustainable Urban Drainage systems betterment to the existing situation has been secured.

5.3 I therefore recommend **delegated APPROVAL** subject to:

- i) conclusion of the Departure advertising process (expires 24th September 2009) and no new issues being raised, that have not already been addressed by this report; and
- ii) the signing of a **Section106 Agreement** to secure £12,759.60 contribution towards Public Open Space; and
- iii) the following conditions and notes:
 - 1. A6 (Full with no reserved matters)
 - 2. A11 (Approved plans)
 - 3. Units to be Affordable Housing Only
 - 4. B1 (Samples/details of materials)
 - 5. Fences as per plan and to be constructed prior to occupation
 - 6. B13 (Levels details)
 - 7. C2 (Retention of existing trees)
 - 8. C3 (Tree protection during construction)
 - 9. C6 (Landscaping – small scheme)
 - 10. C8 (Landscape implementation)
 - 11. E2 (Foul and surface water)
 - 12. Implementation of SUDS scheme prior to occupation
 - 13. F5 (Construction site noise/vibration)
 - 14. H13 (Access, turning and parking)
 - 15. H18 (On site roads – submission of details)
 - 16. H27 (Parking of site operatives)
 - 17. J1 (Removal of permitted development – residential)
 - 18. J9 (Open plan frontages)
 - 19. Central Networks – 8m way leave distance

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Notes

- A SN2 (Section 106 Agreement)
- B SN1 (Removal of permitted development rights)
- C HN1 (Mud on highway)
- D HN4 (No laying of private apparatus)
- E HN8 (County Council to adopt roadworks)

Reason for Approval

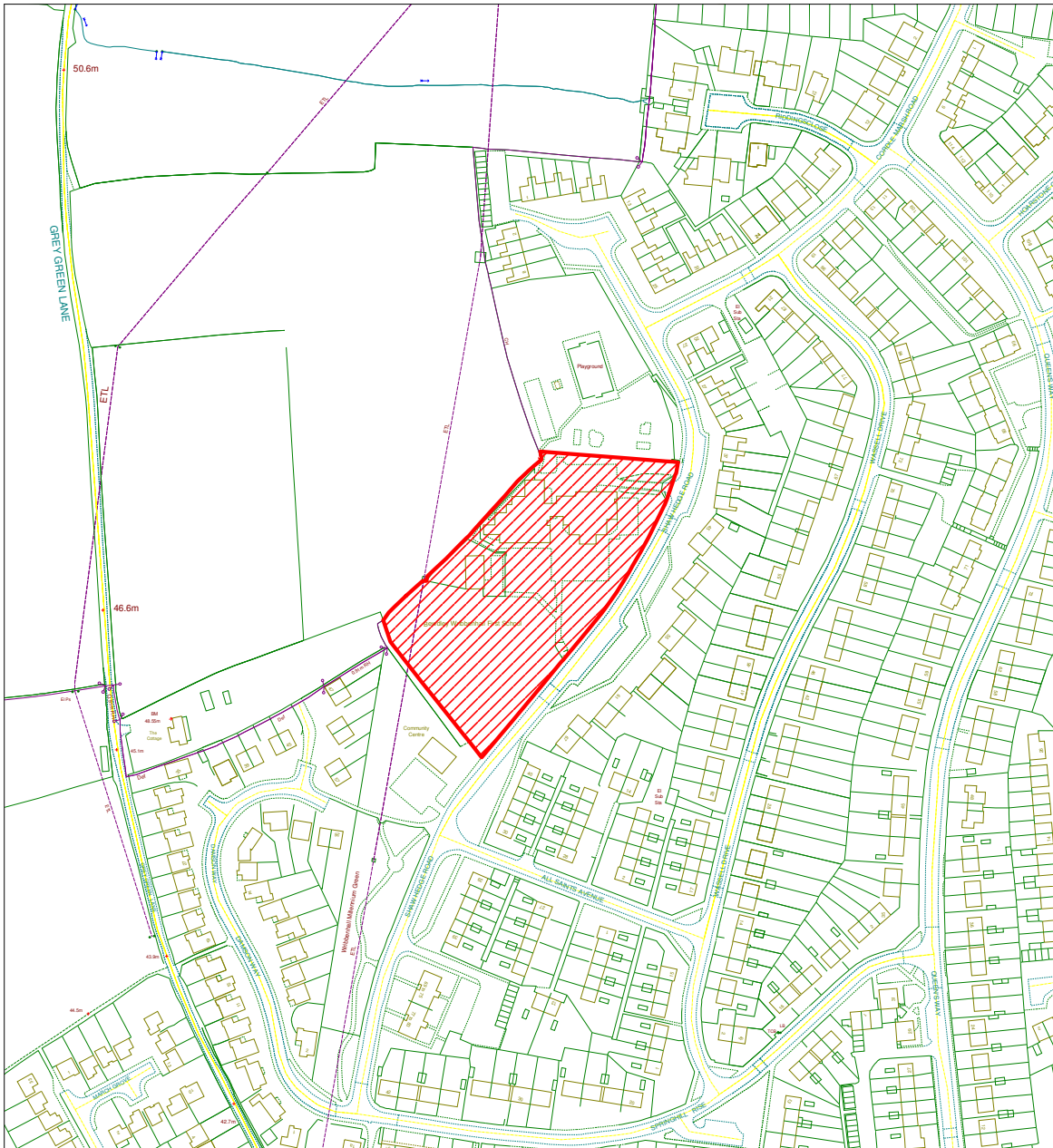
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Date:- 19 June 2009

OS sheet:- SO7976SW

Scale:- 1:2500

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PLANNING AND REGULATORY SERVICES DIRECTORATE
Former Bewdley Wribbenhall First School
Land adj. to Shaw Hedge Road
Bewdley
DY12 1EH

Duke House, Clensmore Street, Kidderminster, Worcs, DY10 2JX. Telephone: 01562 732928. Fax: 01562 732556



Application Reference:	09/0372/FULL	Date Received:	28/05/2009
Ord Sheet:	385117 276817	Expiry Date:	23/07/2009
Case Officer:	James Houghton	Ward:	Offmore and Comberton

Proposal: Erection of a detached three bedroom dwelling following removal of existing single storey side extension & garage, shared access & turning area, car parking provision

Site Address: 2 HUSUM WAY, KIDDERMINSTER, DY103XY

Applicant: Mr H Burns

Summary of Policy	H.2, D.1, D.3, D.4, D.10, D.11, TR.9, TR.17 (AWFDLP) SD.3, D.5 (WCSP) CF.4, QE.3 (WMRSS) PPS1, PPG3
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

THIS APPLICATION WAS DEFERRED FROM THE 11 AUGUST 2009 PLANNING COMMITTEE MEETING FOR A MEMBERS' SITE VISIT

1.0 Site Location and Description

1.1 The application site consists of part of the residential curtilage of no. 2 Husum Way and would form a corner plot close to the junction with Tennyson Way, backing onto the side of a bungalow. The site slopes slightly away from Husum Way with a level change of approximately 0.8m across the site. The development would require the removal of a single detached garage.

2.0 Planning History

- 2.1 WF/1097/04 - Erection of a two storey extension : Approved 17/12/04.
- 2.2 09/0234/FULL – Erection of a detached three bedroom dwelling following removal of existing single storey side extension and garage : Withdrawn.

3.0 Consultations and Representations

- 3.1 Highway Authority – No objection subject to conditions
- 3.2 Severn Trent Water – No comments received.

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- 3.3 Neighbour/Site Notice – One letter of objection from the occupants of a neighbouring property raising the following issues:
- Plan submitted do not take into account a passage running alongside the complainants property, and as such indicates a larger garden for the new unit than can be achieved.
 - Proposed three bed unit would create more noise as a three bed property could allow families to live there.
 - Possible noisy neighbours and rowdily behaved children, pet nuisance exacerbated in the summer by possible barbecues etc.
 - Development would result in the complainants property being surrounded by five gardens rather than four, as is currently the situation.
 - Reduction in levels of natural light enjoyed in the bathroom of the complainants property, the existing 1.8m fence already cuts down the levels of natural light considerably.
 - The proposed dwelling and no. 2 Husum Way do not benefit from garages and as such it is envisaged that parking may occur on the pavements, particularly when the properties receive visitors, this may lead to traffic generation problems as well as restricting access for those using mobility scooters.
 - Several issues that may arise during the construction phase are also raised including noise, dust, interruption or interference with services, generation of extra traffic and the need to keep the bathroom window closed.
 - The complainant also raises concerns relating to the number of properties in the immediate area which are let and states that these properties may not be as well maintained as other properties.

4.0 Officer Comments

- 4.1 The application site is previously developed land lying within an allocated residential area and as such the principle of a dwelling in this location is acceptable under the provisions of Policy H.2 of the adopted Wyre Forest District Local Plan.
- 4.2 The proposed detached dwelling is considered appropriate in terms of scale and design. The dwelling would not appear incongruous in this location, as it is similar in height to neighbouring properties along Husum Way and replicates their roof pitch and type as well as window style and detail, a condition requiring the submission of details of materials will ensure that the new dwelling blends in with neighbouring properties. The new plot created would be of a similar width to other properties along Husum Way. The relatively short rear garden would provide approximately 68m² of private amenity space. An inspectors decision within the Wyre Forest District (APP/R1845/A/06/2024669) states that about 70m² is considered adequate amenity space for a modern 3 bed roomed dwelling given national guidance on the reuse of previously developed land. On this basis, the proposed amenity provision is considered to be acceptable.

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- 4.3 The proposed dwelling would be considered to have a minimal impact on the amenity of surrounding properties. The property immediately to the rear of the new dwelling, no. 203 Tennyson Way, would be approximately 8m away although a walkway alongside no. 203 reduces the depth of the garden to approximately 7m, this is shown on the amended plans. The rear elevation of the proposed dwelling faces the side elevation of no. 203 which contains only one window which is obscure glazed and serves a bathroom, 1m in front of this window is an existing 1.8m close boarded boundary fence. The rear elevation of the proposed dwelling has been designed to minimise any impact on the amenity enjoyed by the occupants of neighbouring properties. In order to prevent overlooking and thereby preserve privacy habitable room windows are set at ground floor only, a window serving the stairwell is set slightly higher, windows within the roof serve the bathroom and an ensuite. The proposed dwelling is set to the north of no. 203 and, given this orientation and the lack of habitable room windows above ground floor level, it is considered that the proposed development would have minimal impact on the privacy, light and outlook of surrounding properties. The 45^o Code guidelines would not be breached.
- 4.4 The concerns of the neighbour relating to the possible noise generated by the occupants of the proposed dwelling along with concerns over pet nuisance, rowdy children and the quantity of rented properties in the immediate area as well as those relating to the construction process have been taken into account but do not constitute material planning considerations.
- 4.5 The objections from neighbours relating to highways issues have also been taken into account by the highways authority and the conditions they have recommended are considered sufficient to mitigate any alleged potential harm.

5.0 Conclusions and Recommendations

- 5.1 The proposed dwelling is considered to be of an appropriate design and will have an acceptable appearance in the street scene. The impact of the dwelling upon neighbouring properties has been carefully assessed and it is considered that there will be no undue impact on amenity. As such it is considered that the proposed development accords with the requirements of Policies H.2, D.1, D.3, D.4, D.10, D.11, TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan (2004).

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples of materials)
4. J1 (Removal of Permitted Development – Classes A and B)
5. J8 (No further windows – South elevation)
6. Access, turning and parking
7. Cycle Parking (Single Unit)

Reason for Approval

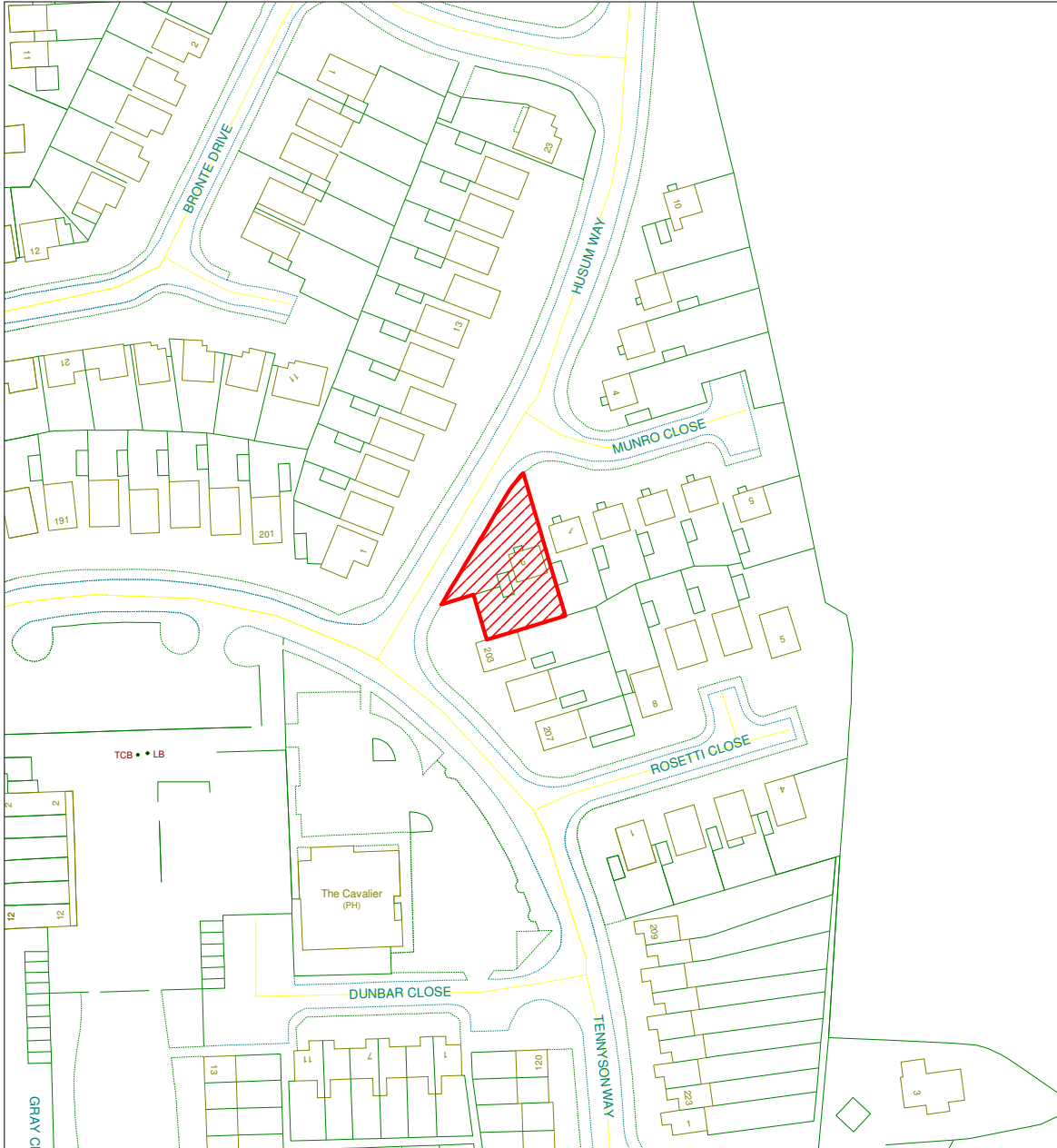
The proposed dwelling is considered to be of an appropriate design and will have an acceptable appearance in the street scene. The impact of the dwelling upon neighbouring properties has been carefully assessed and it is considered that there will be no undue impact on amenity. As such it is considered that the proposed development accords with the requirements of Policies H.2, D.1, D.3, D.4, D.10, D.11, TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan (2004).

Date:- 24 July 2009

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PLANNING AND REGULATORY SERVICES DIRECTORATE
2 Husum Way
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Application Reference: 09/0505/FULL **Date Received:** 16/07/2009
Ord Sheet: 374290.921894844 **Expiry Date:** 10/09/2009
 273846.389552112
Case Officer: James Houghton **Ward:** Rock

Proposal: Demolition of existing bungalow and replacement with two new dwellings.

Site Address: OXBINE, CALLOW HILL, ROCK, KIDDERMINSTER, DY149XB

Applicant: Mr J Matthews

Summary of Policy	H.2, D.1, D.3, D.4, D.5, D.10, D.11, D.13, LA.2, TR.9, TR.17 (AWFDLP) D.14 (WCSP) CF.2, QE.1, QE.3 (WMRSS) Design Quality SPG
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site is within the Callow Hill settlement boundary, the landscape protection area and an area of great landscape value. The site currently contains a substantial bungalow set back from the road behind a hedge and parking area. A large detached garage/workshop stands is set back behind the bungalow and is close to the boundary shared with The Cherries.

1.2 This application is one of two submissions which have been received in respect of the existing curtilage of Oxbine, with three properties (plots A, B and C) proposed overall. In this case, the applicant seeks approval for the demolition of the existing bungalow and the erection of two detached dwellings (Plots B and C) with the existing drive entrance is to be utilised to provide access to both dwellings. The second application (Plot A), 09/0506/FULL, concerns the plot immediately adjacent to this site and seeks permission for the erection of a single detached dwelling. Whilst both applications fall within the existing boundaries of Oxbine they stand to be treated on their individual merits.

2.0 Planning History

2.1 07/1219/OUTL – Redevelopment to provide 5 no. dwellings (layout and access to be determined) : Withdrawn.

2.2 09/0267/FULL – Two new dwellings in grounds with associated access and parking : Withdrawn.

09/0505/FULL

- 2.3 09/0268/FULL – Proposed new dwelling in the grounds of existing bungalow with associated access and parking : Withdrawn.

3.0 Consultations and Representations

- 3.1 Rock Parish Council – Object to both of the proposed developments (references 09/0505/FULL and 09/0506/FULL) and recommend refusal on the grounds that the works would be considered overdevelopment of the site. The parish council would like to see only one dwelling replace the current house.

- 3.2 Highway Authority – Recommends deferral on the basis that there is insufficient space for Plot C to enter and exit the site in a forward gear when plot B's car parking area is in use. This will result in vehicles reversing on the Public Highway which would be adverse to highway safety.

(Officer Comment - Whilst it is noted that the Highway Authority has concerns over the layout of the parking and manoeuvring space no concerns have been expressed over the increased use of the existing access. It is considered that sufficient space exists within the site to provide parking and manoeuvring space and it is therefore suggested that a condition requiring the submission of a revised layout could be added to any permission issued to ensure compliance with the necessary standards).

- 3.3 Policy Team – The site lies within the settlement boundary of Callow Hill. Under Policy H.2 vi) of the Wyre Forest Adopted Local Plan housing development is allowed subject to it comprising infill development of one or two dwellings on previously developed land. The proposal is to build a dwelling in a gap in the frontage adjacent to the existing bungalow and then demolish Oxbine before building another 2 dwellings in its place. The proposed dwellings are set back slightly from the main road in line with neighbouring houses. They are also 2-storeys like the neighbouring dwellings. This proposal continues the building line along Callow Hill and leaves the rear garden area undeveloped.

Policy LA.2 states that when considering applications for development in the Landscape Protection Area, attention will be paid particularly to the effect of the proposed development on the landscape. Development which will have a particularly adverse impact on the quality or character of a Landscape protection Area will not be permitted. Particular consideration should therefore be given to the impact of the application on the landscape.

- 3.4 Arboricultural Officer – The application sites contain a number of trees and hedges that add to the amenity of the area. However other than a large mature, multi-stem Common Ash (*Fraxinus excelsior*) that is on the neighbouring land, there are no trees worthy of a Tree Preservation Order.

09/0505/FULL

It would be a shame to see the fruit trees removed from the orchard area, however as stated in the Arboricultural Report by Midland Arboriculture and Woodland Services, the fruit trees are generally in poor health and replacing them would be good long term tree management.

The site has hedges, containing various species, around its perimeter. The condition of the hedges are mixed, however they are an important feature and will need to be retained and where necessary enhanced to improve screening and restrict the impact of the proposed dwellings from the nearby highway and neighbouring properties.

The mature Ash within the grounds of Mapps Barn is a multi stemmed tree with a poor crown structure. A trial pit has been dug close to this tree and no structural or feeder roots were discovered. The proposed dwelling close to the Ash, will not have a direct impact on the tree, however the proposed garage for this house will be located under its canopy and well within the Root Protection Area RPA).

The only other reasonable quality tree affected by the proposals is Yew that is within the site on the boundary with Mapps Barn. A trial pit was also dug close to this tree and as with the Ash; no structural or feeder roots were discovered. This tree is directly affected by the construction of the dwelling close to Mapp Barns, as the property is well within its RPA.

Although no roots were found from the Ash or Yew in the locations that are to be built on, there are concerns that major roots could be damaged during the construction process.

The loss of the Yew tree raises no particular concerns, if the applicants are keen for it to be removed, however as the Ash is on private land every effort should be made not to damage the tree.

As such there are no overall objections to the proposed development of three houses; however the methods for constructing the garage close to the Ash in the grounds of Mapp Barns should be by means of a system of construction that does not need a deep, strip foundation. The hedges forming the perimeter of the site should be retained and a detailed landscaping scheme, including tree and hedge planting, submitted before works commence.

- 3.5 Countryside and Conservation Officer – Having reviewed the ecological assessment that accompanied this proposal the Countryside and Conservation Officer is comfortable that providing the precautions laid out in the report are adhered to then this development possesses no risk to protected species.

09/0505/FULL

The ecological report recommends the development includes some bat and bird boxes the number, nature and locations of these boxes should be confirmed, in addition to which indication of whether the comments relating to native nectar sources have been taken on board with the landscaping will also be needed.

- 3.6 Severn Trent Water – No objection subject to the addition of conditions requiring the submission and approval of a drainage scheme to reduce the risk of creating or exacerbating flooding and that no building shall be erected or trees planted within 2.5m of a sewer crossing the site.
- 3.7 Neighbour/Site Notice – Seven letters of objection have been received, the issues raised are:
- Loss of view as a result of the proposed development.
 - Concerns over highways safety for both entering and exiting the site, exacerbated by delivery vehicles (including HGVs) serving a commercial property opposite.
 - Loss of hedgerow would result in increased noise at property along same side of the A456.
 - Over development of the site.
 - Inadequate provision for parking (residents and visitors).
 - Proposed development may exacerbate flooding at the rear of the site affecting properties on Bliss Gate Road.
 - Possible impact on significant wildlife habitats.
 - Recommended that section 106 monies be sought and utilised for the re-instatement of a footpath on the south side of the road or significant road safety improvements.
 - Overlooking and possible loss of privacy at neighbouring properties.
 - Loss of light at neighbouring properties.
 - Impact of headlights from vehicles utilising the garage on Plot A on the rear of neighbouring property.
 - Impact of more properties on land and foul water drainage.
 - Frontage dominated by vehicles would appear atypical for this area.
 - The proposed development would not have a clear presence in the street scene.
 - Previous planning permissions for dwellings were granted when shared drives were specified to reduce dangers of moving onto and off the A456.
 - Loss of hedgerow between properties may have an impact on biodiversity.
 - Concerns over the viability of achieving the required visibility splays without cutting across land belonging to a neighbouring property.

4.0 Officer Comments

- 4.1 The applicant seeks approval for the erection of two, four bedroom, detached dwellings (referred to as Plots B and C) replacing the existing bungalow along with the erection of a double garage to the front of Plot C.

09/0505/FULL

- 4.2 The proposed dwellings would form an infill development and as such would be acceptable in terms of Policy H.2 vi). The plots would be of a size comparable to those found in the immediate area and as such would offer no detriment to the rhythm and character of the street scene and immediate area. An objector makes a point that the proposed dwellings would have no clear presence within the street scene. This is noted, although to counter this it is considered that the new buildings have been designed to respond to the local character of the area as the majority of dwellings along the south side of the A456 within this locale are set back to a similar building line and drives are interspersed with stretches of the hedge that forms the southern boundary of the highway.
- 4.3 The proposed new dwellings are considered acceptable in terms of both scale and design. Both dwellings would be pitch roofed and of a similar height to other properties along Callow Hill, the roof of the property to be erected on Plot B has a ridge which runs at 90° to that of Plot C (and Plot A - application 09/0506/FULL) which it is felt serves to reduce the massing of the properties. A pitch roofed double garage to the front of Plot C mirrors a similar structure already evident at Mapps Barn.
- 4.4 The proposed development would have a minimal impact on the privacy, outlook or daylight enjoyed at neighbouring properties and the 45° Code guidelines would not be breached. The proposed dwellings would, by virtue of their set back position and the retention of much of the existing hedge, along with the replication of similar plot size, frontage and ridge height to neighbouring properties, offer negligible detriment to the street scene. One of the objections received refers to the possible loss of view as a result of the development. Planning Policy Guidance Note 1: General Policies and Principles, stated that there was no private right to a view. Whilst this document has been superseded by PPS1, planning inspectors decisions have continued to uphold this approach.
- 4.5 The issue of highway safety has been raised by several objectors. The highways authority raises no issues with the increased use of the existing access and, although the parking provision is considered sufficient, the layout and manoeuvring areas proposed do not currently comply with the Highway Authority's requirements. A condition requiring that parking and manoeuvring arrangements are agreed prior to the commencement of works is suggested.
- 4.6 The Council's Countryside and Conservation Officer has examined the ecological survey submitted as part of the application and has no objections subject to the addition of a condition requiring details of the siting and number of bat/bird boxes. The Council's Arboricultural Officer recommends conditions requiring the submission of a detailed landscaping plan which would allow the applicant to set out details of whether comments within the ecological survey relating to native species have been taken into account.

09/0505/FULL

5.0 Conclusions and Recommendations

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

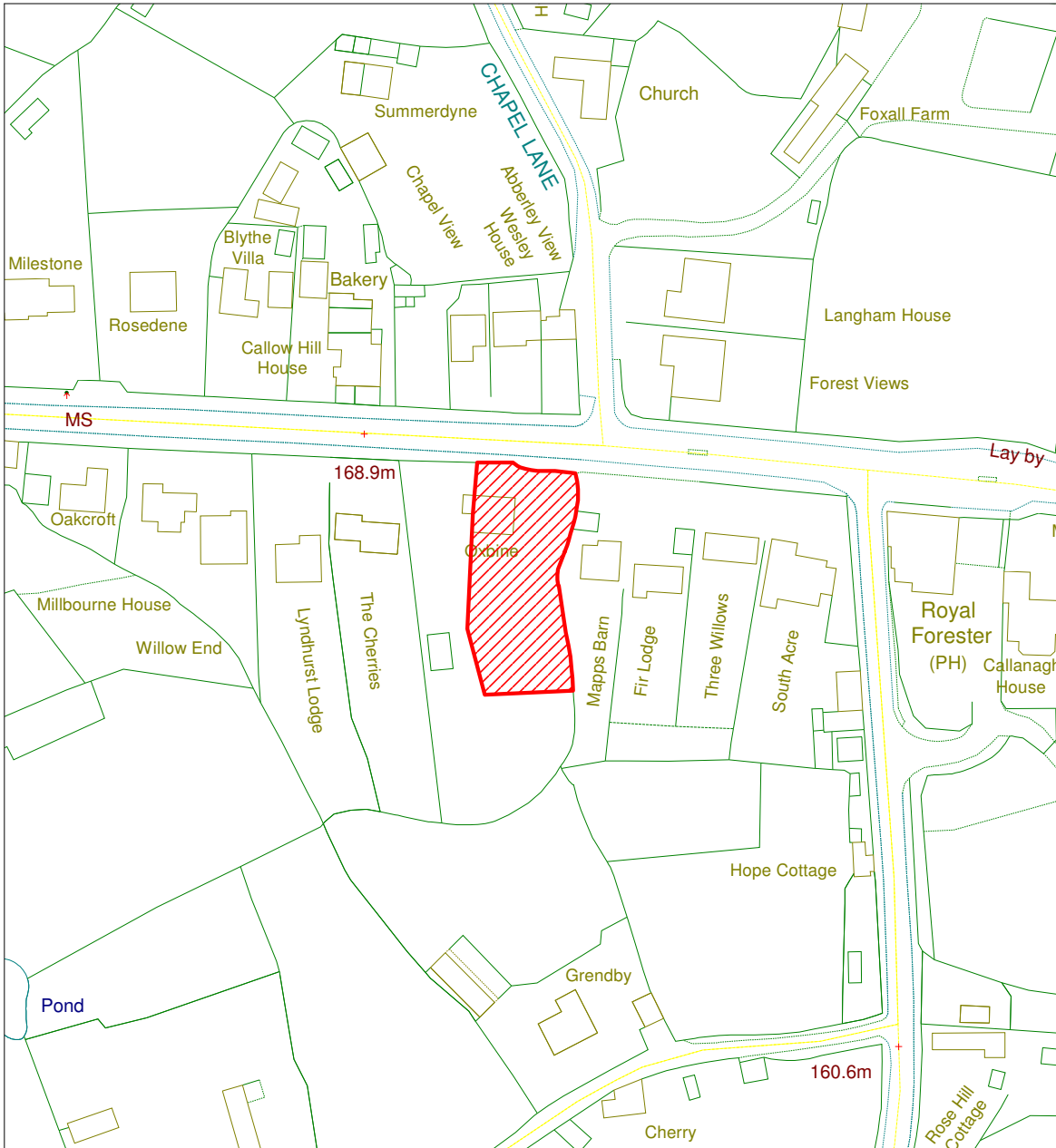
1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples of materials)
4. B15 (Owl/bat box)
5. C6 (Landscaping – small scheme)
6. The foundations for the garage associated with Plot C shall be erected in such a way as to ensure that no damage occurs to the Ash tree within the grounds of Mapps Barn
7. Development shall not begin until drainage details have been submitted and approved by the Local Planning Authority
8. The development hereby permitted shall not be brought into use until a detailed parking layout including the necessary turning spaces has been submitted to and improved in writing by the Local Planning Authority.
9. There is a public sewer which crosses the site. No buildings shall be erected or trees planted within 2.5 (150FWS) metres either side of this sewer.
10. Visibility splays
11. Vehicle access construction
12. Driveway gradient
13. Access, turning and parking

Notes

- A Mud on highway
- B Alteration of highway to provide new or amend vehicle crossover

Reason for Approval

The proposed dwellings would form an infill development within the settlement boundary, are considered to be well designed and will have an acceptable appearance in the street scene. The impact of the dwellings upon the occupants of neighbouring properties has been carefully assessed and it is considered that there will be no undue impact on amenity. The proposed development is considered to accord with the requirements of Policies H.2, D.1, D.3, D.4, D.5, D.10, D.11, D.13, LA.2, TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan (2004).



PLANNING AND REGULATORY SERVICES DIRECTORATE

Oxbine
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Rock
DY14 9XB

Duke House, Clensmore Street, Kidderminster, Worcs, DY10 2JX. Telephone: 01562 732928. Fax: 01562 732556



Agenda Item No. 5

Application Reference: 09/0506/FULL **Date Received:** 16/07/2009
Ord Sheet: 374281 273862 **Expiry Date:** 10/09/2009
Case Officer: James Houghton **Ward:** Rock

Proposal: New dwelling sited in the garden of Oxbine.

Site Address: OXBINE, CALLOW HILL, ROCK, KIDDERMINSTER, DY149XB

Applicant: Mr J Matthews

Summary of Policy	H.2, D.1, D.3, D.4, D.5, D.10, D.11, D.13, LA.2, TR.9, TR.17 (AWFDLP) D.14 (WCSP) CF.2, QE.1, QE.3 (WMRSS) Design Quality SPG
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site is within the Callow Hill settlement boundary, the landscape protection area and an area of great landscape value. The site currently contains a substantial bungalow set back from the road behind a hedge and parking area. A large detached garage/workshop stands is set back behind the bungalow and is close to the boundary shared with The Cherries.
- 1.2 This application is one of two submissions which have been received in respect of the existing curtilage of Oxbine, with three properties (Plots A, B and C) proposed overall. In this case, the applicant seeks approval for the erection of a single detached dwelling (Plot A) served by a new vehicular access onto the A456. Application 09/0505/FULL concerns the land immediately adjacent to this site and seeks permission for the demolition of the existing bungalow and the erection of two detached dwellings (Plots B and C). Whilst both applications fall within the existing boundaries of Oxbine they stand to be treated on their individual merits.

2.0 Planning History

- 2.1 07/1219/OUTL – Redevelopment to provide 5 no. dwellings (layout and access to be determined) : Withdrawn.
- 2.2 09/0267/FULL – Two new dwellings in grounds with associated access and parking : Withdrawn.
- 2.3 09/0268/FULL – Proposed new dwelling in the grounds of existing bungalow with associated access and parking : Withdrawn.

09/0506/FULL

3.0 Consultations and Representations

- 3.1 Rock Parish Council – Object to both of the proposed developments (references 09/0505/FULL and 09/0506/FULL) and recommend refusal on the grounds that the Parish Council feel the site is overdeveloped and that the access on to the A456 is dangerous.
- 3.2 Highway Authority – Recommend that conditions be added to any permission issued relating to visibility splays, vehicle access construction, driveway gradient and access turning and parking areas. Notes relating to mud on the highway and the alteration of the highway to provide new/amended vehicle crossovers are also recommended.
- 3.3 Policy Team – The site lies within the settlement boundary of Callow Hill. Under Policy H.2 vi) of the Wyre Forest Adopted Local Plan housing development is allowed subject to it comprising infill development of one or two dwellings on previously developed land. The proposal is to build a dwelling in a gap in the frontage adjacent to the existing bungalow and then demolish Oxbine before building another 2 dwellings in its place. The proposed dwellings are set back slightly from the main road in line with neighbouring houses. They are also 2-storeys like the neighbouring dwellings. This proposal continues the building line along Callow Hill and leaves the rear garden area undeveloped.

Policy LA.2 states that when considering applications for development in the Landscape Protection Area, attention will be paid particularly to the effect of the proposed development on the landscape. Development which will have a particularly adverse impact on the quality or character of a Landscape protection Area will not be permitted. Particular consideration should therefore be given to the impact of the application on the landscape.

- 3.4 Arboricultural Officer – The application sites contain a number of trees and hedges that add to the amenity of the area. However other than a large mature, multi-stem Common Ash (*Fraxinus excelsior*) that is on the neighbouring land, there are no trees worthy of a Tree Preservation Order.

It would be a shame to see the fruit trees removed from the orchard area, however as stated in the Arboricultural Report by Midland Arboriculture and Woodland Services, the fruit trees are generally in poor health and replacing them would be good long term tree management.

The site has hedges, containing various species, around its perimeter. The condition of the hedges are mixed, however they are an important feature and will need to be retained and where necessary enhanced to improve screening and restrict the impact of the proposed dwellings from the nearby highway and neighbouring properties.

09/0506/FULL

The mature Ash within the grounds of Mapps Barn is a multi stemmed tree with a poor crown structure. A trial pit has been dug close to this tree and no structural or feeder roots were discovered. The proposed dwelling close to the Ash, will not have a direct impact on the tree, however the proposed garage for this house will be located under its canopy and well within the Root Protection Area (RPA).

The only other reasonable quality tree affected by the proposals is Yew that is within the site on the boundary with Mapps Barn. A trial pit was also dug close to this tree and as with the Ash; no structural or feeder roots were discovered. This tree is directly affected by the construction of the dwelling close to Mapp Barns, as the property is well within its RPA.

Although no roots were found from the Ash or Yew in the locations that are to be built on, there are concerns that major roots could be damaged during the construction process.

The loss of the Yew tree raises no particular concerns, if the applicants are keen for it to be removed, however as the Ash is on private land every effort should be made not to damage the tree.

As such there are no overall objections to the proposed development of three houses; however the methods for constructing the garage close to the Ash in the grounds of Mapp Barns should be by means of a system of construction that does not need a deep, strip foundation. The hedges forming the perimeter of the site should be retained and a detailed landscaping scheme, including tree and hedge planting, submitted before works commence.

- 3.5 Countryside and Conservation Officer – Having reviewed the ecological assessment that accompanied this proposal the Countryside and Conservation Officer is comfortable that providing the precautions laid out in the report are adhered to then this development possesses no risk to protected species.

The ecological report recommends the development includes some bat and bird boxes the number, nature and locations of these boxes should be confirmed, in addition to which indication of whether the comments relating to native nectar sources have been taken on board with the landscaping will also be needed.

- 3.6 Severn Trent Water – No objection subject to the addition of conditions requiring the submission and approval of a drainage scheme to reduce the risk of creating or exacerbating flooding and that no building shall be erected or trees planted within 2.5m of a sewer crossing the site.

09/0506/FULL

3.7 Neighbour/Site Notice – Seven letters of objection have been received, the issues raised are:

- Loss of view as a result of the proposed development.
- Concerns over highways safety for both entering and exiting the site, exacerbated by delivery vehicles (including HGVs) serving a commercial property opposite.
- Loss of hedgerow would result in increased noise at property along same side of the A456.
- Over development of the site.
- Inadequate provision for parking (residents and visitors).
- Proposed development may exacerbate flooding at the rear of the site affecting properties on Bliss Gate Road.
- Possible impact on significant wildlife habitats.
- Recommended that section 106 monies be sought and utilised for the re-instatement of a footpath on the south side of the road or significant road safety improvements.
- Overlooking and possible loss of privacy at neighbouring properties.
- Loss of light at neighbouring properties.
- Impact of headlights from vehicles utilising the garage on Plot A on the rear of neighbouring property.
- Impact of more properties on land and foul water drainage.
- Frontage dominated by vehicles would appear atypical for this area.
- The proposed development would not have a clear presence in the street scene.
- Previous planning permissions for dwellings were granted when shared drives were specified to reduce dangers of moving onto and off the A456.
- Loss of hedgerow between properties may have an impact on biodiversity.
- Concerns over the viability of achieving the required visibility splays without cutting across land belonging to a neighbouring property.

4.0 Officer Comments

4.1 The applicant seeks approval for the erection of single, four bedroom detached dwelling (referred to as Plot A) adjacent to the existing bungalow, a substantial workshop/garage positioned to the rear of the property adjacent to the boundary shared with The Cherries is to be retained.

4.2 The proposed dwelling would form an infill development and as such would be acceptable in terms of Policy H.2 vi). The plot created would be of a size comparable to those found in the immediate area and as such would offer no detriment to the rhythm or character of the street scene or the immediate area. An objector makes a point that the proposed dwelling would have no clear presence within the street scene. This is noted, although to counter this it is considered that the new building has been designed to respond to the local character of the area as the majority of dwellings along the south side of the A456 within this immediate area are set back to a similar building line and drives are interspersed with stretches of the hedge that forms the southern boundary of the highway.

09/0506/FULL

- 4.3 The proposed new dwelling is considered acceptable in terms of both scale and design. The new dwelling would be of brick construction and pitch roofed. The dwelling would be similar in height to other properties along Callow Hill and the brick to be used would allow the property to blend in with neighbouring properties.
- 4.4 The proposed development would have a minimal impact on the privacy, outlook or daylight enjoyed at neighbouring properties and the 45^o Code guidelines would not be breached. A side facing window looking toward the property known as The Cherries would be screened by means of a beech hedge to be maintained at a height between 1.5 and 2.0m thereby minimising any loss of privacy. The proposed dwelling would, by virtue of its set back and the retention of much of the existing hedge alongside the road, offer minimal detriment to the street scene. One of the objections received refers to the possible loss of view as a result of the development. Planning Policy Guidance Note 1: General Policies and Principles, stated that there was no private right to a view. Whilst this document has been superseded by PPS1, planning inspectors decisions have continued to uphold this approach.
- 4.5 The issue of highway safety has been raised by several objectors. The Highways Authority raises no objection with the creation of a new access with the proposed parking provision is considered sufficient.
- 4.6 The Council's Countryside and Conservation Officer has examined the ecological survey submitted as part of the application and has no objections subject to the addition of a condition requiring details of the siting and number of bat/bird boxes. The Councils Arboricultural Officer recommends conditions requiring the submission of a detailed landscaping plan which would allow the applicant to set out details of whether comments within the ecological survey relating to native species have been taken into account.

5.0 Conclusions and Recommendations

- 5.1 In consideration of Articles 1 & 8 of the Human Rights Act 1998, it is recommended that the application is **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B1 (Samples of materials)
 4. B15 (owl/bat box)
 5. C6 (Landscaping – small scheme)
 6. The foundations for the garage associated with Plot C shall be erected in such a way as to ensure that no damage occurs to the Ash tree within the grounds of Mapps Barn
 7. Development shall not begin until drainage details have been submitted and approved by the Local Planning Authority

09/0506/FULL

8. There is a public sewer which crosses the site. No buildings shall be erected or trees planted within 2.5 (150FWS) metres either side of this sewer.
9. Visibility splays
10. Vehicle access construction
11. Driveway gradient
12. Access, turning and parking

Notes

- A Mud on highway
- B Alteration of highway to provide new or amend vehicle crossover

Reason for Approval

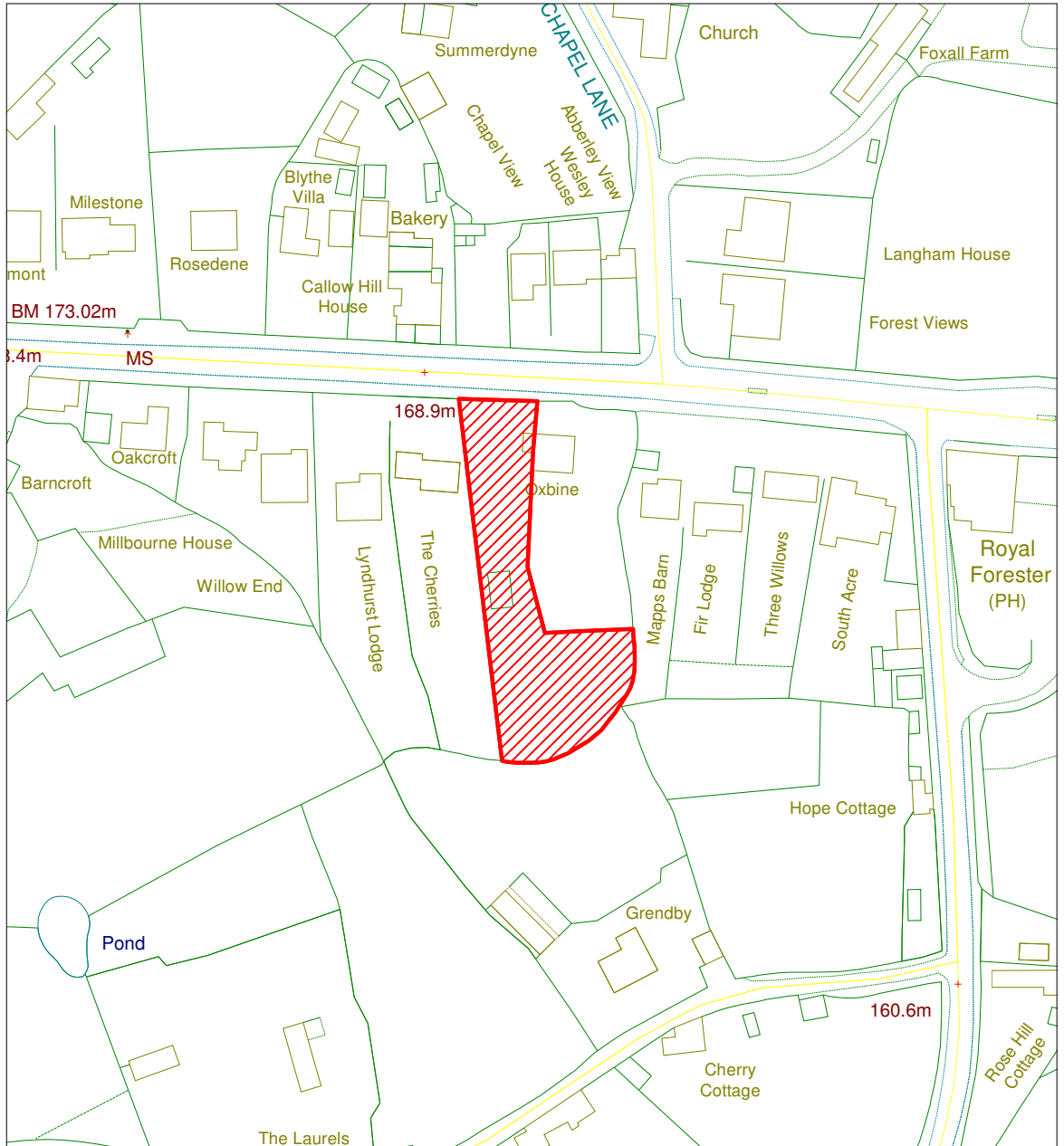
The proposed dwelling would form an infill development within the settlement boundary, are considered to be well designed and will have an acceptable appearance in the street scene. The impact of the dwelling upon the occupants of neighbouring properties has been carefully assessed and it is considered that there will be no undue impact on amenity. The proposed development is considered to accord with the requirements of Policies H.2, D.1, D.3, D.4, D.5, D.10, D.11, D.13, LA.2, TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan (2004).

Date:- 25 August 2009

OS sheet:- SO7473NW

Scale:- 1:1250

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Application Reference:	09/0512/FULL	Date Received:	21/07/2009
Ord Sheet:	385180 276692	Expiry Date:	15/09/2009
Case Officer:	Paul Wrigglesworth	Ward:	Offmore and Comberton

Proposal: Erection of a one bedroom bungalow with parking space

Site Address: LAND TO REAR OF 1 OFFMORE FARM CLOSE,
KIDDERMINSTER, DY103XJ

Applicant: Mr E Cortis

Summary of Policy	H2 D1 D3 D7 TR9 TR17 (AWFDLP) QE3 (WMRSS) Design Quality SPG PPS1, PPS3
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 This site is located on Offmore Farm Close, which is a cul de sac off Tennyson Way with no turning head. A private drive runs off the end of the cul de sac to a field access, a Nursing Home and some converted barns. Another private drive leads to a bungalow.

- 1.2 The site is part the former garden of No.1 Offmore Farm Close, an end of terrace dwelling house but is now in separate ownership. The site measures 11 metres in width at the back of pavement but widens out to 13 metres along the rear boundary. The land has a depth of 10.4 metres. A flat roofed brick garage building is situated on the land with access from Offmore Farm Close.

- 1.3 As mentioned, No.1 Offmore Farm Close is on the one side and on the other is a private footpath serving several properties in Tennyson Way. To the rear of the site is the garden of a property facing Tennyson Way. On the opposite side of the Close is a detached property, which is the only dwelling fronting the cul de sac.

2.0 Planning History

- 2.1 WF 640/74 - Repositioning of boundary fence : Approved 15.10.74

- 2.2 WF 907/82 - Erection of garage : Approved 11.01.83

09/0512/FULL

3.0 Consultations and Representations

3.1 Highway Authority – No objections

3.2 Environment Agency – No objection subject to a condition

3.3 Neighbour/Site Notice – six representations of objection as follows:

1. *Large farm traffic have to keep to the left hand side of Offmore Farm Close against the pavement when entering and leaving the farm. If a property was allowed cars would inevitably be parked outside on the road making it all very difficult.*
2. *The owner of the site has tried to use it for car repairs. He admits installing mains plumbing. Site not practical due to flash flooding from the fields that the Close suffers most years – the water washes down nearby gardens and directly through the site. At present the site helps soak some of the water that keeps our house from flooding. I have spent several hours sweeping water, unblocking drains with local residents to protect our homes. The access to the property is not practical due to the access to the existing bungalow entrance, the lane to the old persons home and the barn conversions. Plans show one car parking space so any visitors would have to park in the road causing an obstruction and increasing the risk of an accident of the frequent number of people going to the home day and night. The Fire Service already have difficulties getting to the Home without making it worse - delays could cost lives! The right of way to neighbours gardens doesn't seem to be on plans – does he think he can just take it away from people? On the plans the bungalow is separated by a 1.8 m high fence on two sides and existing hedge and conifers in excess of 4m tall belonging to someone else – does he expect them to cut them down and take away their privacy? This does not portray a luxury retirement bungalow but more like a dark hole because it will be in constant darkness/shade. I will come and speak if required about my concerns.*

09/0512/FULL

3. *We would formally like to object to the above proposal on the following grounds.*

Due to the extremely small plot parking facilities will be minimal to say the least, this being the case vehicles will be parked on the highway and in turn will -

- 1) *Block the entrance to my drive.*
- 2) *Create extreme and dangerous situation for vehicles travelling to Offmore Care Home and Offmore Farm Court. This includes emergency vehicles, council refuse trucks, delivery trucks and visitors. It will also prevent the large tractors getting up the lane to the farm.*

The position of the proposed development is the issue and for this reason should not be passed until the site has been viewed so that the full nature of the difficulties can be appreciated.

4. *Whilst the visual aspect from our lounge would be possibly be improved by the presence of a single storey dwelling compared with the present dilapidated garage/storage unit and overgrown vegetation we oppose the development for the following reasons: A considerable number of large commercial and council vehicle supply/collect goods to the nursing home and private barn conversions in Offmore Court. In addition farm tractors and their (20ft) long trailers also use the Close. These vehicles require the full width of road and any obstruction in the area of the proposed development (Construction/visitors would severely restrict access/exit to these existing premises. It should also be noted that the road is subject to flash flooding during heavy and sustained rainfall. This floodwater comes off the adjoining farm land at an alarming rate through the right of way at the back of Tennyson Way houses past the front door of the proposed bungalow.*

5. *Objection to the development on the following grounds:*

History of the land to the rear of 1 Offmore farm Close

The site of the proposed new build is in what was originally part of the garden of the property I now own at 1 Offmore Farm Close. The border of the site to the rear is a right of way for a number of dwellings on Tennyson Way.

09/0512/FULL

My belief is that this site, to the rear of my property, was sold to the present owner by the previous owners of 1 Offmore Farm Close. To my knowledge, and contrary to what he asserts in his application, 1 Offmore Farm Close has never been owned by the applicant.

I was informed by the applicant that his reason for applying for permission to build on this site was to provide his 80 year-old mother with a purpose built dwelling, however, there is no mention of this in his application

The applicant has assured me that he would be responsible for the upkeep of the new property; however, I have no confidence that he would maintain the site as he has not done so in the past. The garage is falling into disrepair and the ground is overgrown with self seeded plants. In addition to this he has failed to ensure the height of the leylandii trees, at the rear of this plot, have been maintained at a reasonable height.

Water Drainage

The land is prone to flooding and I believe a solid structure such as the proposed new build will either:-

- *form a barrier which will force a greater volume of flood water into the close with the potential of causing the more frequent flooding of the dwelling at number 2 Offmore Close.*

And / or

- *result in the new dwelling being prone to flooding / dampness.*

Proximity, Lighting and Outlook

The gable end of the proposed new build would butt straight onto the end of my property and continue along the whole width of my garden. I am not aware of the maximum height at the apex of the gable of the proposed building, but as my garden is not very long the outlook from the rear of my house and from the garden would be considerably affected. This would affect the light to my house and, consequently, my general well being. I am aware that some Local Authorities stipulate that any new build must be a minimum distance from an adjoining property. I am not sure if Wyre Forest have any regulations in line with this, but there is no distance between the proposed new build and my property.

09/0512/FULL

Local Housing Density

The proposed new build would not be in keeping with the surrounding housing density.

Design of Proposed New Build

The design of the proposed new build would not make it attractive to a purchaser. The lounge window would look out onto a 1.8 metre high fence which would be in close proximity to the building. In fact the space between the building and the boundary of the plot is very small on every aspect.

Vehicular Access to land beyond Offmore Farm Close

Any additional cars being parked in the close would cause problems for the heavy, long and wide agricultural vehicles who use the close to access farm lands.

Site Visit

I believe this planning application has taken no account of my privacy, or the general proximity it will have to my property. I also believe that the design of the building is unsuitable in terms of its size and the small amount of outside amenities it will provide to any occupant. In view of this, and the others comments I have made above, I would like to request that the Planning Committee undertake a site visit.

6. *Having reviewed the documents available on line, please accept this email in support of my view that the application should be turned down, based on the following concerns:*

Privacy

The rear of our property is already adjoined by two others (and a third close by). We value the privacy of our narrow garden, which is the also safest place for our children to play outdoors. Allowing permission for a third adjoining property will reduce privacy levels. Indeed, we probably would not have purchased this property if this badly maintained plot existed when we viewed the property. When we purchased the house the plot only existing as the garden of the previous owners of 1 Offmore Farm Close and not the current owner of the plot. The proposed development is only 1.3m from the boundary adjoining my property, in an already busy residential area. I understand this goes against typical Local Authority sensible planning rules (5m from boundary per storey).

It would feel that any new residents would almost be living in our garden, as the proposed property is just too close to the boundary and our property.

09/0512/FULL

Light levels

The presence of a new property in turn could adversely affect light levels and due to the close proximity of the approx. 6m high side elevation to our boundary and property.

Eyesore / poor upkeep and maintenance

A viewing of the site would confirm that currently, the plot owner of 5+ years, is not taking the responsibility for the adequate preservation of the boundaries fences adjoining our property and the overgrown land is being used as a storage ground for building equipment. We currently have no confidence that the current situation will improve if the development goes ahead. In addition, five Leylandi trees have been left to grow to an unacceptable/anti social height. These have a detrimental affect on light levels and subsequently nearby trees have died. Nearby buildings could be at risk of being damaged due to their close proximity.

Devaluation and increase difficulty of sale

Our personal view, due to the nature of the proposal is that prospective owners of my property will be put off from buying due to the overcrowding that the new build will create due to the nature of this proposal, which basically doesn't 'fit in' with our residential area. Due to the nature of this proposal, I would appreciate it if you could advise me of the minimum surface area requirement before any planning permission can even be considered in close proximity to existing buildings. Also, please confirm that you will be considering the original housing density within the planning permission originally passed on the plot and surrounding plots.

4.0 Officer Comments

- 4.1 The site lies within an area allocated for residential purposes, and the residential development is acceptable under the provisions of Policy H.2 provided that the development complies with all the other policies within the Adopted Wyre Forest District Local Plan.
- 4.2 The proposal is clearly an overdevelopment of the site, the area of which is only approximately 125sq metres. The small one bedroom bungalow can physically fit onto the site but in order to do so it is located on the side boundary with a neighbouring property and within 1.3 metres of the rear boundary. The consequences of this are that the proposals will result in:
- Serious loss of privacy to adjacent residential property and particularly to No. 223 Tennyson Way as the rear of the proposed bungalow will be facing the side of the rear garden of that property.

09/0512/FULL

- The general rule is that dwellings should be at least 5 metres distant from a rear boundary for every floor of the building thus the minimum acceptable distance for a single storey development such as now proposed is 5 metres. However, as stated the main rear patio doors are only 1.3metres away which is only a fraction over a quarter of this minimum distance.
 - The bungalow has a roof ridgeline 5.8 metres above ground level and this will have a very strong presence when viewed from the two adjoining gardens and will as a result be detrimental to the amenity of the occupants of these dwellings by dint of its overbearing appearance at close quarters. Floor levels may also need to be set a little higher than proposed in the light of the flash flooding issues raised by neighbouring properties.
 - There will be inadequate rear amenity space. The area immediately at the back of the bungalow will have a 1.8 metre high fence only 1.3 metres away and will be more like a passageway than an amenity space, but even taking account of this together with an area at the side and to the rear of the hardstanding area only amounts to an area of about 31 sq metres, which is considered to be inappropriate and totally out of keeping with other properties in the vicinity.
 - The site is too restricted to allow for sustainable drainage. Neighbours cite drainage as being a problem in the area which is a material consideration even though the source of the problem seems to be inadequate drainage of farm land rather than an intrinsic problem with the site itself. If the application had been recommended for approval measures could be put in place to by way of a condition to protect the occupiers of the proposed dwelling (raising the floor levels). However, and particularly where there is a known problem soakaway drainage is important to ensure that the dwelling does not exacerbate the situation and the fact of the matter is that the dwelling is too tight to the boundaries of the site to enable soakaway drainage since there is insufficient room on the site to position a soakaway of sufficient size in a location that is at least five metres from the dwelling itself.
- 4.3 Due to the size of the site, clearly it is not possible to construct a property in keeping with the character of the area. The result is a bungalow being quite unlike any other property in the vicinity in terms of scale and design. All the adjoining properties are significantly larger in size and the properties that can be viewed together with the proposed bungalow are all houses (the adjoining bungalow off the end of the cul de sac is largely hidden from view by vegetation). Most of the nearby dwellings also have very generous gardens for modern houses. To approve the development in these circumstances would run contrary to the aims and principles of the Local Plan and the Design Quality SPG which amongst other things seek to ensure that proposals promote and enhance local distinctiveness.

09/0512/FULL

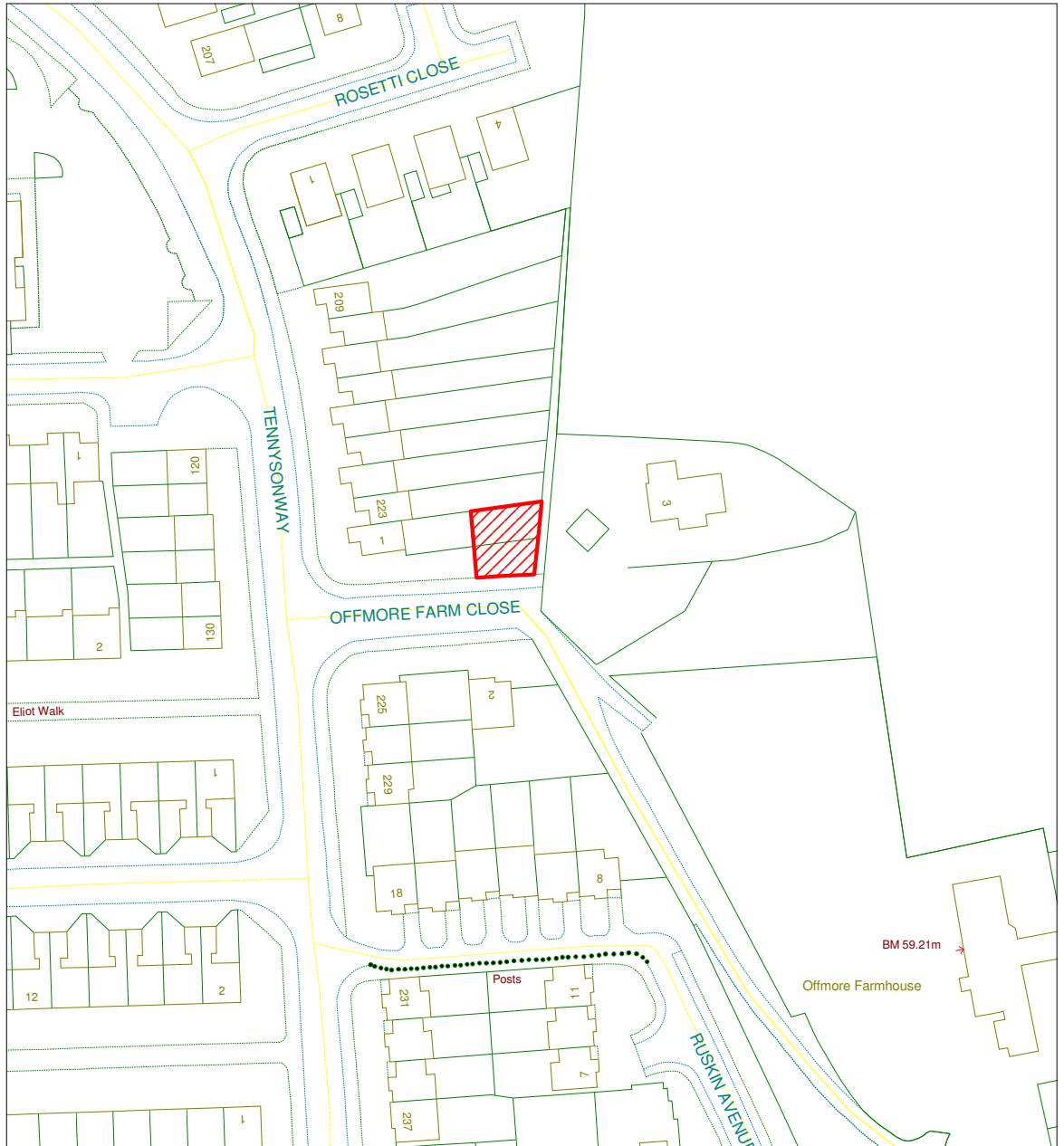
- 4.4 Neighbours have raised objections based on problems associated with car parking at the end of the cul de sac. The highway authority has been shown copies of these letters but do not feel that the situation is a serious problem. I agree with this view in that one car parking space meets the car parking standards for a property of this size and there is ample space in Offmore Farm Close for sensible on street parking without blocking the accesses at the end of the Close.
- 4.5 I have considered the other points raised by neighbours but am not persuaded that there are grounds for additional refusal reasons over and above those suggested below.

5.0 Conclusions and Recommendations

- 5.1 The proposal is contrary to the aims and objectives of the Local Plan and Design Guidance. It is recommended that the application be **REFUSED** planning permission for the following reasons:
1. The proposal represents an overdevelopment of this restricted site in that the bungalow is situated too close to the side and rear boundaries of the site resulting in:
 - serious loss of privacy to the occupiers of neighbouring property;
 - loss of amenity enjoyed by neighbouring property arising from its overbearing appearance at close quarters;
 - inadequate amenity space for the occupiers of the proposed dwelling;
 - Inadequate space for a sustainable drainage system and in an area known for flash flooding and without this the proposed dwelling could exacerbate the existing situation;

To approve the application in these circumstances would be contrary to the aims and objectives of policies D1, D3 and D.7 of the Adopted Wyre Forest District Local Plan and the guidance contained within the Council's Design Quality Supplementary Planning Guidance.

2. The design, layout and appearance of the proposed bungalow would give rise to significant harm to the visual amenity of the area in that it is out of keeping with existing development and would not complement and respect the characteristics of nearby development. To approve the development in these circumstances would be contrary to Policy D.1 and D.3 of the Adopted Wyre Forest District Local Plan and the adopted Design Quality Supplementary Planning Guidance, which amongst other things seeks to promote and enhance local distinctiveness.



PLANNING AND REGULATORY SERVICES DIRECTORATE
**Land to rear of
1 Offmore Farm Close
Kidderminster
DY10 3XJ**

Duke House, Clensmore Street, Kidderminster, Worcs, DY10 2JX. Telephone: 01562 732928. Fax: 01562 732556



Application Reference:	09/0516/FULL	Date Received:	22/07/2009
Ord Sheet:	384632 278413	Expiry Date:	16/09/2009
Case Officer:	Stuart Allum	Ward:	Broadwaters

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

Site Address: 12 HEATH DRIVE, KIDDERMINSTER, DY102XA

Applicant: Mr C Gee

Summary of Policy	D.1, D.3, D.17, TR.9, TR.17 (AWFDLP) QE.1, QE.3 (WMRSS) Design Quality SPG
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 No. 12 Heath Drive is a semi detached bungalow dwelling located on a corner plot at the end of a residential cul de sac to the north east of Kidderminster town centre.

- 1.2 Heath Drive slopes downwards from Stourbridge Road and the site overlooks open Green Belt land to the north west of the A449 Kidderminster to Wolverhampton Road.

- 1.3 The domestic curtilage is much larger than that of the neighbour at 13 Heath Drive. The proposal shows additions to the side of the property and the construction of a flat roofed dormer to the rear roof slope.

- 1.4 This is a resubmission in revised form following the refusal of an earlier application (reference 09/0054/FULL) by Members of the Planning (Development Control) Committee, in accordance with the Officer recommendation, at the meeting on 10 March 2009.

2.0 Planning History

- 2.1 09/0054/FULL – Erection of a side extension and first floor accommodation with roof alterations (dormer windows) : Refused 12/3/09

3.0 Consultations and Representations

- 3.1 Highway Authority – No objection

09/0516/FULL

3.2 Neighbour/Site Notice : one letter of objection received -

1. The proposed first floor extension will result in a loss of amenity from the front and side aspects of our property, namely the view of the open greenbelt landscape. This is an amenity that we have enjoyed for 40 years and we wish to continue to do so, especially in light of us now being of a pensionable age, and therefore spending the majority of our time in and around the property.
2. The significant, intrusive and overbearing size of the dormer windows will obscure a large proportion of the landscape. The scenery of the natural surroundings of fields, hedgerow and animals in their natural surroundings will also be compromised.
3. This proposal seems uncharacteristic of the surrounding properties and area, and would give a prominence of the rear elevation which would be identifiable from not only the adjacent green belt land but also to the neighbouring properties, including ourselves.
4. We purchased our property over 40 years ago, due to the style of the property, the landscape, scenery and amenity/pleasantness of the area. The proposed extension/alterations would have a detrimental effect on the landscape and our visual harmony, as a significant amount of these surroundings would be blocked given the design of this application, especially the intrusive size and design of the dormer windows and first floor accommodation. Therefore, the openness of the greenbelt land and the character and appearance of the locality would be affected significantly.
5. Given that the occupiers of 12 Heath Drive do not reside at the property, it is clear that they are yet to appreciate the impact and obstruction their dominant proposals would have on the visual pleasantness of the natural and open landscape, and on the neighbouring properties.

In keeping with the surrounding properties, scenery, landscape, and openness, a ground floor extension and less prominent dormer windows to the middle of the existing rear aspect of the property would appear much more acceptable. This would allow the occupiers to achieve their aim of increasing the size of the property, but without the detrimental effect on the landscape and amenity of this rural location and the surrounding properties.

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

09/0516/FULL

In addition to the objections detailed, we feel that it should be brought to your attention that we have a boundary dispute with the occupiers of 12 Heath Drive. This is a situation that has occurred as a result of the occupiers issuing a notification to build a party wall, however their actual construction of a wall and fence does not comply with their own notification. This matter is currently in the hands of our Litigation Lawyers, therefore we are surprised that the occupiers are considering commencing another project when their initial project is still ongoing and unresolved.

We would like to bring to your attention, that should we issue proceedings regarding the party wall project, this may have an impact on the existing garage construction which is detailed in the drawings you have provided for this planning application. Whilst we recognise the party wall project is not part of this planning application, we feel it is important to bring it to your attention as we note the same agent is being used for this planning application as was used for the party wall project.

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

4.0 Officer Comments

- 4.1 Extensions and/or alterations to existing residential properties must demonstrate visual compatibility with the original building in terms of their form, materials, architectural characteristics and detailing. Such requirements are set out within Policy D.17 of the Adopted Wyre Forest District Local Plan. These principles are reinforced through the Adopted Supplementary Planning Guidance note on Design Quality.
- 4.2 The revised plan shows a side extension of the same width as the previously refused scheme at 3.6 metres, but the former asymmetrical gable has been abandoned and replaced with smaller, symmetrical gable and rear flat roof. Whilst the use of the flat roof is not ideal, this is considered to be something of a visual improvement compared to the previous design.
- 4.3 The consequence of this change however is to increase the visual prominence of the rear dormer style extension which, because of its size and height, effectively takes the form of a two storey flat roofed extension. This effect is further exacerbated by the deepening of the rear tile hung elevation compared to the previous submission.
- 4.4 The whole effect of the revised scheme is the same as before, i.e. the construction of a large flat roofed two storey extension to the rear, resulting in an overbearing feature uncharacteristic of the original design of the bungalow and harmful to the character of the surrounding residential environment.

09/0516/FULL

- 4.5 As such, the proposal continues to be in conflict with the basic principles of Policy D.17. This is particularly important due to the prominence of the rear elevation, although it is considered that the proposed extensions would not materially harm the visual amenity of the adjacent open Green Belt land on the opposite side of the A449.
- 4.6 With regard to the comments made by the neighbour of the alleged loss of view and boundary disputes, these are not considered to be material planning issues. Again, as before, possible loss of amenity to neighbouring properties would need to be considered. However, taking account of the orientation of the dwelling in relation to its neighbours, and the location of new windows, it is felt that no serious loss of amenity or privacy would occur as a result of this proposal. The 45 degree day lighting code has been fully considered and assessed, and there would be no breach of this guidance.

5.0 Conclusions and Recommendations

- 5.1 In consideration of Articles 1 & 8 of the Human Rights Act 1998, the policies of the Adopted Wyre Forest District Local Plan and a neighbour objection, it is concluded that although it is considered that no loss of residential amenity would occur as a result of the proposal, the design requirements of the adopted planning policies and other relevant guidance have not been satisfied and that the actual extension would create an incongruous and overbearing addition to the original dwelling.
- 5.2 It is therefore recommended that this application be **REFUSED** for the following reason:

The proposed extensions, taken as a whole, fail to harmonise with the form and architectural characteristics of the original building, thereby creating an incongruous and overbearing design feature on the building. Such extensions would also result in harm being caused to the visual amenities of the surrounding residential environment. This is contrary to Policies D.1, D.3 and D.17 of the Adopted Wyre Forest District Local Plan, Policies QE.1 and QE.3 of the West Midlands Regional Spatial Strategy and the adopted Design Quality Supplementary Planning Guidance.



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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
8TH SEPTEMBER 2009

PART B

Application Reference:	09/0304/FULL	Date Received:	24/04/2009
Ord Sheet:	379792 280868	Expiry Date:	19/06/2009
Case Officer:	Stuart Allum	Ward:	Bewdley and Arley

Proposal: Retention of residential caravan and use of storage building as permitted under 07/0464/Full as reception office and shop

Site Address: SHATTERFORD LAKES, BIRCH BANK, SHATTERFORD, BEWDLEY, DY121TW

Applicant: Shatterford Lakes

Summary of Policy	GB.1, GB.6, AG.2, H.16, D.1, D.5, LA.1, LA.2 (AWFDCLP) D.39, CTC.1 (WCSP) QE.1, QE.3, QE/6 (WMRSS) PPS1, PPG2, PPS7
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for Approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The Shatterford Lakes complex is located on open Green Belt land in the north-western part of the District, and just to the east of the hamlet of Shatterford.
- 1.2 The business being carried out at the site is a hatchery producing trout and Koi carp, and a fishery comprising six small lakes containing trout, carp, catfish, bream, roach and tench. The fishery provides overnight fishing alongside the more normal daytime fishing.
- 1.3 The proposal is twofold. Firstly, consent is sought to retain the existing mobile home on site (originally sited as temporary accommodation for the site owner during construction of the Manager's permanent flat) for site security purposes.
- 1.4 Additionally, consent is being sought to retain the reception and shop in its current position, combined with the storage area, in front of the security gates to the site, as opposed to locating it in its already consented site, within the applicant's main dwelling.

09/0304/FULL

2.0 Planning History

- 2.1 WF/528/99 - Manager's Flat : Approved
- 2.2 WF/806/04 - Hay Barn and storage building : Approved
- 2.3 06/0637/FULL - Re-development of existing buildings : Approved
- 2.4 07/0464/FULL - Replacement of existing building and alteration of storage building for temporary use and siting of caravan during construction (Re-submission) : Approved
- 2.5 08/0790/FULL - Removal of Condition 3 of Planning Permission 07/0464/FULL to allow caravan and shop to remain with time restriction : Withdrawn

3.0 Consultations and Representations

- 3.1 Upper Arley Parish Council – The Parish Council does not support the application for a number of reasons:
 - 1. There has already been substantial development at the site and this would be taking matters too far.
 - 2. The need for a second manager is not made out, the applicants live on the site in a substantial new dwelling so can deal with the night time issues they have identified as being the reason for the permanent use of the caravan.
 - 3. There is already an existing reception and storage block so there is no need for a further one.
 - 4. None of the supporting letters suggest that there are problems with the existing facilities.
 - 5. It is understood that the site has been split by the owners and this may be the real reason why this application is being made – if that is correct it should be disclosed by the applicant.
 - 6. The caravan was to be used whilst the new house was being built – now the build has finished it should be removed.
 - 7. We are concerned about possible creeping development, if permission is granted for the caravan will applications for more be made – will a change of use application be made for the reception/storage building to use it for residential purposes.

09/0304/FULL

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

This affects us we farm Birch Grove Farm immediately adjacent to the site.
 Thank you for notifying us of the above planning application for Shatterford Lakes.
 Obviously this affects us as we farm BirchGrove Farm immediately adjacent to the site.
 We have read the application carefully and would like to raise the following objections:

In the application the site acreage is stated as 25 acres. We believe it to be 18.16 acres as stated in the appellant's previous application.

We notice that 'stock' is used as a reason for having a permanent residential caravan.
 Were this argument to be valid, then perhaps this would set a precedent for anyone with a few animals in a field to have a permanent residential caravan on site!
 We would also point out that there are houses for sale and to rent close by, should the owner feel he wishes to provide accommodation for workers.

The Shatterford Lakes 'complex' is visible from, and overlooked by, the Worcestershire Way, a bridleway that runs close by, and is well used by walkers, ramblers and horse-riders. The siting of the caravan is particularly detrimental to the visual amenity of these leisure users.

Our main objection refers back to application 06/0637/FULL (to which we raised no objections). This was for redevelopment of the original main building. It was passed with the conditions that 'the shop and dwelling that will be created as part of the proposal fit neatly within the existing structure'(4.5). The plans showed manager's accommodation, shop, office, toilets, eating area, netroom and stores all under one roof -- a complete purpose-built unit to run the business.

Permission was given for a temporary shop and caravan to be used *only* during the construction period. We were happy with this as we thought it would improve the visual amenity of the site. However, now it seems that the appellant wants to create a private dwelling and transfer business and manager's accommodation to the temporary shop and caravan, with another manager, and making these permanent. There is clearly no need for this as he has been given all the facilities needed to operate the business from one building, which was designed to limit any further development.

We are disappointed that WFDC did not carry out enforcement action when the temporary period expired. We are also disappointed that they did not insist on the erection of soil mounding as shown on the revised planning application against a third of the height of the temporary building to reduce visual impact and to provide protection for Shatterford Lakes against our farming practices as well as providing a buffer for us from the Shatterford Lakes business activities and car park. In fact the caravan is placed where the soil mounding should be.

We would ask that WFDC implements condition 2 and 3 of the previous application (07/0464) by insisting on the removal of the temporary caravan, closing of the temporary shop and returning it to a store, and installation of soil mounding. This is fair and it is not unreasonable to ask WFDC officers to implement their own decisions.

09/0304/FULL

We would emphasize that this site, which was recently subdivided, now supports two large residences. If this application were to succeed then there would be yet another permanent residence on site. We also question why further accommodation should be needed for a manager. The owner is the manager and as such was given manager's accommodation within the main building. We would remind WFDC that this site, which we believe is now being over-developed with roads, houses, buildings etc was not long ago totally unspoilt, peaceful woodland, and that it still remains in an area of outstanding natural beauty.

4.0 Officer Comments

- 4.1 The original consent for a temporary mobile home dwelling and shop/reception was granted in 2006 (06/0637/FULL). Temporary permission was granted to allow renovations and improvements to be undertaken on the owner's dwelling. These works have now been completed and the permission expired on 16 August 2008.
- 4.2 The applicant, who has business interests elsewhere, now contends that there is a need for the fishery manager (the applicant's close relative) to continue to live on site to deal with the daily operations of the fish farm, together with potential night time emergencies, and to provide site security.
- 4.3 The existing temporary dwelling is sited immediately to the rear of the shop/reception area and overlooks the lakes, which provide pegs or stands for some 80-90 anglers. The reception area is a brick building located some 10 metres from the security gates serving the site and acts as an observation and check-in point for all visitors.
- 4.4 Both PPS7 and Policies GB.1 and AG.2 of the Adopted Wyre Forest District Local Plan require that substantial evidence be provided with an application of this type to justify the provision or retention of a dwelling associated with agricultural or forestry operations on land. For these purposes 'fisheries' are regarded as an 'agricultural use'. This approach is supported and expanded upon in PPS7 setting out functional and financial tests that need to be met prior to allowing new or additional residential units in the open countryside.
- 4.5 To assist the Council in their deliberations of the submitted evidence, the independent firm of 'Reading Agricultural Consultants Ltd' (RAC) have been retained to provide a detailed appraisal and report of the circumstances of the case.

09/0304/FULL

4.6 The conclusions of RAC are set out verbatim:

The applicant, Mr Ivan Norman, received consent to renovate an existing dwelling at Shatterford Lakes in 2006. For the duration of the renovation period he was also granted consent for a mobile home and the temporary location of a shop within the storage area to serve the fishery.

Having completed renovations to the dwelling, the applicant is seeking permission to extend the consent period for an unspecified length of time for the temporary dwelling to allow a manager to live on the site to meet the functional needs of the growing business and to retain the shop in its current position.

RAC has assessed the application against the tests set out in PPS 7 Annex A, and concludes:

- i) The applicant and his manager have extensive practical and business experience within the angling and fish farming sector alongside considerable enthusiasm and have received acclaim in angling circles. The three years trading thus far has seen considerable sums of money invested in the business in order for it to become well established. The applicant has made a clear commitment to develop the enterprise by committing finance to the purchase of the land and fishery and fish farm infrastructure;*
- ii) A temporary dwelling is an appropriate form of accommodation for a manager of this new enterprise;*
- iii) RAC considers that there is a functional need for a full-time manager to live on site;*
- iv) Budget figures show that a profit can be produced which covers notional deductions thereby attaining financial sustainability;*
- v) It is apparent from the information supplied that the unit requires, in addition to the owner, a full-time on-site manager for the whole year, due to the combination of the needs of the fishery and the fish farm as both operate throughout the year, with large numbers of anglers on the site for much of the year. The security status of the holding would be an additional factor, considering the value of stock and potential for theft and intrusion on the unit;*
- vi) RAC has visited the site and concludes that a temporary dwelling on the holding would be the most appropriate form of accommodation. An off-site dwelling would be unlikely to be able to service the functional requirements of the holding;*
- vii) The existing site of the temporary dwelling overlooks the holding and the shop 'guards' the site entrance. The mobile home is in close proximity to the fish farm and would allow a rapid response to any problems; and*
- viii) The shop is now located in an ideal position to serve a number of functions to serve the site including accessible reception area and security point."*

09/0304/FULL

5.0 Conclusions and Recommendations

- 5.1 On the basis of the professional advice offered by R.A.C it is considered that the proposal meets the functional and financial tests of PPS7 and Local Plan policies.
- 5.2 Regarding the comments made by the Parish Council and the neighbour, the soil 'mound' was specified to provide some screening of the brick building in the landscape, which incorporates some local public footpaths.
- 5.3 The mound was never intended to screen the caravan, but the collection of buildings and the caravan could be effectively screened in this sensitive visual environment by selective landscape planting on the boundary with neighbouring land.
- 5.4 This is achievable by condition, to be implemented within a reasonable period, i.e. by the start of the next 'planting season' (November 2009).
- 5.5 I therefore recommend **APPROVAL** subject to the following conditions:
 1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. C6 (Landscaping – Small Scheme)
 4. C8 (Landscape Implementation)
 5. Caravan – occupancy limited to person solely or mainly employed, or last employed at Shatterford Lakes, or a widow or widower of such a person, and to any resident dependants.
 6. Ancillary uses (Shop/Reception/Store) to be used in association with Shatterford Lakes and for no other purposes.

Reason for Approval

The proposal has demonstrated compliance with the functional and financial tests inherent in National and Local Planning Policies. The proximity of the caravan to the existing shop building minimises visual impact on the openness of the Green Belt and the character of the Landscape Protection Area, though this could be further improved by selective landscape planting. The effects of the development on neighbouring properties have been assessed and it is felt that no undue harm would arise as a result of the development. For these reasons, the proposal is considered to be in compliance with the policies listed above.

Application Reference:	09/0437/FULL	Date Received:	17/06/2009
Ord Sheet:	379811 280485	Expiry Date:	12/08/2009
Case Officer:	James Houghton	Ward:	Wribbenhall

Proposal: Proposed two storey extension (Resub of 05/1092/Full)

Site Address: UPPER BIRCH FARM, SHATTERFORD, BEWDLEY, DY121TR

Applicant: Mr C Bagnall

Summary of Policy	GB.1, GB.2, GB.6, LA.1, LA.2, D.1, D.3, D.5, D.17 (AWFDLP) SD.2, D.39, CTC.1 (WCSP) QE.1, QE.3, QE.6 (WMRSS) Adopted Design Quality SPG PPS1, PPG2, PPS7
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Upper Birch Farm is a traditional detached farmhouse located within the area of Shatterford. The property has previously been extended on two occasions.
- 1.2 The property is located within the West Midlands Green Belt, a Landscape Protection Area and an Area of Great Landscape Value.
- 1.3 The applicant seeks approval for the erection of a two storey side extension.

2.0 Planning History

- 2.1 WF.0335/03 – Two storey extension : Approved
- 2.2 WF.0276/04 – Two storey extension : Approved but not implemented
- 2.3 WF.0818/05 – Two storey extension : Refused
- 2.4 WF.1092/05 – Two storey extension : Approved
- 2.5 06/1133/FULL – Two storey extension : Refused, Appeal dismissed
- 2.6 08/0090/FULL – Pitched roof over existing flat roof : Approved
- 2.7 08/0910/FULL – Proposed two storey extension (Resub of 05/1092/Full) : Withdrawn

09/0437/FULL

3.0 Consultations and Representations

- 3.1 Kidderminster Foreign Parish Council – Object to the proposed development on the grounds that the property that forms the subject of the proposal has benefitted from the addition of significant extensions, this development would add approximately 40% more. The Parish Council also consider that the proposed extension would be excessive in the context of a dwelling within the Green Belt.
- 3.2 Highway Authority – No objection to the proposed development.
- 3.3 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 The applicant seeks approval for the erection of a two storey side extension similar to that approved through application 05/1092/FULL. The current application differs in that the gable feature on the rear elevation has been increased in width from 3.8m to 4.9m (this element projects 220mm from the rear elevation of the property an increase in volume of 1.3m³) and window types and doors have been rearranged.
- 4.2 Two previous applications are of particular relevance to the current submission those in 2005 and 2006. The application in 2005 was very similar to the current submission and with the exception of a slight increase in the width of a gable feature to the rear, resulting in an increase in volume of 1.3m³, and some changes in window and door types retains the scale and design of the approved scheme. The 2006 application included substantial changes in the appearance of the application property and was refused on the grounds that the proposed extension was not visually subservient to the original dwelling harming the dominance, legibility and identity of the original dwelling. Whilst being in the Green Belt, the view established in 2005 and 2006 that the proposed extensions are proportionate and thus appropriate is maintained in this case.
- 4.3 Whilst the comments of the Parish Council are taken into account the increase in size over the scheme previously approved is considered negligible and the scale and design of the proposed extension remains appropriate to the host dwelling.
- 4.4 The proposed development would, by virtue of its location, have no impact on road safety or the amenity enjoyed by the occupants of nearby dwellings.

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5.0 Conclusions and Recommendations

- 5.1 The proposed extensions are considered to be of suitable design, size and scale, having an acceptable relationship with the original property and are appropriate development in the Green Belt. Neither neighbouring properties nor highway safety will be unduly harmed by the proposal. For these reasons the proposal is considered to be in accordance with Policies D.1, D.3, D.17, GB.1, GB.2 and GB.6 of the Adopted Wyre Forest District Local Plan (2004).
- 5.2 It is recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B3 (Finishing materials to match)

Reason for Approval

The proposed extensions are considered to be of suitable design, size and scale, having an acceptable relationship with the original property and are appropriate development in the Green Belt. Neither neighbouring properties nor highway safety will be unduly harmed by the proposal. For these reasons the proposal is considered to be in accordance with Policies D.1, D.3, D.17, GB.1, GB.2 and GB.6 of the Adopted Wyre Forest District Local Plan (2004)