

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
8TH DECEMBER 2009

PART A

Application Reference:	09/0681/FULL	Date Received:	25/09/2009
Ord Sheet:	378496 275257	Expiry Date:	20/11/2009
Case Officer:	Paul Round	Ward:	Bewdley and Arley

Proposal: Erection of a terrace of 3No. Two storey houses with car park area . Take down section of wall to highway verge restore façade of garden wall. Resubmission of withdrawn application 09/0025/FULL

Site Address: LAND BETWEEN 2 PARK LANE AND 35 LOAD STREET, BEWDLEY, DY122EL

Applicant: Mr R Round

Summary of Policy	H2, D1, D3, D4, CA1, LB5, TR9, TR17 (AWFDLP) CTC19, CTC20 (WCSP) QE3, QE5 (WMRSS) Design Quality SPG PPS1, PPS3, PPG15, PPG16 Bewdley Conservation Area Appraisal.
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 site is situated with Bewdley Conservation Area and lies to the rear of properties within Load Street, although the main frontage is on to Park Lane. The land is now derelict and although once formed part of the plot of the properties in Load Street, it has been severed for some time and it is uncertain whether the land is previously developed or not.
- 1.2 The proposal is to erect a row of three terraced properties on the site with associated parking and amenity space.
- 1.3 The site lies within the Bewdley Conservation Area and sits behind a number of Listed Buildings.

09/0681/FULL

2.0 Planning History

2.1 09/0025/FULL – Erection of 4 dwellings : Withdrawn

3.0 Consultations and Representations

3.1 Bewdley Town Council - Recommend REFUSAL.

1. It would constitute overdevelopment of the site
2. The proposals are unsuitable for a Conservation Area
3. Insufficient Car Parking on site on site for the number of dwellings proposed.

3.2 Highway Authority - No objection subject to conditions - The area of grass verge in front of the wall fronting Park Lane is Publicly Maintained Highway. Therefore should this application be consented the applicant does not have Authority to install pedestrian access points in the verge or remove / replace any trees. Both of these will require separate licenses from the Highway Authority. The applicant therefore should discuss these matters with Worcestershire County Council.

3.3 Conservation Officer - In terms of general design, I feel that the proposals have been altered to the considerable benefit of the scheme, and subject to comments arising from the Planning Archaeologist, in terms of impact on the archaeology, and the significance of the archaeology, I would be happy to support these proposals, in relation to impact on the historic environment, in particular with relation to the adjacent Listed Buildings and the Conservation Area in which the site lies.

However, to ensure quality of development, I would like to see the following conditions be placed on any consent granted, to be fulfilled prior to the commencement of works on site:

- All facing materials, to include bricks, roofing materials, mortars (colour, mix and strike) and rainwater goods;
- 1:10 sections and profiles of all windows and doors;
- Position, colour, type and other details of all svps, flues and other associated pipe-work.

3.4 Arboricultural Officer - The site for the above development has no significant trees within it. There is a number of self-set and regeneration growth from old tree stumps, but nothing worthy of any note.

The only trees that are significant to mention are a Whitebeam and Fastigate Hornbeam. Both trees appear to be outside the boundary of the site and could therefore be within the ownership of the Highway Authority.

09/0681/FULL

I agree with the report submitted by Jeff Marlow, that both trees offer little to the street scene, however the Hornbeam is in a better health than the Whitebeam which looks very poor.

I feel both of these trees have come to the end of their safe useful life expectancy and I therefore agree with the Arboricultural Report, that they should be felled and replaced.

I have no objection to the proposed development as long as the proposed landscaping scheme in drawing No. 786-1b is adhered to.

3.5 Environmental Health – No adverse comments

3.6 Severn Trent Water – No objections subject to conditions

3.7 County Archaeology - I have checked the County Historic Environment Record and this application affects a site of archaeological interest (WSM17584, Statutory Instruments 1988 No. 1813). The 'historic environment' encompasses all those material remains that our ancestors have created in the landscapes of town and countryside. It includes all below and above-ground evidence including buildings of historic and architectural interest. An archaeological field evaluation was carried out in prior to determination of a previous application to develop this site (*WF/09/0025 – subsequently withdrawn*). The results revealed post medieval industrial remains in the form of tanning pits and later structures. The purpose of the evaluation was to define presence or absence of archaeological remains and to assess the impact of the proposed development upon them. In this instance it seems unlikely that these deposits can be successfully preserved in situ, consequently I advise that as a condition of planning consent, a programme of archaeological work be carried out prior to and during development. This is required as mitigation against the impact of the proposed development on the historic environment. The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by Policy CTC16-18 Policy in the County Structure Plan - June 2001 and by *Policies LB1, LB2 and AR2* in the Wyre Forest Adopted Local Plan – January 2004.

*Archaeological Sites of Regional, County or Local Importance
Policy AR.2*

Development that would have a direct or indirect adverse effect on the site or setting of archaeological remains of regional, county, or local importance will not be permitted unless it is clearly demonstrated two criteria are met, as follows:

i) There are no reasonable alternative means of meeting the need for the development appropriate to the level of importance of the archaeological site and its setting; and

09/0681/FULL

ii) the reasons for the development outweigh the archaeological importance of the site and its setting, and the need to safeguard the wider stock of such sites.

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

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

Such arrangements for the recording of a site of archaeological interest can be secured by the application of a negative condition as outlined in Planning Policy Guideline 16. Appropriate wording of this condition for use on formal decision notices is given below.

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

It will be the applicant's (or their successor in title) responsibility to contract an appropriate archaeological organisation to undertake the programme of works as outlined in the brief, which is available upon request should permission be granted by the planning committee.

3.8 Neighbours - 1 letter of objection received highlighting the following concerns:

1. Rear boundary wall not in ownership of developer and needs re-building
2. Distance between back of dwellings and rear boundary wall is less than the minimum
3. Loss of privacy and potential for overlooking both into garden areas and bedroom
4. Vacant land
5. Will set a precedent

09/0681/FULL

4.0 Officer Comments

- 4.1 The site forms a vacant parcel of land that fronts onto Park Lane, it is clear that historically the land used to form part of the amenity land associated with properties in Load Street, although it has been severed for many years. There is insufficient evidence to be able to prove either way whether the land is previously developed or not. Taking the worse case scenario, I feel that the advantages of providing residential development in this location and enhancing the Conservation Area take precedent. The site is allocated for residential purposes and as such on balance I consider that the principle of residential development on this site is acceptable.
- 4.2 The site area is approximately 530 sq metres excluding the highway verge to the front. The list below shows how the site area is utilised by this development.

Item	Land Take (sq. m)	% of Land area
Dwellings	136	26%
Amenity Space and Pathways	235	44%
Landscaping	55	10%
Access and Parking	82	16%
Bin Storage	20	4%

- 4.3 It is clear to see that just over ¼ of the site is occupied by dwellings with well over ½ being used amenity space and landscaping. The layout plan submitted shows visually that sufficient space has been provided for all the necessities of a development without resulting in an overdevelopment of the site.
- 4.4 To establish the density of the development the 75 sq m highway verge must be taken into account, as such this development provides 50 dwellings to the hectare. Policy H5 seeks for 30 dwellings to the hectare to be provided, although this is caveated that local circumstances and the character of the area are to be taken into account. As this site sits adjacent to the main town centre where high densities are prevalent, I do not consider the form or number of units to be provided is out of kilter with the character of the surrounding area.
- 4.5 Whilst I can appreciate the comments of Bewdley Town Council, I do not feel that this is an overdeveloped site as the number of units can be provided with all necessary amenity and access arrangements without appearing cramped, and sits at a density that is compatible with the surrounding area.
- 4.6 The three properties have been design through guidance with Council’s Conservation Officer and have utilised elements of design that found within the conservation area following guidance contained within the Conservation Area Character Appraisal.

09/0681/FULL

- 4.7 The dwellings are attractive in appearance and are balanced in their visual appearance, and act as a pleasing transition between the historic core of Bewdley and the modern properties in Park Lane. The side elevations include feature 'blank windows' and the rear continue the quality of fenestration and detail. The development of dwellings in this location can only help improve the visual appearance and vibrancy of this area.
- 4.8 The scheme provides three well designed properties that complement and enhance the visual appearance of this part of Park Lane and the Bewdley Conservation Area. Unfortunately I cannot agree with Bewdley Town Council that the proposal are unsuitable to the Conservation Area, as for the reasons set out above I consider that this is a positive development which enhances the Conservation Area, and has received full support from the Conservation Officer.
- 4.9 In respect of access and parking provision, the proposal utilises the existing access to the site and provides 1 parking space for each of the 2 bed properties. This provision accords fully with the Local Plan parking standards. Whilst it is appreciated that residential dwellings can attract visitors, I am satisfied that due to the location of the dwellings, visitor spaces will be catered for through existing on street parking in Park Lane or the public car park at Dog Lane, which is approximately 250m away from the site (less than a 5 minute walk). Having taken into account that parking provision has been provided on site, which is not always the case in Bewdley and the close nature of other parking facilities I consider that the parking solution is acceptable. No objections have been received from the Highway Authority. Whilst I realise that this conclusion is at odds with the conclusion of Bewdley Town Council, for the reasoning set out above and the lack of objection from the Highway Authority I cannot support the Town Council's recommendation on this ground.
- 4.10 The proposal provides ample gardens to the rear which maintain at least a 10m garden length protecting the rear garden area of the property in Load Street to the rear, which is at a higher level, from adverse loss of privacy. The bungalow on Park Lane adjacent is also higher due to the distance between the proposed dwellings, results in no harm to this property.
- 4.11 The previous application was withdrawn to allow an archaeological survey to be carried out. The evaluation was undertaken in the summer and it summarised as follows:

"It [The archaeological evaluation] identified what was probably buried soil dating to the 17th century with signs of former agricultural activity. An 18th century brick and clay lined tank, believed to be for tanning or shoe making and other brick buildings, which succeeded the tanning operation, of the 18th and 19th centuries."

09/0681/FULL

- 4.12 This evaluation has been fully assessed by the County Council who consider it to be acceptable, however a condition is recommended in respect of recording the historical items on the site.
- 4.13 Overall I consider this to be an appropriate scheme that pays special regard to the character and appearance of the conservation area and the surrounding Listed Structures.

5.0 Conclusions and Recommendations

- 5.1 The proposed dwellings are well designed and provide an enhancement to the appearance of the Conservation Area. Sufficient car parking and amenity space is provided for the dwellings. The impact on neighbouring properties has been fully assessed and it is considered that no undue harm will be caused to residential amenity of neighbouring properties.
- 5.2 I therefore recommend **APPROVAL** subject to the following conditions:
1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans) – Drawings 786-1b, 786-4c, 786-5b – all dated 25th September 2009.
 3. B1 (Materials) <Samples> - D1, D3, CA1
 4. B8 (Mortar Details) – D1, D3, CA1
 5. G1 (Details of Works to Listed Buildings) <Doors> <Windows> <rainwatergoods> <Soil & vent Pipes> <Flues>
 6. C6 (Landscaping – small scheme) D1, D3, CA1
 7. E2 (Foul and Surface Water)
 8. F5 (Construction Site Noise/Vibration)
 9. No development shall take until the applicant has secured the implementation of a programme of historic building recording and interpretation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority
 10. G8 (Observation of Excavation) <the County Archaeologist>
 11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that order with or without modification), extensions (including porches and canopies), alterations to external elevations (including painting and cladding), alterations to the roof (including dormer windows), construction of or alterations to outbuildings larger than 10 cubic metres or swimming pools, installation of chimneys, flues, satellite dishes, solar panels (either on the building or freestanding), or installation of ground or water source heat pump within the curtilage of the dwelling, other than those expressly authorised by this permission, shall not be carried out without express planning permission first being obtained from the Local Planning Authority.
 12. J9 (Open Plan Frontages)
 13. Highway Conditions

09/0681/FULL

Notes

- A SN1 (Removal of Permitted Development Rights)
- B SN12 (Neighbours' rights)
- C HN5 (No Highways works Permitted)
- D HN9 (Storm Water Disposal Arrangements Required)

Reason for Approval

The proposed dwellings are well designed and provide an enhancement to the appearance of the Conservation Area. Sufficient car parking and amenity space is provided for the dwellings. The impact on neighbouring properties has been fully assessed and it is considered that no undue harm will be caused to residential amenity of neighbouring properties. For these reasons the proposal is considered to be in accordance with Policies H.2, D.1, D.3, D.4, CA.1, LB.4, TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan.

PLANNING COMMITTEE

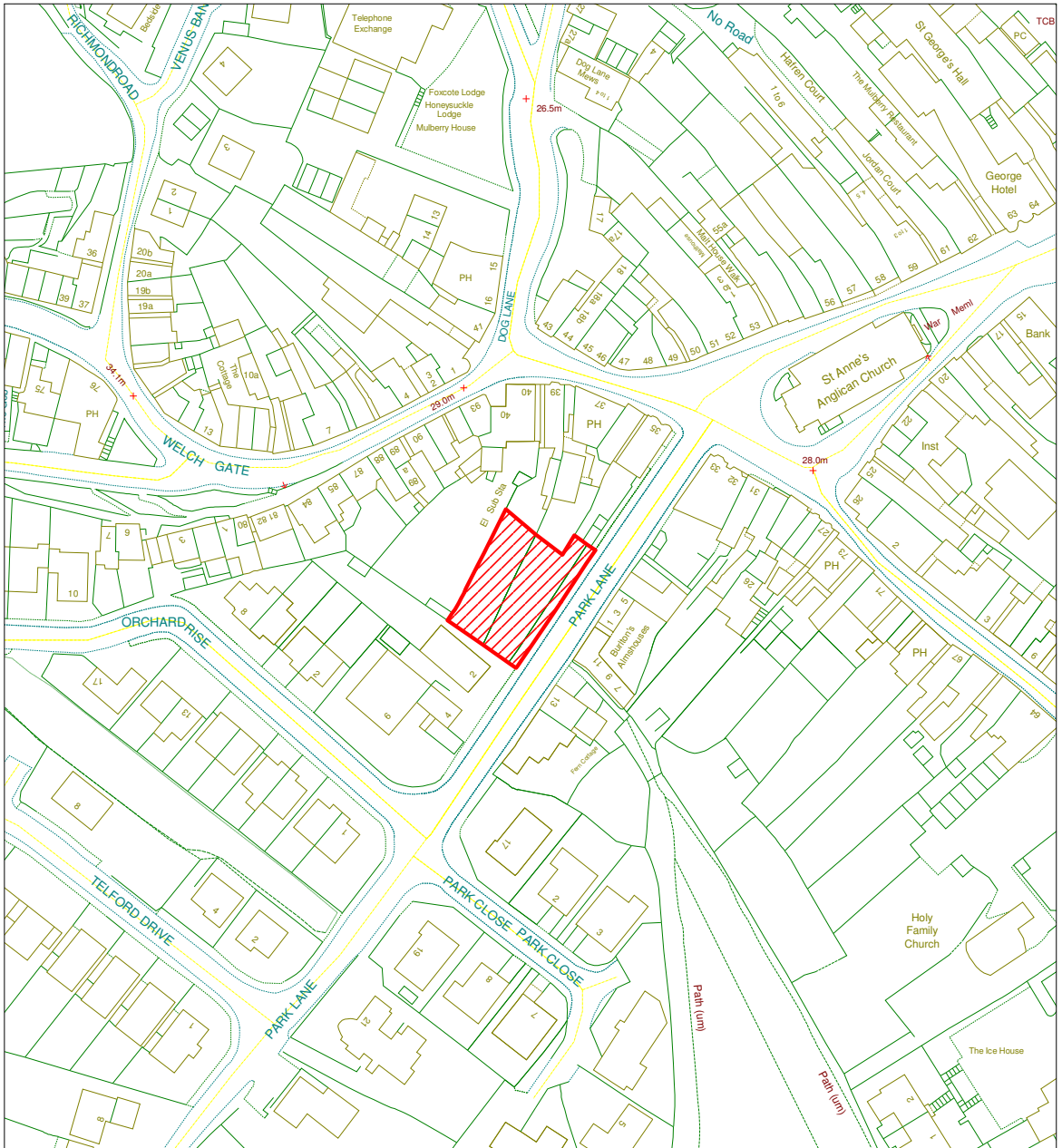
09/0681

Date:- 24 November 2009

OS sheet:- SO7875SE

Scale:- 1:1250

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PLANNING AND REGULATORY SERVICES DIRECTORATE
Land between 2 Park Lane and
35 Load Street
Bewdley
DY12 2EL

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



Application Reference: 09/0737/FULL	Date Received: 19/10/2009
Ord Sheet: 379436 277980	Expiry Date: 14/12/2009
Case Officer: Emma Anning	Ward: Wribbenhall

Proposal: Conservatory to the front of house

Site Address: THE HOLLOW, TRIMPLEY, BEWDLEY, DY121NQ

Applicant: Mr Jones

Summary of Policy	GB.1, GB.6, LA.1, D.1, D.3, D.17 (AWFDLP) CTC.1, D.39 (WCCSP) Design SPG PPG2
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval.
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 'The Hollow' (formerly known as Stene Dyke) is a detached bungalow located in a rural area of Kidderminster off Hoarstone Lane, Trimpley. The property sits within the Green Belt and Landscape Protection Area.

2.0 Planning History

2.1 None

3.0 Consultations and Representations

3.1 Kidderminster Foreign Parish Council – Objection – “There is a significant problem with surface water drainage from this property, affecting the neighbouring property, who has offered an easement across their land to solve the problem. Whilst not a major increase in area, we cannot give our support to a proposal increasing the surface run-off area of the property until this problem is solved.”

3.2 Highway Authority – No representations received

09/0737/FULL

- 3.3 Neighbour/Site Notice – One neighbour letter received. The main issues raised were:

‘There is concern that the run-off from the roof of this conservatory will add to an existing problem with drainage on this site. It is understood that the run-off from the roof will go into the existing drainage system. If this surface water is directed to an existing soakaway which is thought to drain into an adjacent field then this drainage problem will be exacerbated. We are prepared to discuss the possibility of an easement to drain across our field with the applicants.’

4.0 Officer Comments

- 4.1 Permission is sought for the erection of a conservatory to the front of this property. The conservatory would have a footprint measuring 2.5 metres by 6.9 metres and would have a height of 3 metres.
- 4.2 With respect to extensions to dwellings located in the Green Belt, both Adopted Local Plan Policy and Government advice, contained in PPG 2, state that extensions are appropriate where they would not result in disproportionate additions over and above the size of the original dwelling. Based upon the planning history of this property, it does not appear to have been extended previously and therefore appears to sit in its original form. Therefore in terms of the amount of increase this proposal represents, the extensions proposed would constitute appropriate development in this Green Belt location.
- 4.3 Policy D.17 relates specifically to extensions to residential properties and clearly states that extensions will only be permitted where they are in keeping with the scale and architectural characteristics of the host dwelling and where they would allow the original dwelling to retain its visual dominance. Despite the proposed extension being to the front of the property it is considered that, due to its scale and reduced ridge height, the original property would retain its visual dominance. The style of the proposed extension relates well to the architectural style of the host property and as such would not represent an incongruous feature in this setting.
- 4.4 The impact of the proposal on the visual amenity of this Landscape Protection Area is another key consideration. However, given that the property sits at a lower level than the adjacent highway and is not visible from outside the application site, I am satisfied that no harm to the visual amenity of this area would be caused as a result of this proposal. The proposal therefore satisfied Policies LA.1 and GB.6 of the Adopted Plan.

09/0737/FULL

- 4.5 One neighbour letter has been received which raises no objection to the physical extension itself, but does raise concerns that the run-off from the roof of the proposed conservatory, if fed into the existing surface water drainage system may worsen an alleged existing drainage problem. This concern has also been expressed by the parish Council, who have objected to the proposal. The District Council has, in the past, been involved with investigations on this site concerning alleged drainage problems. Members are advised that there is a history of complaints regarding drainage concerns from the neighbour which culminated in a complaint to the Local Government Ombudsman in 2006. The Ombudsman found that the Council had acted appropriately and that there was no case to answer.
- 4.6 It is not felt that, in this instance, and in considering the small scale of the development proposed, there would be a significant increase in discharge to the surface water drainage system sufficient enough to warrant refusal of this application. However, given the history of alleged drainage concerns, it is suggested that a suitable condition be imposed. Any alleged on-going drainage concerns should be directed to the Council's Housing Services Manager. The offer of an easement to drain across the field is a private matter.

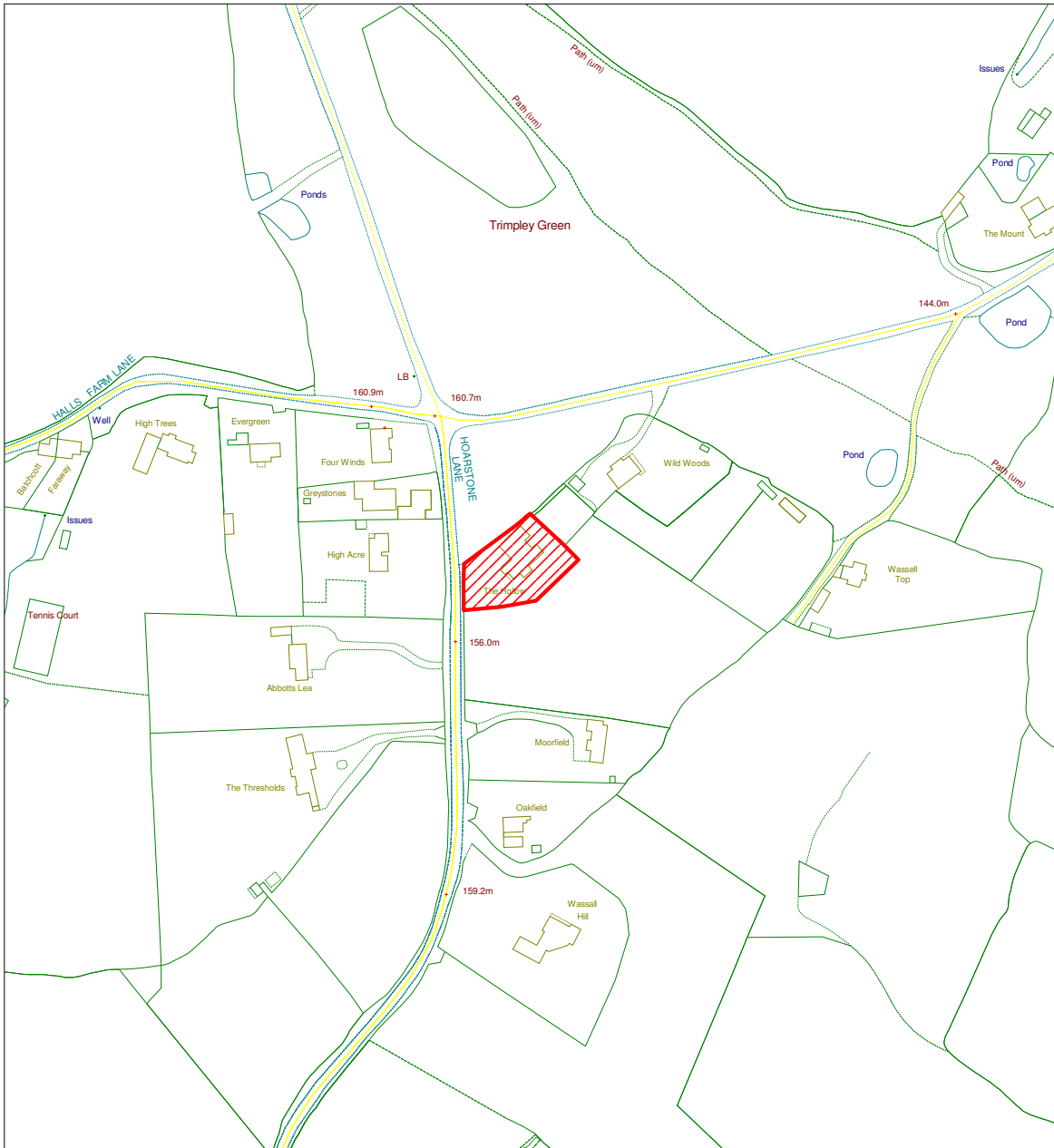
5.0 Conclusions and Recommendations

- 5.1 The proposal accords with the relevant policies as listed. It is recommended that the application be **APPROVED**, subject to the following conditions:
1. A6(Full with No Reserved Matters)
 2. A11 (Approved Plans)

Site Location Plan
Drawing No. JON/01/09
- both date stamped 19 October 2009
 3. B3(Finishing Materials to Match)
 4. Drainage condition – details of surface water drainage, to include soakaway and percolation test.

Reason for Approval

The proposed conservatory, by virtue of its scale, is considered to constitute appropriate development in this Green Belt location. The design of the extension proposed is acceptable and would not cause harm to character of the host property or the visual amenity of the Landscape Protection Area. For these reasons the proposal accords with Policies GB.1, GB.6, LA.1, D.1, D.3 and D.17 of the Adopted Wyre Forest District Local Plan.



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Agenda Item No. 5

Application Reference: 09/0744/FULL **Date Received:** 26/10/2009
Ord Sheet: 388078 279823 **Expiry Date:** 21/12/2009
Case Officer: Julia Mellor **Ward:** Blakedown and Chaddesley

Proposal: Stationing of up to 3No. residential caravans and utility building, surfacing of part of site, installation of septic tank, erection of fencing and improvements to access

Site Address: THE OAKS PADDOCK, STAKENBRIDGE LANE, CHURCHILL, KIDDERMINSTER, DY103LU

Applicant: Mr J Small

Summary of Policy	H2 H9 H14 H15 H16 D1 D3 D4 D5 D10 D11 NR8 NR9 NR11 NR12 LA1 LA6 GB1 GB6 CA1 CA4 CA6 NC5 NC6 NC7 TR7 TR9 TR10 LR8 (AWFDLP) SD2 CTC1 D3 D12 D17 D18 D38 D39 T1 (WCSP) CF2 CF3 CF5 QE1 QE2 QE6 (WMRSS) PPS1 PPG2 PPS3 PPS7
Reason for Referral to Committee	Development Manager considers that application should be considered by Committee Third party has registered to speak at Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The application site is located on the south side of Stakenbridge Lane, (also known as Rocky Lane). The site area is approximately 0.12 hectares and fronts the highway. It is located within the green belt and immediately adjacent to definitive footpath no.510.
- 1.2 The application is retrospective and seeks approval for three caravans; a wooden structure measuring 8m by 4m which the applicants have described as an ancillary building; an access from Stakenbridge Lane; the installation of a septic tank; the laying of road planings; and new fencing and gates. Much of these works were carried out over the August bank holiday weekend. Since that date additional fencing fronting the highway has been constructed which has caused the loss of more of the existing hedgerow and additional caravans have been brought onto the site. At the time of report preparation a total of four caravans are on site although two should have been removed by the date of the committee meeting.
- 1.3 The applicant Mr Small, his wife and two children are occupying one caravan and a 21 year old relative is occupying the other.

09/0744/FULL

2.0 Planning History

- 2.1 The site forms part of a larger site where approval was granted for the following:

WF.185/05 – Full: Subdivision and change of use of agricultural land to the keeping of horses and creation of new vehicular access off Stakenbridge Lane : Approved 15 April 2005

3.0 Consultations and Representations

- 3.1 Churchill and Blakedown Parish Council – Objection to the proposal. This site is within the confirmed Green Belt where development should only be allowed in very special circumstances. The Parish Council does not consider that there are any such very special circumstances in this case. The guidelines for sites for gypsies and travellers are set out in Circular 1/2006 and this gives such people some special status. The Parish Council considers that the applicant and other families already residing on this site do not meet the guidelines for the following reasons:

First, the Parish Council has not seen any evidence to confirm the applicant's status as gypsies/travellers; such a fact should be supported by a letter from the Gypsy Council or similar.

Second, such applicants are strongly recommended to consult the Local Planning Authority before buying land on which they wish to establish a caravan site; this has not been done.

Third, caravan sites are not exempt from being sustainable. Churchill village has no amenities such as shop, post office, school, playground or regular and frequent bus services; it is necessary for any journey from this site to be made by private vehicle.

Fourth, this application has no connection with Churchill village or any adjoining village; the only comment made is that there are family connections in the West Midlands. Indeed, Churchill has not had a history of gypsies residing in the area.

Fifth, building materials are evident on the site, indicative that a business is being carried on from the site.

Objection is raised on highway grounds. Rocky Lane is a very busy road, being a rat run between the A456 and A449. It is already dangerous, being narrow, having no pavement and the site is close to the brow of the hill leading up from Churchill crossroads. In front of the site the road is unrestricted. The Parish Council considers that the recommended visibility splays from the site (90 metres in each direction) cannot be achieved.

09/0744/FULL

Furthermore applications for accesses to Stakenbridge Lane/Rocky Lane have recently been refused.

The Parish Council considers that the development would result in the positioning of a number of caravans and associated paraphernalia on an exposed, prominent site within the landscape, adjacent to the Churchill Conservation Area and a public footpath. The introduction of these features on the site would not be appropriate to, nor integrate with the landscape and would have an adverse effect on its appearance and character. The provision of planting sensitive to the area would take time to develop, particularly during the winter months. The development would be contrary to Policy LA.1 of the Wyre Forest Local Plan and Policy CTC.1 of the Worcestershire County Structure Plan.

The Parish Council draws attention to misleading comments in the application. The need for the ownership of the application site should be clarified; the applicant claims to be the owner, yet Certificate B is submitted. Also there are now 4 caravans on site – the application is for 3 only. Can action be taken for the removal of the 20+ metres ancient hedge from the road frontage of the site?

- 3.2 Kinver Parish Council - This is an inappropriate development in the green belt, there are no exceptional circumstances to allow this development.

There are no facilities near to the development ie. Schools, shops, doctors etc, and the road infrastructure are totally unsuitable for access for vehicles onto the site and for pedestrians. Wyre Forest District Council is required to provide permanent sites for travellers as are all District Councils.

- 3.3 Highway Authority – A report undertaken by a professional highways consultant prepared on behalf of an objector was submitted to the Worcestershire County Council highways officer. He has commented as follows:

Clearly this report was prepared before the revised drawing was submitted, where the revised drawing indicates 120m Y distances and a 2.4 X distance, and not the significantly less splays originally submitted.

The County Council's records indicate 85th percentile approach speeds to be 43mph, the objectors consultant suggests 46mph and 47mph. The difference here is small and it is worth nothing that County Council data is recorded using automated traffic counters (speed loops) for 7 days, and the speeds below are recorded using a manual count (speed gun), neither are necessarily wrong, but with the additional duration the better the reflection of speeds.

09/0744/FULL

Notwithstanding the question of the appropriateness of the means of data collection the Design Manual for Roads and Bridges TD9/93 document provides information relating to sight stopping distances. This agrees with the consultant's assessment, however there is the ability of the designer to apply a 1 design step relaxation to the sight stopping distance. On the basis that 1 step below is acceptable, and I believe it is, the 160m can be reduced to 120m. Therefore it can be concluded that whichever speeds you consider 120m is a distance that complies with nation guidance on visibility splays and therefore I do not consider this application to create a safety hazard due to inadequate visibility splays.

The existing access (approved under planning application WF185/05) came into the frame for me when considering the current application on the grounds of reasonableness and consistency. The field access serving 2 stable buildings was granted consent when there was a recognition of the recorded approach speeds, and the access points are very close in proximity. There is no TRIC's data to compare estimated trip generation so I have made a judgement. I consider that each stable would require the horses to be tended morning and night, and there is no guarantee that they would be tended at the same time, by the same person. Then we need to consider any professional visits (vets) and finally the trips of persons using the fields and stables for their own recreation. The caravans could be considered to be dwellings for the majority of the time, and a robust assessment would suggest 0.8 vehicle movements in the peak hour.

With regards to other objections you have received (as summarised by the case officer) a significant number can be discounted as the revised plan provides acceptable splay lines. The modest trip generation is insignificant compared to the flows on the road so capacity is not an issue and personal driving habits of individual motorists cannot be controlled through the planning process. The only other issue is pedestrian activity from the site to the village, but being aware of Circular 01/2006 paragraph 65, the availability of local amenities is such that the frequency of pedestrian movements on a small site is limited and there is no obvious destinations that would encourage frequent pedestrian activity to an extent where I do not believe an objection could be defended on this point. This has been my experience on other applications that I have considered of a similar nature in other districts.

I cannot see any highway reason from my site inspection, considering the application documents and national guidelines which support a recommendation for refusal on highway safety or capacity grounds. I would however recommend the following conditions (summarised below):

- Visibility splays 2.4m x 120m in each direction
- Specification of the vehicle access construction to be agreed
- The driveway and/or vehicular turning area shall be consolidated, surfaced and drained in accordance with details to be submitted at a gradient not steeper than 1 in 8.

09/0744/FULL

- The access, turning area and parking facilities to be properly consolidated and surfaced in accordance with details to be submitted

3.4 Environment Agency – Awaiting comments

3.5 Council For the Protection of Rural England (in summary) –

- The hedge on the south side of the road must have been a very ancient one, as the road formed the boundary between the open fields of Churchill and is common, prior to its enclosure in about the 1780's
- The village is a conservation area. The application site, being just outside the Conservation Area, but the development will inevitably affect its setting.
- The way in which travellers are hounded from one site to another is a potentially breach of human rights, nevertheless this site is in a location where no member of the settled community would get planning consent to build a bungalow for example
- A substantial quantity of potentially developable land is identified in the Draft Wyre Forest Land Allocations DPD but this site is not mentioned
- Core Policy 1c of the Preferred Option for the Core Strategy a list of criteria to ensure that sites meet the specific needs of gypsies
- WMRSS Phase 3 Revision (Issues and Options Consultations) raises the possibility of redistribution of gypsy sites between authorities. However the outcome of this consultation remains unknown and no planning decision should be based on it yet. The adopted WMRSS requires a local link
- The applicants clearly have a lack of a local connection with the District
- The applicants have erected a high close-boarded fence around part of the site, but this is inadequate completely to screen the site from nearby footpaths. This means that the caravans and sheds are visible from the footpath, whose situation is thus affected. Their roofs are also visible from the bridleway running north as far as the brow of the hill perhaps 400m away
- The hedge cannot be reinstated whilst the site is bounded by a close boarded fence as the fence will prevent the grousing bushes getting sufficient light to grow well
- Neither of the very special circumstances (Mrs Small's health needs & the Council's failure to provide sufficient sites) is so special that this application must be granted. It is fully feasible for the applicants' needs to be met within the district without offending against the prohibition on the use of green belt land
- There is no special reason why their needs must be met in Churchill, rather than elsewhere. Her being registered with a Hagley doctor can hardly be a significant consideration, as it is extremely unlikely that the registration predates her arrival at Churchill in August
- We see no reason why the applicants' needs cannot be well met outside the green belt

09/0744/FULL

- The development is not infilling in the green belt but an extension of a settlement. It is not for local needs arising in a settlement. The applicants are not persons qualifying to have their housing needs met under any local needs criterion

3.6 Arboricultural Officer - The Oaks Paddock has no trees situated inside its boundary, however there are three magnificent oak trees on the boundary that may be part of The Oaks Paddock or within the ownership of the adjacent field. The site also has a hedgerow made up of hawthorn situated around the perimeter, however it is too young to fall within the Hedgerow Act and therefore not protected. A small section of the hedge has already been removed to allow for access and there appears to be additional hedge removal within this application. I don't have an objection to this course of action as new hedge planting has been submitted with the application.

The proposed activity on the site should not have any affect on the three oak trees on the boundary.

3.7 Conservation Officer – Awaiting comments

3.8 Worcestershire County Council Public Path Orders Officer – No objections

3.9 Conservation & Countryside Officer - It is impossible for me to tell if the hard surfacing covered any interesting habitat but looking at the adjacent pasture I would say it was of reasonably low significance. However it was possible for me to see that 20 to 40m of mature hawthorn hedge had been removed to facilitate access. Whilst it would be fair to say this hedge was not very diverse its stature and age give it some biological value and this will need mitigation. There are two really large mature oak on the western boundary which have significant wildlife value. It would be fair also to assume that these would support bats in some form. Looking at the trees I do not feel it could be successfully argued that they have been directly adversely affected by the development, however given their location overlooking the pasture they could be significant to raptors / owls. If this was a proposed development (i.e. not a retrospective application) I would have wanted both the trees and the hedge surveyed for bats owls and raptors, the development to be kept away from the trees and there to be no lighting. Furthermore if bats where present then I would want bat boxes in the trees and a raptor and an owl box (possibly even a barn owl box in the tree furthest away from the development.) As it is the hedge needs mitigation so yes a new hedge as shown, composed of hawthorn and at least 3 other species (blackthorn elder field maple) plus a similar hedge running along the southern boundary should be conditioned. Further conditions should stop the trees being lit in any form, ensure the provision of 4 bat boxes of the wood Cree variety on the oaks and a suitable barn owl box suitably located and fitted to the furthest away oak.

09/0744/FULL

- 3.10 Environmental Health Officer - Regarding potential public health concerns, the septic tank in situ at present is of adequate capacity for persons on site but advice has been given that should permission be gained for 3 caravans then a bigger unit will need to be installed. The pipe work that has been installed to the septic tank does not comply with building regulations and will need properly bedding in, however there was no evidence of any leaks or public health issue at present and therefore I am satisfied that this can be resolved once the planning status is determined. Advice has been given on separation of the caravans and provision of a clearly marked space for recreation and car parking. In addition, should 3 caravans be given permission, an additional toilet will be required in the utility block or one or more of the caravans provided with toilet(s) with a direct connection to the septic tank. The current soakaway is effective but will be reviewed dependent upon whether a larger septic tank is required. Other caravan site licence conditions such as a notice board, fire extinguishers and sufficient access can all be accommodated on the site.

Further comments about lighting and noise pollution are awaited and will be included on the update sheet.

- 3.11 Forward Planning Officer - Policy H.2 of the Adopted Local Plan sets out those locations where residential development is considered to be appropriate. This applications falls outside of these locations. The policy states that residential development outside of these locations will not be permitted unless it is in accordance with Policies H.9 or GB.1. Policy H.9 sets out the criteria for housing in rural areas, outside of those areas identified in policy H.2. The application does not appear to be in accordance with any of these criteria. Policy H.15 of the Adopted Local Plan sets out the criteria for determining applications for the provision of accommodation for gypsies and travellers. Policy H.15 states that applications must meet the criteria set out within the policy. Clause (g) of this policy establishes that except in very special circumstances sites should not be located in the Green Belt. As the site is within the Green Belt, it appears to be contrary to Clause (g) of Policy H.15 of the Adopted Local Plan and therefore, consideration needs to be given to whether very special circumstances have been presented to overcome this.

Policy GB.1 of the Adopted Local Plan sets out the criteria where development would be appropriate within the Green Belt, the application appears to be contrary to this policy as it does not appear to meet any of the criteria set out.

In summary, unless very special circumstances are presented, the proposal would appear to be contrary to the policies H.15 and GB.1 of the Adopted Local Plan.

09/0744/FULL

The District Council is currently preparing a Core Strategy. This will form the first part of the Local Development Framework which will replace the Adopted Local Plan. The Core Strategy Publication Draft will undergo a six week consultation commencing in January 2010.

The Publication Draft Core Strategy sets out a policy on 'Providing Accommodation for Gypsies, Travellers and Travelling Showpeople'. This Policy establishes that sites will be allocated for this purpose through the Site Allocations and Policies Development Plan Document. The Core Strategy Policy however, sets out guidance on suitable sites and also the criteria which will be used when allocating sites. The policy states that preference will be given to sites within the existing settlement boundaries, on previously developed land. The application site is outside of a settlement boundary and is on greenfield land within the Green Belt and does not therefore appear to be in a location considered suitable under this policy.

The Policy sets out within its criteria that private sites should be capable of accommodating up to 10 pitches, however, the application site is for a single family. The policy also states that 'the development of the site should not negatively impact on biodiversity or green infrastructure and should be capable of integration with the landscape character of the area'. As this site is within the Green Belt and within close proximity to a Conservation Area, consideration should be given to this element of the policy. Criteria 4 and 9 of the emerging policy refer to access to services and facilities and access to the site both in terms of a safe and convenient pedestrian access and access for towing caravans. Given the sites rural location, it is important to give consideration to these elements of the policy.

In conclusion, the location of the site, outside a settlement boundary, on greenfield land, within the Green Belt appears to be contrary to the 'Providing Accommodation for Gypsies, Travellers and Travelling Showpeople policy set out within the emerging Core Strategy.

3.12 Strategic Housing Services Manager – Awaiting comments

3.13 Ramblers Association - Although Churchill & Blakedown FP 510 runs adjacent to the site we cannot see that the proposed development will have any material effect upon the footpath which is currently open and walkable without difficulty and in principle we have no objection. However I note that new fencing is proposed adjacent to the footpath. If permission is granted could we ask that there be a condition that the type of fencing to be used excludes barbed wire or similar and is preferably of post and rail construction. Because of the close proximity of the proposed development to the footpath we would ask that the applicants are made specifically aware that under no circumstances may they obstruct the footpath, either during construction or afterwards, or divert the footpath and that the granting of planning permission does not give them any such authorisation. Will you please ensure that members of the planning committee/delegated officers are advised of the contents of this letter and that the applicants are made aware of their responsibilities.

09/0744/FULL

3.14 Severn Trent Water – Awaiting comments

3.15 County Council Gypsy Liaison Officer - There is no doubt in my mind the family are Romany Gypsies given the information submitted and also my knowledge of family connections. The County Council has 9 permanent sites within Worcestershire all managed by myself and my team. 2 of the sites are within Wyre Forest and total 30 plots. Our sites are consistently full with families often 'doubling up' because they have nowhere to go. There has only been 1 vacancy in the last 3 years in Wyre Forest and this was due to an elderly disabled couple moving to a bungalow. The waiting list for the County stands at 101 families. Most applicants are local young people setting up new family units.

3.16 Worcestershire Wildlife Trust – Awaiting comments

3.17 Neighbour/Site Notice/Press Notice – 199 Objections letters of objection have been received.

- 107 (54%) from residents within Churchill and Blakedown
- 14 (7%) from residents outside the Parish but within Wyre Forest (Iverley, Stourport, Drayton, Cookley and Kidderminster)
- 69 (36%) from residents outside the District (Pedmore, Romsley, Belbroughton, West Hagley, Hagley, Stourbridge, Clent, Halesowen, Wollaston, Hunnington, Wall Heath, Kingswinford, Norton, Kinver and Stourton)
- 6 (3%) had no address

In addition 26 signature petition from residents of Cookley (2 signatures from residents in Kidderminster)

The comments received have been divided into to five main topics.

Impact upon Green Belt and countryside

- Detrimental impact upon the countryside, public / visual amenity
- What a blot on this beautiful countryside
- Visually the development impacts on the area as it is close to a public footpath and a conservation area
- It will spoil the whole outlook of the area
- Keep Churchill as an important part of our local landscape to be enjoyed by locals and visitors as an area of natural green belt
- The layout and siting within the green belt is both inappropriate and unsympathetic to the appearance and character of the local environment
- The long established hedge is an important feature to the rural character of the road and epitomises the rural edge of village surroundings
- It is not 1.5m high ranch fencing as shown on the application but with out of character close boarded fencing approximately 2 metres high

09/0744/FULL

- The proposal represents an inappropriate form of development within the green belt that would have a harmful impact on the open, rural and undeveloped character of the green belt
- Loss of openness
- Green belt should be preserved at all costs
- The removal of 20m of hawthorn hedgerow by 1.8m of close boarded stockade type fencing which has neither been approved nor is anything but totally out of place in that environment
- The applicant has failed to adequately show that "special circumstances" exist
- The proposal development will have a detrimental impact on the countryside, affecting public and visual amenity adjacent to the footpath
- The proposal is totally out of character with its surroundings and is therefore contrary to both local and national planning policy
- The removal of the hedgerow has already caused a visual and environmental loss to Stakenbridge Lane
- Already it is becoming an eyesore
- The erection of the "utility block" and close board fencing will be an eyesore and not in keeping with the area. This will look like a "park style" home in an area that has always been fields
- The installation of an access road and hard core area will be laid over an area which has always been a field thus completely changing the visual appearance
- Observing the site as it is at the present time I note that there are large gates fencing off the area which are already damaged and look unsightly.
- The Green Belt land should be preserved to prevent loss of community boundaries and to help preserve natural habitats
- The former open views that one could enjoy from the footpath adjacent to the new travellers site has been completely blocked by high stockade style fencing.
- This application, if granted, will be a blight in the area.
- The site damages the visual amenity from the western side of Churchill Hill as well as introducing unwelcome additional noise from the use of generators and further light pollution.
- The plot of land has one boundary running along the edge of a public footpath that is part of, or links to, the North Worcestershire Way, a designated walking route used by a considerable number of hikers. Approval of this development site would diminish the attraction of part of this route.
- Green belt violation both visually and physically
- Our green belt is for us all to enjoy and look after and not to be rubbished
- We feel that the visual impact on the countryside is completely out of keeping and will spoil Churchill Hill
- On the application form it is ticked that the site cannot be seen from any public land, this is not true

09/0744/FULL

- There is good reason for green belt and there should be no development in the green belt, certainly not of previously undeveloped land. This objection would be made by me for any development in the green belt
- Visually from the public footpaths in the locality this development is offensive and visible.
- I would rather have ponies than caravans and a collection of cars and vans on a muddy and hideous site
- The addition of stabling, large wooden structures, hard standing for the parking of various vehicles, piles of rubbish and in some cases, fenced areas of cultivation are a blight
- Arthur with 93½ years of memories is devastated by the picture of the encampment
- The 80 foot section of close board stockade style fencing and the timber chalet both abut this public footpath and significantly impact the former open aspect that has been enjoyed for generations by locals / and visitors to the Churchill countryside. This aspect of the unauthorised development directly contravenes the most important attribute of green belt – being openness.
- Page 6 of the application reference is made to the 3m high hedging to the northern boundary which would help to screen the caravans from general view. This hedging has been largely removed and replaced with unsightly 2m+ high close board stockade fencing. Due to the topography of the land to the north of the site, the site can be seen from the nearby bridle path
- Exceptional circumstances for the development in the green belt do not apply
- It has an extremely detrimental impact upon the countryside - a site where the grass has been replaced by a hard surface.
- The state of untidiness in which the site has been created and is being maintained, given that it has yet to receive planning permission has resulted in a visual deterioration for local residents and users of the adjacent footpath. It has already created a scar on the landscape which is visually unacceptable.
- From the adjacent public highway floodlights and television masts visually distract one
- I have yet to see a series of mobile homes enhance the beauty of any landscape let alone one as picturesque as that of Churchill
- With all the services that need to be put into place it would cause major disruption
- The caravans and sheds look unsightly from the road
- The overall effect is the urbanising of the green belt which would be harmful. The exceptional circumstance justification offered to counter the normal presumption against inappropriate development is not site specific neither is it related to exceptional circumstances need for local housing under the terms considered within the development plan of policy H11

09/0744/FULL

- The creation of the visibility splays at the access would be damaging to the visual amenity of the area through the loss of established hedgerows and no consideration has been given to the environmental consequences of the development
- The advice within PPG2 is clearly that the matter should be referred to the Secretary of State as a departure from the development plan
- The blight on the surrounding countryside is more appropriate for a highly secure destination, i.e. a prison, especially with the inappropriate floodlights as currently in the place

Highways

- Dangerous exit onto fast commuter road
- Poor visibility lines
- We do not believe that there should be any more vehicular access onto Stakenbridge Lane
- Particular note should be taken that the 30mph road sign is not located adjacent to the site as shown on the detailed site layout but some 50 – 60m to the east of the site boundary. Traffic approaching from the west on this fast commuter road will legally be travelling at up to 60mph
- Visibility splays far in excess of those proposed are required for future road safety
- The volume of traffic on Stakenbridge Lane has increased, this presents a hazard for access and would be potentially very dangerous
- The crossroads and continuing section of Rocky Lane is a high risk accident spot, with local concern already extensively recorded. It carries for more traffic than was intended from its designation and structure, with up to 5000 vehicles per day and the development is tied immediately beyond the end of the 30mph restricted area. Motorcycles in particular rapidly accelerate to very high speeds through the section of Rocky Lane where development is located
- Any heavy vehicle moving caravans, horses etc. on entry / exit from the site of the development, would seriously compound the above danger, despite the proposed increase of the visibility splay at the entrance to the development
- The visibility splay does not conform to 'Manual for Streets' and furthermore is in a 60mph national speed limit area. The applicant does not own sufficient land to increase the visibility splay and their plan at 'Y' distance to the east actually includes third party land to which they have no control
- The access is totally inadequate, positioned within a natural cutting and on a narrow but busy country lane
- I have already seen problems concerning traffic in the lane outside the property while crossing from the footpath with children living here and traffic heavy on this road their access is not, and never can be safe with the poor visibility offered with the rise of the road to the left as they exit

09/0744/FULL

- The current illegal entrance fails to comply with the highways regulations in terms of safe visibility. Amendments to the driveway would require the removal of a substantial further length of the hedgerow, which in itself would be a detriment to the visual amenity of the village.
- Stakenbridge Lane is an extremely busy road, being one of the few east-west links between the A451 and A456.
- This road carries a fair volume of traffic and particularly from the Churchill side towards Fiveways the visibility is very limited
- Large overseas trucks following their sat navs for Bridgnorth is not uncommon
- Pedestrian access is also a concern as it is too dangerous to walk down the road cutting into the village, there is no pavement
- Stakenbridge Lane, a lane not an A or B road, is used by a vast number of people as a "rabbit run". The crossroads in Churchill (only a matter of metres from the site) are one of the most frequent accident black spots in the county. The site, in rush hours, is effectively on a main road.
- Although the speed limit through Churchill is as you say 30mph in reality the average speed is 50-60 mph, therefore the entering and exiting the site is extremely dangerous.
- The access is distracting to the eye at a tricky narrow part of the road
- The road is an extremely busy weekend holiday route linking the midlands to the west
- Rocky Lane is a particularly busy thoroughfare which experiences extremely high commuter traffic flow as it is used daily by commuters accessing the greater Birmingham Conurbation from the West. Similarly a high level of traffic is experienced during the weekends when holiday makers and motorcyclists transit from the West Midlands to Shropshire, Herefordshire and Mid Wales. The intense traffic usership on Rocky Lane was one of the key factors which gave rise to the consideration of the Western Orbital Route in the 1980's.
- The positioning of the 30mph speed restriction signs was inaccurate and misleading. If the consent were to be granted, the newly created access to the site would be the only domestic access onto this busy commuter road in a de-restricted speed zone, along the entire length of Stakenbridge Lane and Rocky Lane
- The access is a blind spot from wither road direction, with a narrow sandstone cutting in one direction and a fast downhill bend in the other. The consequences of a vehicle colliding with a stationary vehicle awaiting access to the proposed development are too serious to contemplate

Impact upon Wildlife

- Loss and disturbance of natural habitat, important nesting and foraging ground for a host of British songbirds, birds of prey, badgers, foxes, bats and rabbits.
- There should be no further removal of any of this ancient hedgerow and those sections which have been removed should be required to be reinstated to their former condition as soon as possible

09/0744/FULL

- The development is detrimental in every way to the enjoyment of the area and the wildlife
- Has the applicant carried out all the necessary wildlife surveys?
- Birds and mammals are living with less and less habitat with access lines to streams, breeding and hunting grounds
- I do not profess to be an expert in the local flora and fauna but clearly this has to be having an adverse effect on the local habitat
- The family and pets already installed are a disturbance to the natural habitat. As a regular user of the footpath I have seen birds of prey nesting in the woodland area immediately south of the development. There must be a danger of disturbing these and other wildlife
- The line of the mature oak trees forming the western boundary is a roosting site for a colony of bats which will no doubt find the unauthorised development with its associated noise and light intrusion to be untenable
- A development of this scale must impact upon the breeding and migrating paths of many creatures which follow the instincts of generations before them
- We need the trees, hedges, each plant and wildlife plays an important part in our lives to keep us healthy
- Due to the lakes and marsh type land within the vicinity has the area been checked for Great Crested Newts which are protected species? Have Natural England been informed in order that an assessment can be made?

Impact upon the Conservation Area

- Although the proposed development is not within the conservation area it is within 80 metres, is visible from locations within the conservation area, neither preserves or enhances the area is detrimental to the character and appearance of the area
- This would be unacceptable to those of use who care about Churchill
- There would be a major inference with the sensitivity of the area within the proximity of a conservation area and an important landmark Churchill Hill
- The site will have a visual and detrimental effect on the adjoining conservation area
- Approval of this application would work against the underlying premise of the Conservation Area in introducing a camp site and yard into the land that the original boundary implicitly assumed would remain protected due to its green belt status
- The site and layout of the caravans and utility buildings is such that it is readily visible from the boundaries of the Churchill Conservation Area
- Policy CA4 states that 'trees and hedgerows that contribute to the special character, appearance or amenity of the Conservation Area must be retained and must not be directly or indirectly adversely affected'. The development itself and the decimation of the hedgerow fronting Rocky Lane directly contravenes these Conservation Area Policies

09/0744/FULL

Other

- Will impact upon users of the footpath which is affected by the presence of the already erected day room and stable lying immediately adjacent
- How dare that they have any right to take away the beauty of this historic village
- Residents who have lived in the area for some years are well aware that in periods of heavy prolonged rain all excess surface water from the surroundings fields funnels down to the low point of Churchill Land and then into the brook that runs below the lane. Flooding the road adjacent to the brook is not an uncommon occurrence
- Within 1km of my property there are in excess of 30 enclosures similar to the application site that are currently used for the stabling / grazing of horses. To allow this development could potentially earmark these sites for similar developments which will dramatically alter the undeveloped character of the surrounding countryside.
- The application register with you contains a number of incorrect statements and plans and I am happy for the Council to determine whether these are errors or mis-representations.
- I strongly feel that allowing unauthorised developments to continue without full land timely enforcement risks setting dangerous and expensive precedents which will ultimately cost the authority and taxpayers more time in long term
- If approved this would be the tin edge of the wedge and would leave the door open for further applications to be approved in future
- The continuous noise from the installed generator and from the floodlighting gave a serious impact upon the close vicinity
- Contrary to policy H15 (New Gypsy & Traveller Sites) – There are no facilities, amenities or health services within close proximity; there is no public transport; the access is dangerous and does not accord with planning policy; the site has a damaging effect on the environmental green belt setting of Churchill village
- The local schools are already heavily over- subscribed with residents who already reside in permanent homes in the area being on a waiting list to gain access to local education
- We are also concerned about the request for a "yard" as this normally suggests that there will be a commercial use for the area although this has not been declared in the application.
- We feel that this application should be rejected for the reasons stated above. Additionally it would seem very selfish that the current owner has already installed a septic tank and other ground works without giving any consideration as to how this will affect the local community.
- The extra light pollution is not welcome, a normal house is at least closed in but there will be lighting to help these people from caravan to caravan to shed and this pollution is not welcome for residents or wildlife
- I understand that a 'loop hole' was used to establish themselves here by arriving on a Bank Holiday. Further encampments will be made if they know that this area does not apply proper restrictions.
- Deliberate floutation of planning laws and procedures should not succeed.

09/0744/FULL

- The installation of a septic tank and other amenities suggest a permanent occupation of a fixed dwelling
- If WFDC allow this site to remain, by granting temporary or retrospective permission, it will make a mockery of the planning laws and invite subsequent unapproved developments. Failure to deny this application will make it extremely difficult to prevent future developments after a precedent has been established.
- The application quotes 'legal reasons' for allowing travellers to breach this but the application states that they wish to make it their permanent home. There seem to be a conflict of arguments here
- 3 caravans on the site seem to be over-loading the area. Is there recommended guidance on this?
- Residents value highly the amenities of the area and have had to work hard to plan their finances to find even a small property and settle here. I certainly had to save and stretch my finances to the limit to move here some 40 years ago. So why should itinerant groups be allowed to flout normal security and squat in the green belt. Reasonably they will also expect access for any children to the good schools in the area
- The site could become a storage yard for scrap metal, hard core waste and tree cuttings
- The land was purchased for use as a paddock not for residential use. The land should be returned to its started use as a paddock
- I believe brownfield sites should be transformed for this very purpose before any green belt areas are lost forever
- I am aware that a similar situation to that arose not too long ago at Mustow Green and although not personally involved in that in any way I understand that was a case where there had been a loss of habitation and the site was found to be suitable for a limited period of time until other space could be made available. I sincerely hope no one would deem this particular site suitable in similar circumstances
- If this application is granted the precedent will be set and others, if they are able to overcome the loss of habitation barrier, can see they can purchase rural farmland, park caravans upon them and convert existing utility buildings to provide them with residential accommodation until Local Authorities can provide further sites for such purposes when they cannot keep pace with the demand for such sites.
- The septic tank 2800 litre is suitable for 4 people and as there is already 3 adults and soon to be 3 children this doesn't seem suitable for any more residents
- No advice was taken with regards to the application which again demonstrates the applicant's intention to carry out the works without the permission before putting an application to the Council
- The peaceable enjoyment of anyone now using this footpath is materially impacted not only visually but also from the noise (generator) and smell (exhaust fumes from the generator and log burning stove) pollution

09/0744/FULL

- The generator regularly runs constantly during waking hours and not only provides a significant noise nuisance but from dusk into the late evening powers three powerful halogen spotlights which illuminate the entire hardstanding area, the timber chalet and stable block
- The size and format of the 35ft x 15ft timber chalet is considered inappropriate for the alleged purpose as depicted by the applicant
- In the event that consent is granted any specific personal circumstances should be disregarded as it is highly unlikely that they would apply to the actual owner of the land who would derive the benefit of the consent in the event that the sale transaction to Mr Small did not ultimately complete
- The description of the proposal is inaccurate and misleading. The proposal should be for a change of use from equestrian paddock to residential caravan site – at the time of writing this letter there were 4 caravans on site
- It is stated that building materials will not be stored on site. B this is not true. Fence posts, fencing materials, steel sheeting, concrete and hardcore have all been evident. Unless the applicants have additional or alternative trading premises it is extremely unlikely that Mr Small and Mr Stevens will be able to conduct their business, namely – Property Repairs, without storing materials on site
- Within the Character Appraisal for Churchill the neighbouring property – Glebe House is stated as being noteworthy for its occupation of an ‘important position’ and any development which could detrimentally impact that important position should be declined
- We find it hard to comprehend why the authorities did not take any action in this matter at the very beginning of this problem to remove these people from illegal building site and should this application be granted the residents of the area will be expecting a large reduction in their Council tax
- I consider it important for the families who have moved to the above field to prove that they have been members of the travelling community. I believe that there are easy methods for this to be proven. If as I believe they cannot prove they have been living at the side of the highways then it is important the planning department do not allow this family to stay on site and are made to reinstate the site
- Existing local plans and the proposed Regional Spatial Strategy, Local Development Frameworks and Core strategies should provide short, medium and long term proposals for traveller and gypsy accommodation and identification of those sites within the District Council and it should be adhered to and not be implemented on an ad hoc basis. There is a strong justification for such sites in the Worcestershire area and we support proposals identified within the Regional Spatial strategy but it must be controlled and delivered via a recognised and statutory planning process.
- The people on the site are not local or even from the West Midlands but from Kent etc see section 61 notices, this is contra to WFDC own guidelines.
- The scheme does not comply with the requirements of Policy H11

09/0744/FULL

- The applicant seeks to demonstrate that this site is deserving of special treatment because of a shortfall in site provision. No evidence in relation to the specific need for such provision at this location is provided
- My daughter suffers from cerebral palsy and due to her condition tends to tire very easy, when she is at home at the weekends and school holidays she finds it hard to sleep when the generator is being used at 'The Oaks' due to how noise carries bearing in mind we are very close to the site. My daughter struggles to sleep as it is due to her cerebral palsy so the noise of the generator does not help, also on odd nights the generator runs all night. The use of the generator makes it difficult for us to have our windows open and we can also smell the fumes off the generator when the wind blows it in our direction. I also suffer health issues and have got a broken vertebrae and find resting difficult due to the pain and discomfort so need to snatch rest where I can but I like my daughter struggle to rest with the use of the generator
- It is clear this is not intended to be a residential development only, but to be operated as a business
- If granted consent I take it that those who have land can park caravans, put up wooden buildings, get rid of all grass and put hardcore down, rip up hedges
- It take it they will pay rates and pay for a TV licence
- What is wrong with where they came from?
- Where are our human rights?
- I take it I can have a caravan to sleep in during lambing?
- The utility building is in fact nothing other than the first steps towards a house
- No advice was taken with regards to the application which again demonstrates the applicants intention to carry out the works without permission before putting an application to the Council
- The new comers have no drainage, sewerage, and lighting – if allowed to stay who would foot the bill, them or us the tax payers?
- The site is itself not large and is not of sufficient size to accommodate what till effectively be 3 or more families. If this was an application for houses it would definitely be classed as over development of the site
- Planning committee should work in conjunction with parish councils, the wider council and other councils to consider the total effect on other areas as well when making decision about the green belt
- We can both see and hear the activity at the site from our garden and house, cars revving excessively, tyres screeching, loud music
- Out of compassion for Mrs Small's condition we would suggest enforcement action should be so manager that the occupation of the site (though illegal) will in practice be tolerated until three months after her confinement. It should not prevent the formal procedures to secure their removal being commenced immediately.

09/0744/FULL

One letter of support from a resident in Blakedown has been submitted stating that we should be welcoming people into our community not using their background as a reason to object.

4.0 Officer Comments

GYPSY STATUS

- 4.1 Living on the site are the applicant Mr Small, his wife with their two children aged 4 and 2 together with a 21 year old relative. They have indicated that they are gypsies who have moved from county to county and have stayed in Cornwall, Devon, Somerset, Wiltshire, Sussex, Kent, Lancashire, Shropshire and Hereford. They were living on a site adjacent to a factory in Newport, South Wales before the factory was subject to an arson attack in August 2009.
- 4.2 Paragraph 15 of Circular 01/2006 defines gypsies and travellers as,
“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s dependents educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.”
- 4.3 The applicant has submitted evidence to demonstrate that he and his family are gypsies. This comprises copies of Section 61 Notices which are Police Orders to leave land under S.61 of the Criminal Justice and Public Order Act 1994, a letter from a medical centre in Somerset and a letter from Bristol City Council. Further verification from the Gypsy Council has been requested but has not been submitted to date. After taking advice from the gypsy liaison officer at the County, officers have been advised that sufficient information has been received to accept that the applicant and his family are indeed gypsies. The significance of this fact will be explained fully within the policy section of the report.
- 4.4 It is considered that the key areas of planning policy to consider are:
- green belt;
 - housing and gypsy sites;
 - landscape;
 - conservation;
 - the impact upon highway safety;
 - light and noise pollution;
 - impact upon wildlife; and
 - human rights.

09/0744/FULL

GREEN BELT POLICY

4.5 The application site lies within the green belt and therefore Planning Policy Guidance Note 2 (PPG2) is particularly relevant in the determination of the proposal.

4.6 It is officer's opinion that PPG2 advises that when determining proposals for development within the green belt the following list of questions should be considered:

1. Is the development appropriate within the green belt?
2. What is the harm to the green belt?
3. Are there any material considerations in favour of the development?
4. Do these material considerations in favour of the development amount to "very special circumstances"?
5. If there are "very special circumstances" do they outweigh the harm to the green belt?

4.7 These questions are considered in order below.

1. Is the development appropriate within the green belt?

It is considered that the material change of use of the land that has taken place together with the associated operational development is not appropriate development within the green belt. This is by virtue of the fact that the development has resulted in a sporadic development within the countryside which does not maintain the openness of the green belt and conflicts with one of the purposes of its designation, insofar as the development does not safeguard the countryside from encroachment.

2. What is the harm to the green belt?

Firstly by reason of its inappropriateness, the development is, by definition harmful to the green belt. PPG2 indicates that the Secretary of State attaches substantial weight to this harm in principle.

It is considered that further harm is caused by the impact of the development upon the openness of the green belt. Where there was previously an open paddock, the three caravans, a sectional building and the fencing which aligns the highway and the footpath together with the gates are considered to reduce the openness of this part of the green belt.

There is further harm caused by the overall impact upon the appearance of the green belt. The development has resulted in the loss of a large part of a hedgerow adjacent the highway. The hedgerow has been replaced by a 2m high close boarded fence and gates, a close boarded fence adjacent the footpath together with the laying of an area of hardstanding shown on the plan to exceed 30m x 24m. Furthermore the upper parts of the caravans can clearly be seen above the height of the fencing. It is considered that these changes detract from the appearance and cause harm to the visual amenity of this part of the green belt at a site which can clearly be seen from public vantage points.

09/0744/FULL

3. Are there any material considerations in favour of the development?
As outlined above, the applicant and his family are gypsies, and therefore ODPM Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites is particularly important. Its main intentions are:
- a) to create and support sustainable, respectful and inclusive communities where gypsies have fair access to suitable accommodation, education, health and welfare provision;
 - b) to reduce the number of unauthorised encampments;
 - c) to increase significantly the number of gypsy sites in appropriate locations with planning permission in order to address under provision over the next 3 – 5 years;
 - d) to recognise, protect and facilitate the traditional travelling way of life of gypsies whilst respecting the interest of the settled community;
 - e) to underline the importance of assessing needs at a regional and sub-regional level and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
 - f) to identify and make provision for resultant land and accommodation requirements;
 - g) to ensure that local development framework development plan documents include fair, realistic and inclusive policies and to ensure that identified need is dealt with fairly and effectively;
 - h) to promote more private gypsy site provision in appropriate locations (my emphasis) through the planning system whilst recognising that there will always be those who cannot provide their own sites; and
 - i) to help avoid gypsies becoming homeless through eviction from unauthorised sites without an alternative to move to.

Officers have been advised verbally by the applicant that he and his family have no alternative site to move onto. Consideration is given as to whether this is a true reflection of the current gypsy pitch provision locally.

Local Plan Policy H14 adopted in 2004 safeguards a total of 7 sites for continued gypsy use with the reasoned justification explaining that this equates to approximately 39 double pitches. Policy CF5 of the Regional Spatial Strategy, also adopted in 2004 states that development plans should ensure that adequate provision is made for suitable sites to accommodate gypsies.

09/0744/FULL

Since that date Circular 01/2006 requires Local Planning Authorities to provide adequate gypsy pitch provision through their Local Development Plan Frameworks based on Gypsy and Traveller Accommodation Assessments (GTAA).

The existing authorised sites within the district are listed below. The results of the gypsy and traveller caravan count undertaken by officers over the last two years are also indicated.

- Lower Heath County Caravan Site, Watery Lane Stourport on Severn (County Council site)

Date of Caravan Count	Total No. of Pitches	Total No. of Vacant Pitches	Total Caravan Capacity	Total No. of caravans
July 2009	21	0	42	40
Jan. 2009	21	0	42	42
July 2008	22	0	44	39
Jan. 2008	22	0	44	45

- Broach Road County Caravan Site, Stourport on Severn (County Council site)

Date of Caravan Count	Total No. of Pitches	Total No. of Vacant Pitches	Total Caravan Capacity	Total No. of caravans
July 2009	9	0	18	10
Jan. 2009	9	0	18	9
July 2008	9	0	18	11
Jan. 2008	9	0	18	15

Since the date of the last caravan count planning permission has also been granted for 8 caravans at a privately owned site at no. 9 Broach Road, Stourport, formerly known as Marshalls Yard. Officers have been informed by the owner that all of the pitches at this now authorised site have been taken.

09/0744/FULL

There is also temporary planning permission for 2 caravans at Cursely Lane, Mustow Green, granted in 2007. This followed refusal of planning application Ref. 06/1062/FULL which was subsequently allowed at appeal in November 2007.

In addition to the authorised sites there are 'tolerated' sites which are defined as those sites owned by gypsy or traveller families who do not have the relevant planning permission to live on the land but choose to do so.

- Mitton (Nunns Corner + Marshalls Yard + Gables Yard) - July 2009 = 10 caravans, Jan. 2009 = 13 caravans, July 2008 = 12 caravans, Jan. 2008 = 7 caravans.
- Sai Wen, Lower Heath Stourport - July 2009 = 4 caravans, Jan. 2009 = 3 caravans, July 2008 = 0, Jan. 2008 = 0

The Council is part of the South Housing Market Area of the West Midlands region. This body, made up of all six districts within Worcestershire together with the County Council, Stratford-on-Avon District, Warwick District and Warwickshire County Council, produced a GTAA which was published in March 2008. This provided a strategic view of Gypsy needs across the region, and provided numbers of additional pitches required at a district level over a 5 year period (2008 – 2013) for inclusion in the revised Regional Spatial Strategy and in emerging Local Development Frameworks.

This 2008 study identified a need for an additional 289 pitches within the study area and recommended that an additional 30 pitches are required within the Wyre Forest District. The need for 30 additional pitches is derived from the overcrowding of existing sites (15), unauthorised encampments (1) and growth requirements (14).

In June 2009, the West Midlands Regional Assembly (WMRA) published a background paper to inform the Regional Spatial Strategy Revision process. This paper, also known as the 'RSS 3 Options' puts forward 3 options for consultation and suggested that there is a requirement within the Wyre Forest District for an additional 35 to 44 permanent pitches within a time period covering 2007 to 2017.

The most up to date figures were released by the (WMRA) on 17th November 2009 within the "Draft Regional Policy Statement for the Provision of Pitches for Gypsies and Travellers". This latest draft policy has taken account of responses to the June 2009 RSS 3 Options. The proposed allocation of additional residential pitch requirements for gypsies within Worcestershire is 166 pitches with 42 pitches required within the District between 2007 - 2017. Following consultation it is anticipated that a final version of the policy statement will be submitted to the Government Office for the West Midlands (GOWM) in March 2010.

09/0744/FULL

Circular 01/2006 indicates that Local Planning Authorities are required to translate these additional pitch requirements into allocated sites within their Local Development Framework (LDF). To reiterate the comments made by Forward Planning Officers, the Wyre Forest District LDF Core Strategy is currently being developed and this sets out a policy on gypsy and traveller provision. However the policy sets out the criteria for selecting sites, it does not actually allocate sites as this will be done through the Site Allocations and Policies Development Plan Document which is due to be adopted in late 2012.

Circular 01/2006 states that a Planning Inspector considering any appeal will take into account all material considerations which should have been addressed at the application stage including the existing planned provision of and need for sites in the area.

The GOWM has confirmed that the November 2009 policy statement should have similar weight to a submitted draft RSS and that it will carry weight in both Development Plan Document (DPD) examination and planning inquiries.

The regional reports of 2008 and 2009 clearly indicate that there is a need for additional gypsy sites both within the district and the county. Furthermore it is clear that the recognised need for additional site provision within the district is a material consideration in the determination of the current planning application and as such should be given considerable weight. It should be noted that the Inspector in her appeal decision which allowed 2 caravans at Cursley Lane Mustow Green dated November 2007 stated that,

"It is not disputed that there is an unmet national and regional need for gypsy sites. I find that there is also a clear and immediate unmet local need to accommodate gypsies in the District. The local planning policy framework is inadequate to meet existing unmet needs and there is no prospect of the policy framework changing." (para.43)

Two years on from the date of that appeal decision it is considered that the situation remains unchanged with up to date figures showing there is still an unmet need for additional gypsy pitches with the district and only one additional authorised site at Broach Road which does not meet the number of pitches required.

In addition to the matter of a lack of alternative authorised sites, the personal circumstances of the applicant's family have been submitted for consideration. Officers have been advised that the applicant's wife, Mrs Small is pregnant. Whilst the original information submitted stated that she was expected to give birth in the New Year it has recently come to light that her due date is in April.

09/0744/FULL

Officers have also been advised that she is suffering from pre-eclampsia and may require the assistance of another family member to occupy caravan no.3 on site during the pregnancy as the other children remain on site. Officers have been further advised that Mrs Small had a miscarriage last year. The family has registered with a doctor in Hagley. It would obviously be advantageous if the family could stay in one location to receive medical help, and it is considered that these personal circumstances are a material consideration. However, no medical evidence has been submitted to support Mrs Small's pre-eclampsia condition and it is not a medical condition requiring long term medical attention, being linked to pregnancy.

4. Do these material considerations in favour of the development amount to "very special circumstances"?

There is no prescribed list of very special circumstances, it is a matter for the decision taker in any particular case, however they should exceed or excel that which is usual or common.

Case law shows that there has been much discussion of the definition of the words 'very special' and many interpretations of the kind of situations it is right for these words to define.

It is officer's opinion that the issue of a lack of an alternative site to go to is not so unusual or exceptional so as to constitute a very special circumstance on its own. It is a circumstance that could be repeated.

Second consideration in favour of the applicant is the personal circumstances of Mrs Small who is pregnant with pre-eclampsia. It should however be noted that this medical condition has not been confirmed in writing. Mrs Small's midwife states, *"In reference to [her] social situation this lady has been particular[ly] stressed during her pregnancy due to her living conditions. She relies heavily on the support of her mother and has visited and contacted me on a number of occasions concerning this situation."*

According to case law if personal circumstances can reasonably be described as very special then the granting of planning permission will not create a precedent. It is considered that Mrs Small's medical condition whilst unfortunate, it is not exceptional and therefore is not a very special circumstance. Moreover it is not considered that these personal circumstances are such that they require occupation of this particular site. In addition it is no reason to justify a caravan for their 21 year old relative who shares the same line of work as Mr Small on this site.

Furthermore as required by green belt policy it is not considered that these two individual circumstances when combined could be considered to be very special.

09/0744/FULL

5. If there are “very special circumstances” do they outweigh the harm to the green belt?

As stated previously there is harm to the green belt in the following ways:

- harm in principle;
- harm to the openness; and
- harm to its appearance or visual amenity.

The circumstances put forward by the applicant are material considerations but are not considered to constitute very special circumstances which are required in order to justify inappropriate development within the green belt. Therefore there is no balancing exercise to be made between whether the very special circumstances clearly outweigh the harm to the green belt. It is considered that development conflicts with PPG2, Adopted Local Plan Policy GB1 and Worcestershire County Structure Plan Policies D.12 and D.39.

HOUSING AND GYPSY SITES POLICY

4.8 Policies H2 and H9 of the Adopted Local Plan outline a list of locations where residential development is acceptable. The application site fails to comply with any of these locations.

4.9 Whilst Policy H14 is relevant insofar as it lists the safeguarded gypsy sites within the district, of more relevance is Policy H15 which indicates that the establishment of gypsy sites will only normally be allowed where there is a clearly identified need for a gypsy site and if so whether:

a) it meets the location needs of gypsies;

4.10 From the supporting statement submitted by the applicant he finds the site in a suitable location for the health needs of his family. Circular 01/2006 does not require gypsies to demonstrate local connections.

b) it is close to facilities, especially schools, shops and health facilities;

4.11 In terms of its proximity to facilities it is estimated that the site lies at a distance of approximately 2.5km by road from Hagley (1.5 miles), 1.8km from Blakedown railway station (1.1 miles) and 2km (1.2 miles) from Blakedown school. This is not particularly close but is walkable. To draw a direct comparison with the previously referred to site at Cursley Lane, which was allowed at appeal, in that case the site was about 3.5km from Chaddesley Corbett by road, a journey estimated to take about 5 minutes by car. The Inspector noted that the site was within 5km distance of facilities, *“which is the distance suggested by PPG13: Transport for cycling to have the potential to substitute for short car trips. Whilst the appellants do not intend to cycle, the fact that the site is within a reasonable cycling distance of Chaddesley Corbett is nevertheless indicative of its proximity to those services.*

09/0744/FULL

Circular 01/2006 paragraph 54 advises that in assessing the suitability of sites in rural settings, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in assessing local services.”

- 4.12 Taking the Inspector’s comments into account it is considered that there is not sufficient justification to refuse the proposal on this point.
- c) has adequate access and services and can provide for parking, turning and servicing on site;
- 4.13 The site is served by a septic tank which Environmental Health officers have viewed as being adequate for the present moment. These comments have been reported separately. There is also a water supply on site. Highways officers have also considered the access onto Stakenbridge Lane and their comments are considered later in the report.
- d) can be developed without prejudicing the implementation of other development proposals in accordance with the allocations in the local plan;
- 4.14 Except for its green belt allocation there is no other allocation that the current proposal would prejudice.
- e) minimises adverse impact on and from neighbouring land or buildings;
- 4.15 It is considered that the impact on the residential amenities of people living close by is not significantly adverse as the land immediately adjacent is in agricultural or horsiculture use.
- f) is capable of being screened from roads adjoining land;
- 4.16 Should approval be granted, planting along the site boundaries could be conditioned however this would take time to mature and in the meantime the screen to the road and footpath would be a 2m high close boarded fence and gates which are not considered to be appropriate at this rural location. A reduction in the height of the fence could again be conditioned however it would appear from the fencing constructed to date that the occupants require some security in the form of high fencing to give them protection from the road and footpath. Such fencing could be constructed in a position further away from the roadside without the benefit of planning consent but this would then compromise the openness of the green belt.
- g) except in very special circumstances is not within the green belt.
- 4.17 As previously discussed it is considered that there are no very special circumstances to justify this inappropriate development within the green belt.

09/0744/FULL

- 4.18 It is considered that the proposal fails to comply with parts (f) and (g) of Policy H.15. This policy largely reflects the content of Policy D18 of the Worcestershire Structure Plan, there is however an alternative criterion relating to the size of the site being such that it would enable the gypsies to be assimilated within the local community. As there is only one family on site it is considered that the proposal complies with this criterion.
- 4.19 There are single policies with the Adopted Local Plan (H16) and the Structure Plan (D17) which refer to the use of caravans or mobile homes as full-time homes for temporary time periods. It is not considered however that the reason for the occupation of the site at Stakenbridge Lane and the location of the site would comply with these policies.

LANDSCAPE POLICIES

- 4.20 It is considered that the appearance of the development is urban in nature and out of keeping with the rural landscape. This is particularly highlighted by the close boarded fencing and gates which front Stakenbridge Lane which appear stark in contrast to existing hedgerows.
- 4.21 Policy CTC1 of the Structure Plan and Policy LA1 of the Adopted Local Plan consider the character of the landscape and indicate that the extent to which a proposal integrates with the landscape character, safeguards its components and sensitivity should be considered. Policies LA.6, D.3 and D.5 also seek to ensure that development harmonises with its rural setting and does not detract from features within the landscape. In response it is considered that the proposal introduces detracting features by way of the boundary treatments, the building, the caravans and the hardstanding area which detract from the open natural character of the area.

CONSERVATION POLICY

- 4.22 The Churchill Conservation Area lies at a distance of approximately 80m from the eastern boundary of the application site and at its closest point approximately 160m from the western boundary of the application site. Whilst Local Plan Policy CA1 seeks to preserve or enhance views into or out of a Conservation Area due to the distances involved and land levels the impact is considered to be minimal.
- 4.23 One objector highlights the conflict with Policy CA4. This Policy considers the impact upon tree and hedgerows located within Conservation Areas, however as this site located outside of the Conservation Area it is not considered to be relevant.

HIGHWAYS

- 4.24 Revised plans have been submitted indicating an increased visibility splay. Whilst highways officers have considered the safety of the access taking into account the number of likely trips to the site together with the speed and number of vehicles using Stakenbridge Lane they have raised no objections subject to conditions. On this basis it is considered that there is not sufficient justification to refuse planning consent on highway grounds.

09/0744/FULL

LIGHT AND NOISE POLLUTION

- 4.25 Recent correspondence has confirmed that the lights on site comprise seven solar powered garden lights and a domestic bulk head light affixed approximately 1.5m above ground facing into the site on the back of the fence next to the access gate. A generator has been installed in the stable. Comments from Environmental Health officers regarding these points are anticipated prior to committee.

IMPACT UPON WILDLIFE

- 4.26 Objections have also been raised with respect to the impact upon wildlife. Whilst a large part of the hedgerow fronting Stakenbridge Lane has been removed it is not protected under the 1997 Hedgerow Regulations and it is proposed to be replaced. Comments from the Council's Conservation and Countryside conclude that in terms of biodiversity value it is likely that the previous pasture land would have been of reasonably low significance. Furthermore the officer has commented that an assertion that the development is having an adverse impact on the mature oak trees could not be sustained.
- 4.27 It is considered that there is no robust reason to refuse the application on wildlife grounds particularly as conditions could be imposed to mitigate against the impact.

OVERALL SUMMARY OF POLICY CONSIDERATION

- 4.28 The development is considered to be inappropriate within the green belt with harm caused by definition, harm to the openness and its appearance. There are no very special circumstances to justify this inappropriate development. It is also considered to be contrary to housing policy which seeks to guide residential development to appropriate locations and contrary to landscape policy by virtue of its impact upon the character and visual amenity of this rural area.

CIRCULAR 01/2006 & A TEMPORARY PERMISSION

- 4.29 As the applicants are gypsies it is now however necessary to consider the above circular which is another material planning consideration.
- 4.30 The circular is quite clear that the unmet need with no available sites scenario is one that should be considered very seriously, and prior to refusing a gypsy site Council's are expected to demonstrate that they have considered the following information:
- Incidents of unauthorised encampments;
 - The numbers and outcomes of planning applications and appeals;
 - Levels of occupancy, plot turnover and waiting lists for public authorised sites;
 - The status of existing authorised private sites
 - The twice yearly caravan count giving a picture of number and historic trends.

09/0744/FULL

- 4.31 As Members will be aware there has only been one case of an unauthorised encampment within the district in since 1999, at Cursley Lane. This encampment has now been authorised on Appeal for a temporary period until 2012. In this case the Inspector concluded that the considerations in support of the development did not outweigh the conflict with development plan policies so as to justify the grant of a full planning permission on the basis of very special circumstances.
- 4.32 A substantial number of appeals are being allowed in Green Belts as well as refused. A notable decision by the Court of Appeal in 2008 gave temporary permission for a gypsy site in Wychavon on the basis that the lack of alternative sites combined with the educational and health needs of the appellants constituted very special circumstances. Moreover a recent decision in Bromsgrove dated October 2009 allowed a permanent gypsy site on the basis that the need and lack of available alternative sites would clearly outweigh the harm to the green belt. There was in that case however additional support due the personal circumstances of the appellants and the disproportionate effect upon their human rights.
- 4.33 In terms of the level of occupancy of existing sites comments from the County Council Gypsy Liaison Officer confirms that there are 9 permanent sites within Worcestershire which are all consistently full with families often doubling up because they have nowhere to go. There has only been 1 vacancy in the last 3 years in Wyre Forest and this was due to an elderly disabled couple moving to a bungalow. All the pitches at the most recent authorised private site within Broach Road Stourport, approved in June 2009 have been taken whilst the waiting list held by the County stands at 101 families.
- 4.34 To reiterate there is a definite need for additional pitches within the district and this could be a factor which an Inspector gives considerable weight to at any appeal.
- 4.35 It is against this background that Circular 01/2006 advises,
“Where there is an unmet need but no available alternative gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, local planning authorities should give consideration to granting a temporary permission.

Such circumstances may arise, for example, in a case where a local planning authority is preparing its site allocation DPD [Development Plan Document]. In such circumstances, local planning authorities are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified. The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site”

09/0744/FULL

4.36 These paragraphs are relevant to the consideration of the current application as:

- 1) there is an unmet need and no available gypsy site in the area; and
- 2) circumstances may change by virtue of the Site Allocations DPD due for adoption by the end of 2012 which will identify new gypsy sites.

4.37 As stated previously this is the approach taken by the Inspector in the Cursley Lane appeal where she considered that:

- i. the existing unmet need for gypsy sites in the area;
- ii. the inadequacies of the current development plan site provision policies;
- iii. the present lack of a suitable alternative site;
- iv. the personal needs and circumstances of this particular gypsy family; and
- v. the prospect of substantial progress being made over the temporary period as regards a site allocations DPD that would be likely to assist the family to find an alternative site;

would, taken together, clearly outweigh the harm that would result to the green belt. The significant difference between the case at Cursley Lane and the current application is the different personal circumstances of the applicants. In that case one of the occupants at Cursley Lane was considered by the Inspector to have serious health problems which required ongoing monitoring and would be difficult to manage if she did not have a settled base. Furthermore she also took the educational needs of the children into account and commented that although their educational needs were not exceptional the site would provide a settled base from which the children could attend and receive a stable education. Whilst in this case the wife of the applicant is pregnant and has pre-eclampsia these conditions will cease after the baby is born.

4.38 The Inspector in the Cursley Lane case noted that she did not believe that to allow a temporary permission would undermine green belt policy or make it more difficult for the Council to refuse temporary permission for other similar development where appropriate.

HUMAN RIGHTS

4.39 The refusal of the current application may result in the applicant and his family being required to vacate this site thereby interfering with the applicant's right to respect for their private and family life and their home under Article 8 of the European Convention on Human Rights. It would also interfere with Article 1 which provides that person is entitled to the peaceful enjoyment of his possessions. It is therefore necessary to consider whether it would be proportionate to refuse permission. In this case, when balancing the right of the applicant against the wider public interest and the need for green belt restrictive policies to be applied in this area in the interests of the economic well being of the country, which includes the preservation of the environment, such a decision is considered to be proportionate.

09/0744/FULL

- 4.40 It should be acknowledged that the applicant moved on to the site in the full knowledge that planning permission was needed and may not be forthcoming. In addition the information submitted to date does not give details of whether efforts have been made to find any other accommodation or why it is necessary to live at this particular location rather than another. As Circular 01/2006 states,
“The obligation on public authorities to act compatibly with Convention rights does not give gypsies and travellers a right to establish sites in contravention of planning control.”
- 4.41 Due regard has also been given to the Race Relations Act 1976 which prohibits racial discrimination by planning authorities in carrying out their planning functions. However whilst local authorities have a duty to actively seek to eliminate unlawful discrimination this does not give gypsies and travellers a right to establish sites in contravention of planning control.

5.0 Conclusions and Recommendations

- 5.1 All the different factors submitted in support of or against the development make a balancing exercise very difficult and it is obviously a case where feelings are strong on both sides. However as Circular 01/2006 indicates national planning policy on green belts applies equally to applications for planning permission from gypsies and travellers, and the settled population. In summary it is considered that due to the conflict with green belt, housing and landscape policy there is sufficient reason to refuse permission. Taking the advice of Circular 01/2006 into account a temporary permission has been considered however it is deemed that there no extenuating personal circumstances to warrant this approach.
- 5.2 The recommendation is for **REFUSAL** for the following reasons:
- 1) The site is located within the West Midlands Green Belt. The development is considered to be inappropriate within the Green Belt which is by definition harmful. There is further harm caused to the openness and appearance of the Green Belt. It is considered that there are no very special circumstances to justify this inappropriate development and as such the proposal is contrary to Policy GB.1 of the Adopted Wyre Forest District Local Plan, Policies D.12 and D.39 of the Worcestershire County Structure Plan and government guidance within PPG2.

09/0744/FULL

- 2) It is considered that the site is prominently located as it lies immediately adjacent to Stakenbridge Lane and Definitive Public Footpath No. 510 and opposite Footpath Bridleway No. 502. By virtue of its siting and appearance it is considered that the development significantly detracts from and harms the character of the countryside at this rural location and the visual amenity of this part of the Green Belt contrary to Policies GB.6, LA.1, LA6, D.3, D.5 and D.1 of the Adopted Wyre Forest District Local Plan, Policies SD.2 and CTC.1 of the Worcestershire County Structure Plan, the aims of Policies QE1 and QE6 of RSS and the guidance of PPS7.
- 3) The location of the residential accommodation fails to accord with:
 1. Housing policies H.2 or H.9 of the Adopted Wyre Forest District Local Plan;
 2. Gypsy Site Provision Policy H.15 parts (f) and (g) of the Adopted Wyre Forest District Local Plan or part (iii) of Policy D.18 of the Worcestershire County Structure Plan; or
 3. Residential Caravans and Mobile Homes Policy H.16 of the Adopted Wyre Forest District Local Plan and Policy D.17 of the Worcestershire County Structure Plan.

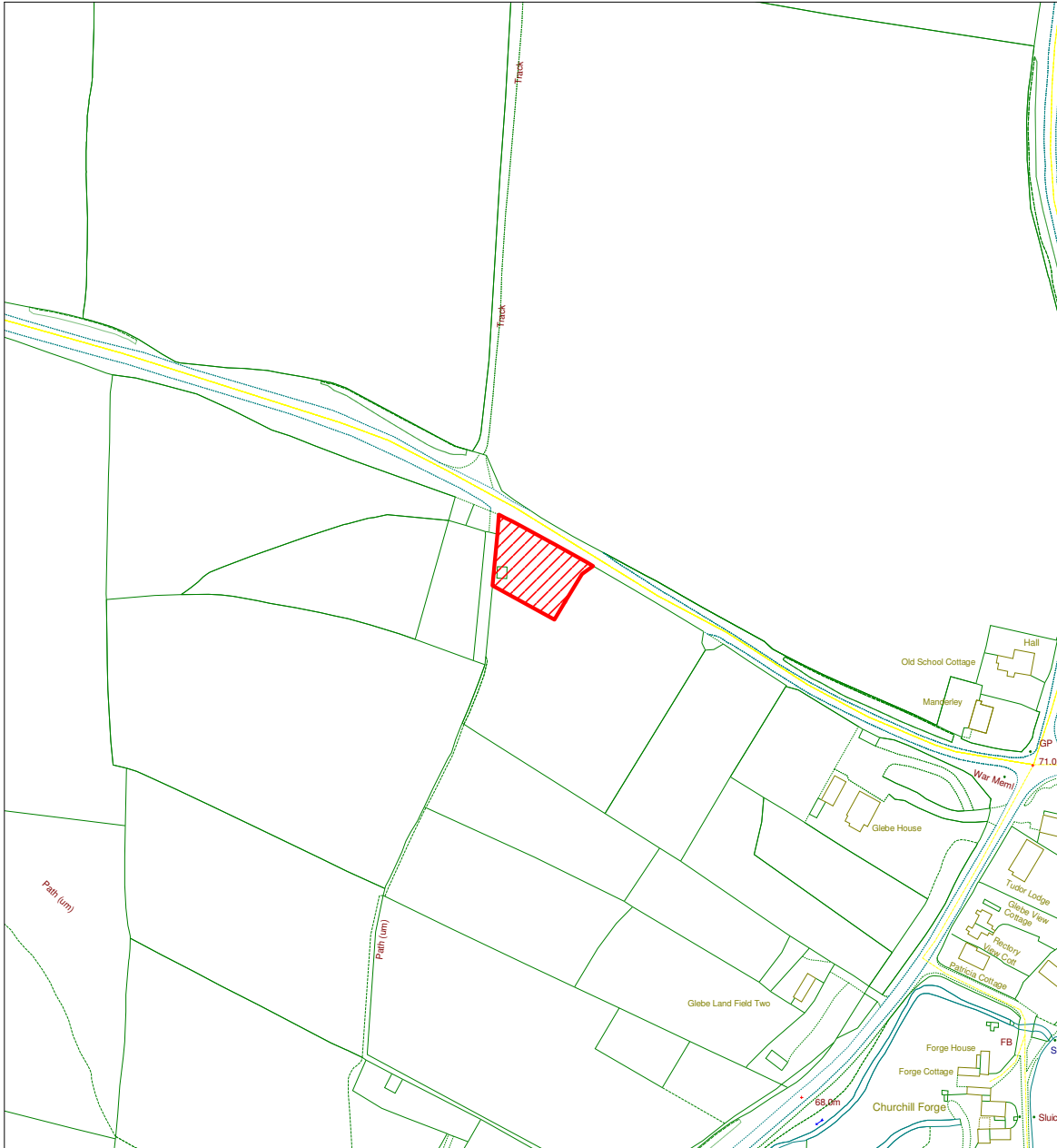
The above policies seek to guide residential development to appropriate locations. To approve the development at the location proposed would retain a solitary development which lies outside a settlement boundary and goes against planning policy which seeks to protect the green belt and open countryside.

Date:- 24 November 2009

OS sheet:- SO8879NW

Scale:- 1:2500

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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
8TH DECEMBER 2009

PART B

Application Reference: 09/0608/TREE **Date Received:** 04/09/2009
Ord Sheet: 379638 275886 **Expiry Date:** 30/10/2009
Case Officer: Alvan Kingston **Ward:** Wribbenhall

Proposal: Fell one Horse Chestnut tree

Site Address: 17 THRELFALL DRIVE, BEWDLEY, DY121HU

Applicant: MR ANTHONY HIGGINS

Summary of Policy	D.3, D.4 (AWFDLP)
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 tree is located within the rear garden of 17 Threlfall Drive, Bewdley, which was once part of the grounds for Warstone House. It is proposed to fell the tree.

2.0 Planning History

2.1 None.

3.0 Consultations and Representations

3.1 Bewdley Town Council : Objection received – “The application should be refused on the grounds that this tree represents a significant amenity to the area and should be retained”

3.2 Ward Members – No objections received

4.0 Officer Comments

4.1 A brief inspection of the tree was undertaken on the 14th September 2009, from outside the garden. A detailed survey was not considered necessary as

09/0608/TREE

the tree was surveyed recently by the former Tree Preservation Order Review Officer as part of his TPO review at this location.

- 4.2 The proposed works are for the removal of a Horse Chestnut in the rear garden of 17 Threlfall Drive, Bewdley.
- 4.3 As previously mentioned, the tree was part of a review of TPO's carried out recently and due to a large lever arm growing towards the dwelling and evidence of decay where the limb joins the main stem, was not included within the proposed new Tree Preservation Order. The tree is rather close to the dwelling and if the limb was to fail, it is likely to cause considerable damage to the property.
- 4.4 The benefit of the owner applying for these works before the new TPO is served is that a condition can be attached to any approval to require the planting of a replacement tree to mitigate for the loss of the Horse Chestnut.

5.0 Conclusions and Recommendations

- 5.1 The works proposed are considered to be acceptable provided that a replacement tree is planted in a suitable location within the garden.
- 5.2 It is recommended that the application be **APPROVED**, subject to the following conditions:
 - 1. 2 year restriction of Consent Notice
 - 2. Arboricultural Watching Brief
 - 3. C17 (TPO Schedule of Works)
 - 4. C16 (TPO Replacement tree(s))

Schedule of Works

Only the following works shall take place:
Fell one Horse Chestnut.

Application Reference: 09/0684/FULL	Date Received: 28/09/2009
Ord Sheet: 383632 278777	Expiry Date: 28/12/2009
Case Officer: Emma Anning	Ward: Wolverley

Proposal: Phase 1 of existing school site classroom redevelopment with the construction of a new building to house 6 classrooms and associated toilet, circulation and ancillary areas for eventual replacement of existing outdated teaching facilities

Site Address: HEATHFIELD SCHOOL, WOLVERLEY ROAD, WOLVERLEY, KIDDERMINSTER, DY103QE

Applicant: HEATHFIELD SCHOOL

Summary of Policy	D.1 D.3 D.4 D.5 D.7 D.10 D.11 LA.1 LA.2 GB.1 GB.2 GB.6 NC.3 NC.6 NC.7 TR.9 TR.17 CY.5 (AWFDLP) CTC.1 CTC.12 D.39 (WCCSP) PA.4 QE.1 QE.3 QE.6 (WMRSS) PPG2: Green Belts PPS 9 : Biodiversity and Geological Conservation
Reason for Referral to Committee	'Major' Planning Application
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 Heathfield School is an independent day school located on a 8.3 hectare site located on the outskirts of Wolverley. The site is washed over by Green Belt and is within the Landscape Protection Area. A Tree Preservation Order applies to some of the trees on site.

1.2 Currently on this site is the main Heathfield House building, a former gentleman's residence which opened as a junior arm of the main Seabright school in 1961. The property has been extended significantly in the past, this building is now used mainly as the office accommodation, library and some teaching accommodation. Other permanent buildings on site include the nursery building, sports hall, art block and two storage buildings. A large proportion of the teaching accommodation on site is housed in temporary portacabin buildings, of which there are six. The six portacabins are currently used as follows; two currently used for learning support, two for music Lessons, one for drama and one used as a classroom for Year 6 pupils. The largest of these are the Andrews, Fellows and Douglas blocks which occupy a prominent central position on this site.

09/0684/FULL

- 1.3 Permission is sought to erect a new school block to house classrooms for two reception classes and four Key Stage 1 classrooms along with shared resource areas and ancillary areas including toilet provision (including disabled toilet), a plant room and a library.
- 1.4 The plans submitted with this application show indicative long term redevelopment plans for the site, however this application seeks permission for phase one of the development only and as such no assessment will be made of the suitability of phases two to four, which will be considered on their own merits if and when separate applications in the future. This initial Phase 1 would not prejudice the future phases of development and can be assessed on its own merits.

2.0 Planning History

- 2.1 Various approved applications for portacabins to be used as temporary classrooms. Applications date from 1996 to 2009.

3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council – No objection and recommend approval.

- 3.2 Highway Authority – No objection

- 3.3 Arboricultural Officer – Comments:
Heathfield School has a number of wonderful specimen trees and a large area of woodland. All of which is covered by TPO 186, which is an area order made in 1995.

The proposed development has 3 phases; however this application is only dealing with phase 1, which is the construction of a new building to house 6 classrooms and will be located north of the tennis courts, where there is currently a Portacabin.

There are a group of trees located north of the proposed sighting for phase 1, that are highlighted within the tree survey to be removed to facilitate the development. None of these trees have an impact on the amenity of the local area as they are not clearly visible from any public vantage points. I therefore don't have any objection to their removal.

This phase will not have any other direct affect on the remaining trees within the site, however I would like to ensure that no individual trees or trees within the nearby woodland are affected during the construction works. I have no objection to the proposed works, however conditions should be added to ensure existing trees on site are protected during construction.

- 3.4 Countryside and Conservation Officer - No objections to this phase 1 proposal. However the landscape masterplan for the comprehensive development of the site does raise concerns as follows;

09/0684/FULL

This area of Kidderminster has some good acid environments that extend from Springfield Park in the south of the site and up into the barracks area owned by Strong's Farm at the rear of Brown West Head Park to the north of the site. There is also some degenerated acid communities in the woodland across the road from the school. I have not walked the school grounds but I know an acid corridor exists along the sites boundary with the public path in the west. I fear the landscaping proposals may interfere with this corridor (planting gorse and broom is fine but not at the expense of existing acid grassland) and or damage existing acid habitat on site. I recommend that the landscaping plan needs to be revised with the view of establishing further measures to enhance the acid wildlife corridor on site. Acid green roofs may be a possibility, and or establishing a strip of acid grassland or even a little bit of heath.

3.5 Neighbour/Site Notice – No comments received

4.0 **Officer Comments**

4.1 As described above, this application seeks permission to erect a new teaching block in lieu of the removal of the existing Andrews block and a small protacabin located to the north of the existing tennis courts. This is to provide much needed improved teaching accommodation and to improve the visual appearance of the school site. There is no intention to increase the number of pupils or staff at the school as a direct result of this proposal, which merely seeks to improve existing facilities.

4.2 The material considerations in this instance are:

- Principle of development
- Amount of development
- Scale, siting and design
- Landscaping and biodiversity

PRINCIPLE OF DEVELOPMENT

4.3 The application site is washed over by the Green Belt and as such it is essential to ensure that the proposal would accord with Government advice set out in PPG2 and Adopted Local Plan policies relating to development within the Green Belt.

4.4 Policy GB.1 and PPG2 set out the definition of development which is considered to be appropriate in the Green Belt. This definition does include the sites of existing education establishments, however only when they are identified as a Major Developed Site in the development plan. The Heathfield School site is not allocated as a Major Developed Site and as such its redevelopment would not constitute appropriate development in this Green Belt location, as defined in PPG 2 and Policy GB.1. Where development which does not satisfy the definition of 'appropriate' development is proposed it is necessary to consider whether there are any material considerations which exist which would outweigh the in-principle harm caused by the proposal.

09/0684/FULL

- 4.5 As detailed above, the existing school premises is currently made up of a high proportion of portacabin buildings used as teaching, storage and ancillary facilities. The most visually prominent of these are the main Fellows, Douglas and Andrews buildings which are each comprised of several portacabin structures combined. These blocks are visible from outside the school site and as such they have been the subject of much local discontent, especially in recent years, due to their dilapidated appearance which detracts from the wider countryside setting. The Parish Council have highlighted the proliferation of additional temporary structures on this site and the appearance of the more established portacabin classrooms as a local concern. Having visited the site and based on the information submitted with the application I am satisfied that the existing provision of teaching accommodation, in the form of these portacabin structures, on site is coming to the end of its serviceable life. In view of the local concerns raised by the Parish Council regarding the appearance of portacabins on this site I do not feel that the replacement of the existing classrooms with new portacabin classroom would be appropriate. I therefore conclude that the only realistic means of providing replacement facilities on this site is to erect new buildings to improve the quality of accommodation available, and in turn the visual appearance of the buildings.
- 4.6 The replacement of the existing facilities for more appropriate accommodation of a form, siting and design which would not cause any other harm to the openness or visual amenity of the Green Belt and would not conflict with the purposes of including land within the Green Belt, could be considered sufficient to outweigh the harm caused by definition. On this basis I am satisfied that the principle of this proposal is acceptable and is in accordance with policy GB.1 of the Adopted Wyre Forest District Local Plan and Government advice contained in PPG 2.

AMOUNT OF DEVELOPMENT

- 4.7 In order to ensure that the proposal can be considered as acceptable in this Green Belt location I consider that it is essential that the amount of built development on this site should not amount to significantly more than is existing, unless the applicant is able to demonstrate a clear need for any extension beyond this. It is however acknowledged that some increase will be inevitable as the buildings are improved through better design and increased connectivity between classroom blocks.
- 4.8 The proposed plans show that six classrooms would be provided in the new teaching block, this would replace the four teaching rooms currently housed in Andrews block and the one portacabin to the north of the tennis courts which will be removed the new building is erected. The 'Planning Statement' which accompanies this application confirms that the area of accommodation to be replaced amounts to 330 sq.m of floorspace, the amount of floorspace proposed is approximately 440 sq.m. This level of accommodation would meet the required guideline accommodation for reception and Key Stage 1 classrooms as set out in the following best practice documents;

09/0684/FULL

- Sure Start National standard for Under 8's Day Care and Childminding
- BB9: Briefing framework For Primary Schools

In considering that there will be no increase in pupil intake at the school and that the amount of development proposed is in accordance with standards set by Government as being appropriate for the numbers of pupils it will serve, I am satisfied that the amount of accommodation required to replace that which will be removed is essential to meet the standards in education set at the national level.

SITING, SCALE & DESIGN

- 4.9 It is proposed to position the proposed block to the south-west of the functional school site, adjacent to the existing tennis courts. This area is a plateau of high ground level with the main school building and car parking areas. It is currently screened by a linear arrangement of mature trees which boarder the site. This area of the site is not visible from either the main road or the Public Right of Way which runs some 115m to the west of the application site boundary. The proposed block would occupy an L-shaped footprint and would sit behind the existing Kindergarten and Nursery buildings. Despite being on higher ground than the existing portacabin classroom I am satisfied that the proposed location would not be as obvious in the landscape as the existing classrooms as the site is very well screened by the existing mature trees in the surrounding grounds which do not currently afford any screening to the existing portacabin classroom blocks. In conclusion I consider the replacement classroom in the position proposed would be less visually intrusive in this setting than the building it would replace.
- 4.10 The Andrews building is a standard single storey flat roof portacabin measuring approximately 3.5m to its highest point, the new buildings would, by virtue of their mono pitch roof design, measure 5m at the highest point falling to 3m at the eaves. Despite this increase of 1.5m in height I consider that, due to the topography of the site in relation to the surrounding public vantage points as described above, the buildings would not be as intrusive as the existing buildings to be removed. In terms of the impact of this development on openness I feel that the increased height of the buildings would reduce openness in this part of the green belt, however it is considered that the improved design of the building; the fact that it is more fit for purpose than the buildings it would replace; and the fact that the siting would be more appropriate in terms of its impact on the landscape setting are material factors in this instance which would outweigh any potential harm to openness.

09/0684/FULL

- 4.11 The proposed buildings are low level single storey modular structures attached to a corridor which forms the main circulation within the building. The overall appearance of the buildings is a modern functional building with clear differentiation between the functional teaching spaces and the movement corridors. The building would be constructed of glazed panels and blockwork with a render finish. The final colours and appearance of the finishing materials would be controlled by condition to ensure that they are appropriate to the landscape setting and would not appear incongruous in this Landscape Protection Area. I consider the overall design of the buildings to be appropriate for this site, their low level design would allow them to blend well into the landscape with no further harm to its setting or visual amenity. The proposal therefore accords with Policies D.1, D.3, D.5 and GB.6 of the Adopted Wyre Forest District Local Plan.

LANDSCAPING

- 4.12 No additional landscaping is proposed as part of this development proposal. As detailed above it is recognised that Phase 1 would not require any additional screening to be carried out by virtue that the existing landscaping on site would offer sufficient screening for the development proposed. The removal of the Andrews block would leave an area of open space on the site which should be treated appropriately in order to ensure no landscape harm would be caused. It is proposed to include a condition on any approval which would require details of how this area of the site would be reinstated following the removal of the portacabin structures. This would enable the District Council to control the appearance of this part of the site post construction. Any future phases of development shown on the indicative drawings would however require extensive landscaping on the site. An indicative comprehensive landscape masterplan which takes account of the long-term vision for this site has been submitted with this application. The District Council's Countryside and Conservation officer has been consulted on this plan and has serious concerns regarding the impact of the proposal on biodiversity as detailed above. However it must be acknowledged that the landscape masterplan, at this stage, must be considered as indicative only, given that only Phase 1 of the proposal is for consideration at this stage. No approval would be given for any of the landscaping measures shown on this indicative plan. As and when the applicants are considering an application for the other phases of development on this site then the landscaping plan will be reviewed in order to take into account the comments made by the Countryside and Conservation officer in order to ensure that no harm is caused to biodiversity on this site or in the surrounding area as a result of the development.
- 4.13 In considering the points made by the Countryside and Conservation Officer and the District Council's Arboricultural officer I am satisfied that this Phase 1 proposal is acceptable in terms of its impact on the existing on-site landscaping and would not require any additional landscaping to be provided at this time. The proposal therefore complies with Policies D.3, D.4 and D.11 of the Adopted Wyre Forest District Local Plan.

09/0684/FULL

5.0 Conclusions and Recommendations

5.1 The proposal is considered to be acceptable as it would accord with the relevant policies of the Adopted Wyre Forest District Local Plan, as such I recommend that the application be **APPROVED** subject to the following conditions;

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. B1a (Materials)
4. Materials sample board to be submitted
5. B9 (Materials)
6. Protection of trees to be retained on site
7. Notwithstanding the details shown on the Landscape masterplan (drawing GLA-543-004) no development shall commence until a revised landscaping scheme has been submitted to and approved by the Local planning authority. The development shall be carried out in strict accordance with those details.
8. Existing portacabins to be removed from site before the first use of the building.
9. Before development commences. A scheme to show how the site of the Andrews block will be landscaped following its removal shall be submitted to the LPA. All works shall be carried out in strict accordance with those details.

Reason for Approval

The application site is washed over by the West Midlands Green Belt. The applicant has satisfactorily demonstrated that material circumstances exist which would outweigh the harm by definition of this proposal and harm to openness. The proposal would not cause harm to the visual amenity of the Green Belt or Landscape Protection Area and no trees or features of significance in this landscape setting would be lost or damaged. There would be no deterioration of highway safety as a result of the works proposed and no harm would be caused to a protected species on site. This being the case, the proposed development is considered to be in accordance with Policies D.1, D.3, D.4, D.5, D.11, LA.1, LA.2, GB.1, GB.2, GB.6, NC.6, NC.7, TR.9, TR.17 and CY.5 of the Adopted Wyre Forest District Local Plan.

Agenda Item No. 5

Application Reference: 09/0731/FULL **Date Received:** 21/10/2009
Ord Sheet: 384491 275121 **Expiry Date:** 20/01/2010
Case Officer: Paul Round **Ward:** Aggborough and Spennells

Proposal: Provision of 24 bedroom extension to existing Nursing Home on site of existing disused building

Site Address: HERONS PARK NURSING HOME, HERONSWOOD ROAD, KIDDERMINSTER, DY104EX

Applicant: Royal Bay Care Home Ltd

Summary of Policy	H.2, H.13, D.1, D.3, D.10, D.11, D.17, D.18, TR.9, TR.17 (AWFDLP) SD.1, SD.3, D.3, D.9, T.1 (WCSP) QE.1, QE.3 (RSP: RPG11) PPS1 PPS3 PPS9 Design Quality SPG, Planning Obligations SPG
Reason for Referral to Committee	Major Application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The Herons Nursing Home occupies a prominent position on the inside of a bend in Heronswood Road on the Spennells Estate in Kidderminster. At the front of the new nursing home stands the original two storey building that is proposed to be replaced.
- 1.2 The site is served by two car parking areas one of which lies immediately adjacent to the nursing home opposite to the junction with Mandarin Avenue and the other on the south-side of the complex.
- 1.3 The application proposes the demolition of the existing original two storey building and the replacement of this with an extension to provide 24 additional bedrooms.

2.0 Planning History

- 2.1 Numerous – most recent:

WF.1066/87 - 38 bedroomed nursing home – Approved 19th May 1988
WF.0239/89 – Extension and alteration to approved layout – Approved 14th March 1989

09/0731/FULL

WF.126/92 – Provision of 8 partially self-contained elderly person care units – Approved 15th September 1992

WF.288/93 – Provision of new bedroom wing – Approved 25th May 1993

WF.866/93 – Conservatory, lounge extensions at first floor level – Approved 14th December 1993

WF162/96 - Erection of 15 bedroom extension with new sitting room stairs and stores – Approved 21st May 1996

07/0715/FULL - Erection of 11No apartments (close care retirement dwellings) on site of existing disused building, amendments to laundry facilities & entrance approach together with new visibility splays & landscaping – Approved 12th October 2007

3.0 Consultations and Representations

3.1 Highway Authority – No objections subject to condition

3.2 Environmental Health – No adverse comments

3.3 Council's Countryside and Conservation Officer – Suggest introduction of bird box/bat boxes to provide habitat and compensate for any disturbance on site.

3.5 Arboricultural Officer – Views Awaited

3.6 Conservation Officer – Views Awaited.

3.7 National Care Standards – No Comments

3.8 Severn Trent Water – No Objections subject to condition

3.9 Ramblers Association – Kidderminster Footpath 534 passes adjacent to the site. We cannot see that this is materially affected and hence we have no objection.

3.10 Worcestershire Wildlife Trust – Views Awaited

3.11 Worcestershire County Council Archaeologist – No objection subject to imposition of appropriate condition.

3.12 Neighbour/Site Notice – No objections received.

09/0731/FULL

4.0 Officer Comments

4.1 Members may recall the previous application in 2007 that sought for an extra care facility at this location. Following the downturn in the residential market, the owners has had cause to reconsider the viability of the previous project and as such have reverted to this application for an extension to the existing nursing home. The bulk, form and general design is the same as previously approved. The key issues to be considered are as follows:

- Whether the loss of the existing building is acceptable
- Design/Visual amenity issues
- Highway Access issues
- Impact on neighbouring property
- Other issues

WHETHER THE LOSS OF THE EXISTING BUILDING IS ACCEPTABLE

4.2 This is not a statutory Listed Building and it is not on the Local List. The building has character and some historic interest and it is always regrettable when an old building such as this is proposed to be removed. English Heritage and the Council's Conservation Officer have previously looked at the building and have concluded that it is not worthy of statutory listing, or inclusion on the Local List. In addition there are other issues that need to be taken into consideration. These are:

- i) The Council has given permission for this building to be demolished and replaced on 4 previous occasions and the building then, was in a much better condition than it is now, and the considerations were similar except that there is now the possibility of placing it on the Local List. Although, as stated above, the Council's conservation officer has now concluded that the building's inclusion on the Local List would not be warranted.
- ii) The building, according to the applicants, has been unused for 12 years. Having inspected the interior of the building there is no reason to doubt this claim as there is evidence of considerable damp and deterioration and if permission were to be refused it is difficult to image it being brought back into use as part of the nursing home.

4.3 After taking account of all of the issues and weighing the character and the history of the building against the planning history, the view of the Conservation Officer, and benefits that will arise to future residents I am of the view that it would be appropriate for the building to be removed and the site redeveloped.

09/0731/FULL

DESIGN/VISUAL AMENITY

- 4.4 The proposed wing is to be set at a lower level than the existing building so that it is accessible to disabled people. This would integrate better as it would enjoy a common floor level with the existing nursing home. With this lowering of levels the ridge height of the building proposed is no higher than the building to be demolished even though it will incorporate rooms in the mansard roof area making it a two and half storey building. With the exception of the lift tower it would nevertheless be higher than the main nursing home.
- 4.5 Policy D.17 which sets a size limit to extensions is not judged to be appropriate in this case as this is not an extension to an existing residential property. Policy D.18 is more relevant but this does not set an upper limit on the size of extensions. The other clauses of this Policy D.18 are judged to be met.
- 4.6 Overall the proposal is an interesting design solution, constructed in matching materials, which is judged to complement the existing nursing home building.

ACCESS ISSUES

- 4.7 The Highway Authority has verbally agreed that the car parking areas are sufficient to cater for this increased accommodation but require improved visibility at the junction. The visibility splay will necessitate earthworks around the bend of Heronswood Road and the proposed landscaping may take a little while to mature. However, this work is considered to be essential as the access point to the car park opposite Mandarin Avenue is substandard. A similar visibility splay has been approved, although not implemented, on at least one of the previous applications on this site.

IMPACT ON NEIGHBOURING PROPERTY

- 4.8 As stated previously the development is on the opposite side of the road to other residential properties. The normal separation distance from a 2 ½ storey building to a boundary of a neighbouring property is 12.5 metres. The proposed building is well in excess of this distance and even allowing for any difference in ground levels and the fact that there will be windows facing the properties opposite, the level of privacy is considered to be acceptable. There are no issues with regards to loss of light or overshadowing of the existing dwellings.

The refusal of the application on grounds of loss of amenity could therefore not be sustained.

OTHER ISSUES

- 4.9 All developments are required by PPS9 to demonstrate an enhancement to the biodiversity of the site. The applicant has agreed to provide the Bat/nesting boxes required by the Council's Countryside Conservation Officer. This can be dealt with by a condition.

09/0731/FULL

5.0 Conclusions and Recommendations

5.1 The design and massing of the extension is acceptable and provides additional accommodation without compromising the visual amenity of the surrounding area. Neighbouring properties will not be adversely affected and ample parking has been provided within the scheme. I therefore recommend **APPROVAL** subject to the following conditions.

1. A6 (Standard time)
2. A11 (Approved Plans)
3. Tying the use of the extension to occupation in association with Herons Nursing Home the introduction of the nesting boxes as required by the Countryside and Conservation Officer
5. B3 (Finishing Materials to match)
6. B9 (Details of Windows and Doors)
7. C2 (Retention of Existing Trees)
8. C3 (Tree Protection During Construction)
9. C6 (Landscaping – small scheme)
10. C8 (Landscape Implementation)
11. C14 (Landscape Maintenance)
12. Drainage
13. Visibility Splay
14. Bat survey to be undertaken before any work on site commences and should bats be present no work to commence before the necessary mitigation measures/ licence has been obtained.
15. Historic building recording

Reason for Approval

The proposed development is considered to be acceptable in terms of design, affect on neighbouring property, car parking and highway safety. The loss of the existing building has been carefully examined against its history, architecture and setting, however it is not protected by either statutory or Local Listing and in these circumstances the benefits of redevelopment are judged to outweigh its retention. After taking into account these and all other issues the application is judged to be in accordance with Policies H.2, H.13, D.1, D.3, D.10, D.11, D.17, D.18, TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan.

Application Reference: 09/0770/FULL	Date Received: 06/11/2009
Ord Sheet: 390210 278367	Expiry Date: 05/02/2010
Case Officer: Paul Round	Ward: Blakedown and Chaddesley

Proposal: Variation of Condition 3 and removal of Condition 4 attached to Planning Permission 07/0023/FULL to allow occupation of apartments by people of 45 years and above without the need for care from associated Nursing Home

Site Address: APARTMENTS 1-12, BROOME HOUSE, BROOME, STOURBRIDGE, DY9 0HB

Applicant: Mr & Mrs E Lane

Summary of Policy	H.7, H.9, D.1, D.3, D.4, GB.1, GB.2, GB.6, CA.1, CA.6, LB.1, LB.2, TR.9, TR.10 TR.17, CY.4 (AWFDLP) D.39, CT.19, CTC.20 (WCSP) QE.1, QE.3, QE.5, QE.6 (RPG11) PPS1, PPG2. PPG15. PPS7 Design Quality SPG
Reason for Referral to Committee	Amendment to a condition on a 'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Broome House is located in a concealed position in the centre of Broome Conservation Area. Formerly a large country house, this Grade II Listed Building includes extensions and additions to the rear and together with a large converted Coach House forms a nursing home.
- 1.2 Vehicle access to the premises is gained from the village lane and the driveway passes along the side of the Coach House to a parking area at the front of the building, facing an attractive pool within a landscape setting.
- 1.3 The site lies within a Green belt area.

2.0 Planning History

- 2.1 Numerous applications for extensions and alterations to rest home/nursing home. The only applications relevant to the current application are:

09/0770/FULL

- 2.2 07/023 Change of use and internal alterations to change from residential home to 12 sheltered apartments for the over 60's with care facilities provided by the nursing home to remain in the Coach House, car parking arrangements Approved 23 March 2007
- 2.3 08/530 Variation of Condition 3 of permission 07/0023 to allow occupation of units by persons over 55 years of age, or over 50 years of age if cohabiting with a partner of 55 years or over. Approved 21.08.08
- 2.4 09/0564 Removal of condition No 3 of planning permission 07/0023 (12 Sheltered apartments fro the over 60's to enable unrestricted occupation. Withdrawn.
- 2.5 09/0649 Variation of Condition 3 of permission 07/0023 to allow occupation of units by persons over the age of 45 years old. - Withdrawn

3.0 Consultations and Representations

- 3.1 Broome Parish Council – Views awaited
- 3.2 Highway Authority – No objection subject to conditions
- 3.3 Conservation Officer – no objection
- 3.4 Neighbour/Site Notice/Advert - no response

4.0 Officer Comments

- 4.1 Planning permission has previously been granted under planning permission 07/0023/FULL to convert the existing care home into 12 sheltered apartments for persons of 60 years and over with direct linkage to the existing care facility on the site. A subsequent proposal (08/0530/FULL) gained planning permission to vary condition number 3 of 07/0023/FULL to allow occupation of the units by persons of 55 years of age and older. The current application is a further application to vary the age of occupancy, this time to persons of 45 years of age and older and seeks to remove the total reliance on the care facility, although care can be provided for residents as and when required.
- 4.2 Although this building is a Listed Building situated in the Green Belt the rewording of the condition will have little effect on either the character or setting of the Listed Building or the appearance of the Green Belt. The only likely effect is with regards to car parking and traffic generation as it may well mean that the development as the potential to attract a few more vehicles. However, the car parking areas are already hard surfaced and they are within the existing grounds of the Listed Building which is well concealed from the village lane. The Council's Conservation Officer raises no objection to the development.

09/0770/FULL

4.3 The major consideration in relation to this application is that of car parking as the restrictive conditions were originally imposed due to the amount of car parking available at Broome House. There is a car parking area immediately in front of the apartments which has a capacity of 13 spaces. This is in fact one space more than the maximum car parking provision normally required by the Local Plan (See Policy TR.17) and the highway authority is satisfied with this allocation. There is also a separate car parking area to serve The Coach House where there are 10 spaces to serve the 17 people with very needy nursing care. There are also two spaces to the rear to serve the two staff units. This overall provision was acceptable before and it is submitted that it would be very difficult to justify a refusal, given the history of the site, the response from the Highway Authority and the Local Plan parking standards. In addition the Highway Authority have requested the a condition requiring provision of cycle spaces stating that “...*the application provides 12 private flats for active persons and therefore there is a need to promote alternative access and facilities for leisure use there for the provision of 2 cycle spaces per unit will allow the residents the ability to use alternative forms of transport.*” I do not feel that this request is onerous and would support the Highway Authority in this recommendation.

4.4 There are no other outstanding issues concerning this application

5.0 Conclusions and Recommendations

5.1 The scheme is acceptable in terms of the overall impact on the Green Belt, Listed Building and the Conservation Area. The car parking provision is considered to be compliant with the adopted Wyre Forest District Local Plan.

5.2 I therefore recommend **APPROVAL** to the removal of condition 4 and the variation of condition 3 as follows:

- (3) The sheltered accommodation hereby permitted shall only be occupied by persons of 45 years or over, or persons of 40 years or over if co-habiting with a partner of 45 years or over.

Reason

To define the permission and to ensure that occupation is compatible with the existing nursing home site and its position in the Green Belt, and to ensure compliance with car parking standards and provisions for educational contributions. To accord with Policies GB.1, TR.17 and CY.4 of the Adopted Wyre Forest District Local Plan.

5.3 All other conditions attached to the original permission and the variation remain and are repeated here in full along with the additional condition recommended by the Highway Authority for the avoidance of doubt.

09/0770/FULL

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason
This condition is required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby approved shall be carried out strictly in accordance with the following plans/drawings:

OS based Location Plan, Topographical Survey and Drawing Nos. 1990-01, 02, 03, 06, 07, 08 & 11 - all received and dated 8th January 2007

stamped "Approved" unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.
Reason
In the interests of clarity and in order to define the permission.

- (3) The sheltered accommodation hereby permitted shall only be occupied by persons of 45 years or over, or persons of 40 years of over if co-habiting with a partner of 45 years or over.
Reason
To define the permission and to ensure that occupation is compatible with the existing nursing home site and its position in the Green Belt, and to ensure compliance with car parking standards and provisions for educational contributions. To accord with Policies GB.1, TR.17 and CY.4 of the Adopted Wyre Forest District Local Plan.

- (4) REMOVED BY PERMISSION 09/770/FULL

- (5) No works or development shall take place until full details of all proposed planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all planting shall be carried out in accordance with those details and at those times.
Reason
To ensure the provision of amenity afforded by appropriate landscape design, in accordance with Policies D.3 and D.11 of the Adopted Wyre Forest District Local Plan.

09/0770/FULL

- (6) All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard [4428 : 1989]. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason

To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs, and in accordance with Policies D.3 and D.11 of the Adopted Wyre Forest District Local Plan.

- (7) The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and such areas shall thereafter be retained and kept available for those uses at all times.

Reason

To minimise the likelihood of indiscriminate parking and in the interests of highway safety, and to ensure that development is in accordance with Policies TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan.

- (8) Development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision shall be retained and kept available during construction of the development.

Reason

To prevent indiscriminate parking in the interests of highway safety and to ensure the development accords with Policies TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan.

- (9) This permission gives no consent for any external alterations whatsoever except for those works referred to in conditions 10 and 11 below.

Reason

To define the permission in order to safeguard the character and appearance of the Listed Building and to comply with Policy LB.1 of the Adopted Wyre Forest District Local Plan.

09/0770/FULL

- (10) Full details of extraction system to be installed shall be submitted to and approved in writing by the Local Planning Authority before any works on site commence. The development shall be carried out in accordance with the approved details.

Reason

To define the permission in order to safeguard the character and appearance of the Listed Building and to comply with Policy LB.1 of the Adopted Wyre Forest District Local Plan.

- (11) Full details of the stone ramped entrance shall be submitted to and approved in writing by the Local Planning Authority before any work on site commences. The development shall be carried out in accordance with the approved details.

Reason

To define the permission in order to safeguard the character and appearance of the Listed Building and to comply with Policy LB.1 of the Adopted Wyre Forest District Local Plan.

- (12) Prior to the first occupation of any dwelling hereby approved secure parking for 24 cycles to comply with the Council's standards shall be provided within the curtilage of property and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To comply with the Council's parking standards in accordance with policy TR17 of the Adopted Wyre Forest District Local Plan.

NOTES

- A Pursuant to condition 10 above, an application for Listed Building Consent will need to be submitted for any new extraction systems.
- B Where conditions have been agreed on the basis of the original planning permission 07/0023/FULL there are taken as being agreed under this variation.

Reason for Approval

The revised wording of condition number 3 and the removal of condition 4 has been carefully examined in terms of the effect on the character and appearance of the Listed Building, the Conservation Area and the Green Belt in terms of traffic generation and car parking provision and is judged to be acceptable in these respects. To approve the development is in accordance with Policies H.7, H.9, D.1, D.3, D.4, GB.1, GB.2, GB.6, CA.1, CA.6, LB.1, LB.2, TR.9, TR.10 TR.17, CY.4 of the Adopted Wyre Forest District Local Plan.

Application Reference: 09/0776/ADVE **Date Received:** 10/11/2009
Ord Sheet: 382383 275658 **Expiry Date:** 05/01/2010
Case Officer: John Baggott **Ward:** Sutton Park

Proposal: Installation of one 8 metre high white flag pole

Site Address: BRINTON PARK, SUTTON ROAD, KIDDERMINSTER,
DY11 6QT

Applicant: Wyre Forest District Council

Summary of Policy	AD.1, AD.6, LR.1, TR.6
Reason for Referral to Committee	The applicant is Wyre Forest District Council and is made on land owned by Wyre Forest District Council
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 This application relates to the proposed siting of a single flag pole within Brinton Park in close proximity to the pedestrian entrance to the park at its south west corner, at the junction of Sutton Road and Stourport Road.

2.0 Planning History

2.1 None relevant.

3.0 Consultations and Representations

3.1 No representations received.

4.0 Officer Comments

4.1 Express Consent is sought for the erection of a single, 8 metre high, white powder coated aluminium flag pole, specifically to display a recently awarded Green Flag award.

09/0776/ADVE

- 4.2 The flag pole is to be located towards the south west corner of Brinton Park within an existing triangular shaped planting bed. Such a siting is necessary so as to satisfy the award criteria, which requires that the flag should be displayed near to the main pedestrian entrance, in a prominent position. In this regard, the proposed siting would clearly satisfy the criteria, as the planting bed is located at a junction of footpaths within the park, less than 20 metres from the pedestrian access to the park at the junction of Sutton Road and Stourport Road. Whilst Brinton Park does host part of the Cycle Route Network, the proposed siting within an existing planting bed would ensure that there would be no adverse impact upon Cycle Routes.
- 4.3 In terms of its siting, the proposed flagpole is considered to be acceptable. As stated, it would be within the park grounds, less than 20 metres from the Sutton Road/Stourport Road pedestrian entrance. It would be located in excess of 30 metres from the nearest residential properties facing Brinton Park, viewed over the busy public highway. In this regard, it is considered that there would be no visual harm caused to the outlook from the nearest residential properties. Members are advised that it is not proposed to illuminate the flag pole. This, however, should be reinforced via the imposition of a suitable condition.
- 4.4 The design of the flag pole itself would be in plain white, powder coated, aluminium with a gold coloured onion-top finial. It is proposed that the pole be hinged at the base, for ease of maintenance and cleaning. The flag itself is of simple predominantly green appearance, with the award crest displayed thereon. At 8 metres in height, the proposed flag pole is not considered excessive in this location.

5.0 Conclusions and Recommendations

- 5.1 The proposed flag pole is considered to be acceptable in terms of its design and siting and would not cause any harm to the outlook from nearby residential properties, nor detract from the appearance of Brinton Park in this particular location, or as a whole. The proposal complies with the relevant policies, as listed at the head of this report, and as such it is recommended that this application be **APPROVED** subject to the following conditions:
1. L1 (Standard Advert Condition)
 2. L8 (Non-illumination of sign)