

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
9TH FEBRUARY 2010

PART A

Application Reference:	09/0601/FULL	Date Received:	26/08/2009
Ord Sheet:	384222 276960	Expiry Date:	25/11/2009
Case Officer:	John Baggott	Ward:	Greenhill

Proposal: Erection of 33No 2/3 bedroom affordable dwellings, comprising of 10 flats for shared equity, 12 flats for social rented and 11 houses for social rented, new estate road and parking facilities.

Site Address: CHESTER ROAD BOWLING CLUB, CHESTER ROAD NORTH, KIDDERMINSTER, DY101TE

Applicant: Wyre Forest Community Housing

Summary of Policy	H.2, H.5, D.1, D.3, D.4, D.7, D.10, D.11, D16, NR.9, TR.6, TR.7, TR.8, TR.9, TR.17, LR.1, LR.3, LR.9, IMP.1 (AWFDLP) D.6, T.1 (WCSP) Design Quality SPG, Planning Obligations SPD PPS1, PPS3, PPG13, PPG17, Manual for Streets
Reason for Referral to Committee	Major Planning application. Third Party has registered to speak. Application involving proposed Section 106 obligation.
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

- 1.1 The application site is located on the busy A449 (Chester Road North) to the east side of Kidderminster, within a predominantly residential area of the Town.
- 1.2 The site is fairly level, with a slight fall to the rear across the boundary with properties in Tabbs Gardens. With an area of approximately 0.43 hectares, the application site is currently owned and occupied by Chester Road Bowling Club which is claimed to be the oldest bowling club in Kidderminster.

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- 1.3 The site is made up of the existing bowling green, complemented by 7 fairly low level floodlight columns, each with a single light fitted; the single storey clubhouse building, which has been altered over the years, features 2 further lights on the rear elevation, and screens the bowling green from the public highway; and, associated car parking areas to the front and side of the clubhouse along with a so-called “over flow” area at the very rear of the site along the boundary with residential properties in Tabbs Gardens. Access to the site is directly from the A449, with two access positions evident along the highway frontage. The site features semi-mature trees and hedges along some of its boundaries, with timber domestic fencing evident also.
- 1.4 There is a predominance of two storey residential development within the immediate vicinity of the application site, with a mixture of styles, building forms and roof designs, but generally characterised by good quality traditional detached and semi-detached dwellings along Chester Road North. Smaller, more contemporary, properties are evident to the rear of the site, in particular in Tabbs Gardens.

2.0 Planning History

- 2.1 There is no relevant or significant planning history to report in respect of the application site, given the length of time that the current occupier (Chester Road Bowling Club) has been present on site. There have been a number of relatively minor applications over the years, but these relate to the Bowling Club and alterations/extensions to the club building and facilities and are considered to be of no real relevance to the application that is now before Members and under consideration.

3.0 Consultations and Representations

- 3.1 Highway Authority – Having previously raised concerns regarding various aspects of the originally submitted layout, County Council Highways Officers have now confirmed that there is no objection to the revised layout, subject to the imposition of suitable planning conditions and notes.
- 3.2 Environmental Health – Following the receipt of the Noise Survey and the recommendations regarding the use of acoustic ventilation, no objections have been raised.
- 3.3 Environmental Services Manager – Previously raised concerns regarding vehicle clearance and manoeuvring of refuse vehicles have been addressed via the submission of the revised layout and there are now no objections.

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- 3.4 Strategic Housing Services Manager – The scheme will provide much needed rented and shared ownership housing. There are currently 3857 households actively seeking social housing within Wyre Forest and this scheme provides a good mix of housing and tenure types. The units are designed in accordance with Homes and Community Agency (HCA) and the Wyre Forest District Council Housing Association Partnership agreement.
- 3.5 Cultural Services Manager – The improvement of bowling facilities mentioned in the application (as referred to with the Design & Access Statement) is dependent upon a separate application for Victoria Carpets. There is therefore no guarantee that these enhancements will take place. I would therefore strongly object to the loss of this key sporting facility within the District with no guaranteed replacement or enhancement.
- 3.6 Countryside and Conservation Officer – No objection. The bat survey is sufficient and confirms that there is a low probability of bats being adversely affected by the development. Subject to the recommendations highlighted within the bat survey, I am happy for the application to be approved.
- 3.7 Arboricultural Officer – No objections subject to the imposition of suitable conditions relating to landscape provision.
- 3.8 Severn Trent Water – No objection, subject to the imposition of a suitable condition relating to foul and surface water drainage.
- 3.9 West Mercia Police (Crime Risk Advisor) – No objection.
- 3.10 West Mercia Constabulary – A lengthy response has been received which raises no objection to the proposed development, but seeks a financial contribution (£4,719.00) towards an increased demand on policing infrastructure that the new development will create.
- 3.11 Worcestershire Wildlife Trust – No objection, subject to the imposition of a suitable condition to cover biodiversity enhancement in the form of appropriate native landscaping and bird and bat boxes on the new buildings.
- 3.12 Kidderminster Civic Society – Object and recommend refusal. Whilst generally supporting the move of the Bowling Club and therefore accepting the need for residential development on this site and accepting that the economic climate has caused a potential change to the dynamics of site development, this proposal is very different to that previously suggested. The Civic Society has therefore considered this proposal and would like to make the following comments:
- 33 dwellings on this restricted site is too dense a development and the overall site plan appears cramped with not enough area for recreation (gardens etc) and parking
 - The site is likely to attract families with young children and there is nothing wrong with that, but:

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- a) it is near a busy main road with fast moving traffic
- b) since the closure of Lea St School there is no nearby school and any school (except St Ambrose but this is effectively restricted to pupils that are Roman Catholic) will involve the crossing of at least one main/busy road. The catchment area school is St George's C of E School and is already oversubscribed. Probably nearer is Offmore Primary School and this is again oversubscribed as well as shortly to be rebuilt and therefore even less able to accommodate.
- Whilst the general design of the buildings is acceptable the height of the three storey dwellings does not "sit well" with the neighbouring buildings which, although having different designs and therefore being individual type buildings, are generally "of a type".
- There are too few parking spaces on site and no immediately available street parking - possible dropping off outside the new homes would be a traffic danger - and the only other possible parking spaces are in Linden Avenue which has over the years been the subject of Access Only applications owing to its overuse, Linden Grove which is only short, and Lyndholm Road which is very narrow and has a dangerous junction with Chester Road North. One only has to think of the problems with parking that arise (particularly in Lyndholm Road where there has been insufficient room for emergency vehicles) when Worcestershire CC play at the Cricket Club to see how the local streets cannot cope with extra parking.
- The Traffic statement is extremely subjective and seems to be largely based on guess work as it was carried out over the holiday period. The Chester Road is an extremely busy road and, even though it has been recently de-trunked, the traffic flows do not appear to be significantly different to when this was a trunk road. The existing use does not tend to add to the numbers of cars on the road at busy times whereas 33 extra dwellings tending to need to enter and exit the site at the same sort of time adding to the existing rush hour traffic will lead to congestion, traffic safety risk and environmental concerns (fumes and emissions when stationary etc).

For all the above reasons we think this proposal should be refused, and a proposal for a less dense development with housing design that will fit in with the neighbourhood be resubmitted.

- 3.13 Sport England – Object to the application and make the following comments. Technically the application is a non-statutory for Sport England. Although saying this, the site is capable of accommodating a junior football pitch and the site area is double the minimum threshold hectare for a playing field application. It is worth remembering that there is no current robust up to date playing pitch strategy in Wyre Forest and it is possible that this site may be required for other sporting use. Notwithstanding this, the application affects an established sports club and naturally Sport England has concerns.

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One of the concerns is that there is no justification submitted with this application for the loss of the sports facility. We understand that this application may be linked to 08/1044/FULL, the redevelopment of the former Victoria Cricket ground. But since the applications have not been formally co-joined we can only assess the application and the documents submitted with it.

Therefore we have assessed the application in relation to our Planning Policy Statement 'A Sporting Future for the Playing Fields of England'. Given the site is capable of supporting a junior football pitch it is our contention that our policies should apply in the assessment of this type of planning application. The applicants have not provided a robust playing pitch assessment to support their application and the one carried out in 2002 is considered to be out of date. In paragraph 10 of PPG 17 it is stated that; *In the absence of a robust and up-to-date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to requirements. Developers will need to consult the local community and demonstrate that their proposals are widely supported by them.*

In the case of Chester Road Bowling Club, there should be at the very least not only an agreement requiring the bowling club to have obtained not only planning permission for a replacement site, but also have the same surety of tenure which the bowling club currently enjoys before redevelopment starts in their existing site. Given that there is no clarity that the bowling club has tenure on another site, there is no robust business plan, no robust details of a costed development plan; Sport England is struggling to support this application. Notwithstanding this, the current applicant, have not justified the loss of playing field in accordance with Sport England's policy on protecting playing fields, therefore Sport England objects to the granting of planning permission for the redevelopment of this site.

3.14 Neighbour/Site Notice – The proposed development has generated a significant level of local concern. The originally submitted plans generated objections from the residents of 35 nearby/neighbouring properties (including a letter from a planning consultant on behalf of 6 properties) as well as a 62 signature petition. Subsequently submitted revisions to the layout generated further representations from residents of 20 and 6, respectively, of the nearby/neighbouring properties. The concerns raised and reasons for objection are varied and numerous. For practical reasons it is simply not possible to reproduce all of the objections in full within this report (they are available for inspection on the planning file), rather they have been summarised in the following bullet points, in no particular order of perceived priority:

- Density of development – the proposed density, at 76 dwellings per hectare is excessive and does not reflect the character and density of development evident in the surrounding area.
- Access into and out of the site and the associated increased vehicular movements, particularly at peak times, will increase congestion along Chester road North.

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- Chester Road North and the surrounding roads are already gridlocked at peak times.
- The nearby Land Oak crossing is already an accident black spot.
- Significant levels of development in the area in recent years.
- Non-integration with existing housing in the area.
- Short term nuisance during construction of dwellings.
- Inadequate levels of parking to serve the development, which in turn will lead to increased levels of on-street parking on the nearby side roads.
- Three storey element of the proposed scheme not in keeping with the surrounding area and will appear over-dominant in the street scene.
- Inappropriate site for family properties, due to lack of facilities and school spaces. Elderly accommodation would be more appropriate.
- Child safety issues due to lack of footway within the development and proximity to busy Chester Road North. Walks to nearest parks/play areas are along heavily trafficked routes.
- Combination of flats and houses is out of keeping with the nature of existing residential development in the area.
- Development would be likely to devalue neighbouring properties.
- Concern regarding removal of existing trees on site and the impact upon amenity.
- Inappropriate scale of development. The existing building on site is single storey, but the development introduces not just two storey but three storey development.
- Loss of existing bus stop at the front of the development site.
- Poor visibility when exiting the site, particularly given proximity to bridge over the railway.
- Temporary highway nuisance caused by construction vehicles and workers' parking on the surrounding highway.
- Loss of existing bowling club itself.
- Potential for social problems with the introduction of social housing within an owner/occupier residential area.
- Lack of parking provision for visitors.
- The land upon which the Bowling Club sits was donated for recreation use only.
- The existing storm and foul sewer systems are inadequate and would be unable to cope with additional drainage demands.
- Proximity to busy doctors' surgery, which already puts great demands upon on-street parking.
- Overall height and visual impact of the proposed development.
- Lack of nearby children's play areas to serve the development which proposes no on-site provision.
- Need for double yellow lines on the surrounding carriageway.
- Detrimental impact upon outlook and amenity of neighbouring residents.
- Inadequate garden space to serve family homes.
- Specific impact upon parking within Linden Avenue.
- Impact upon neighbours' privacy.
- Lack of pavement within the development.

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- Lack of green space to soften impact of proposed development. The development is dominated by cars and hard surfaces.
- Development too close to the back of pavement, which does not reflect the surrounding area.
- The Transport Statement as submitted is flawed, with the traffic count taking place on a Tuesday in August when schools were not occupied and many employees are on holiday. The report states that traffic generation for the Bowling Club is off peak, whereas residential development will create increased movements and at peak times. There is also insufficient analysis of the impact of stationary traffic on Chester road North upon visibility splays associated with the proposed new junction.
- The proposed alleyway behind some of the houses does not conform with good design and designing out crime.

Members will have noted that some of the above comments might be considered as duplicating issues, but they have been reproduced for completeness, reflecting the choice of words used by objectors and to demonstrate the level and range of concerns that have been expressed.

4.0 Officer Comments

4.1 As previously described, the site lies to the east of Kidderminster Town Centre on the A449, Chester Road North, within a predominantly residential area. In this regard, the site falls within a wide area which has been allocated for residential use within the adopted Local Plan, and policy H.2.

4.2 The proposed development seeks permission to demolish the existing club house, remove the bowling green and all other associated facilities and features, and erect a 100% affordable housing scheme. The proposed development would result in the provision of 33 no. dwellings, which would be broken down as follows:

- 7 x two bedroom dwelling houses – social rented;
- 4 x three bedroom dwelling houses – social rented;
- 12 x two bedroom apartments (for elderly occupants)– social rented;
- 10 x two bedroom apartments – shared equity;

at a density of just under 77 dwellings per hectare, which reflects the fact that the proposed apartments take up a significant proportion of the site.

4.3 The development as proposed consists of a mixture of two and two and half storey development, with the upper floors having being partially built into the roof of the apartment block(s), however full head height clearance is achieved. It should be noted that the upper floors are consistently referred to in objection letters as being three storey, which is perhaps an understandable, if not entirely correct, interpretation of the drawings that have been submitted for consideration.

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4.4 A variety of designs, ridge heights, and materials has been proposed, particularly along the highly visible and all important Chester Road North frontage, in an attempt to reflect the variety of designs, ridge heights, materials and detailing already evident within the vicinity of the application site.

4.5 There are a variety of key issues which it is considered warrant particular consideration in determining this particular application. To assist, these issues have been broken down into the following:

- The loss of the existing bowling club/green;
- The principle of residential development in this location;
- The density of the proposed development;
- The design and layout of the development and its relation with existing residential development;
- Highways issues (to include access and car parking provision);
- Other issues.

THE LOSS OF THE EXISTING BOWLING CLUB/GREEN

4.6 Chester Road Bowling Club is a long established members club, with annual subscription and green fees payable. It is not, therefore, open to the general public. Even so, and in particular for those properties directly adjoining, it does provide some “openness” within what is otherwise a developed area of the town, and in terms of sports provision it must be viewed as a asset. It would not be unfair to say that the existing bowling club building, which is a single storey flat roof structure, has no obvious aesthetic value. It is a single storey, functional, building fronting onto the A449 Chester Road North, as well as providing significant viewing opportunities to the rear as it faces out over the bowling green.

4.7 It is no secret that the Bowling Club has aspirations to improve facilities and increase membership levels. However, it is not felt that significant levels of improvement can be achieved on the current “land-locked” site and that an alternative site is being considered. However, in order to facilitate the move to an alternative location and generate a capital receipt, the current site would need to be disposed of for alternative development, in this case to Wyre Forest Community Housing, thereby enabling the Bowling Club to reinvest the monies from the sale of the current site into a new site and facilities.

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4.8 The submitted Design and Access Statement suggests that there is the potential for the Bowling Club to relocate to the former Victoria Carpets Sports Ground site at the junction of Chester Road South and Spennells Valley Road, which is itself the subject of a separate planning application, which to date has yet to be determined. Whilst it is correct to say that the Victoria Carpets application relies on, and is inextricably linked to, the relocation of the Bowling Club, in terms of this particular planning application the location of any potential alternative site is considered to be irrelevant and it must be for the Bowling Club to decide upon their own relocation plans. The application site is not protected within the adopted Local Plan under Policy LR.9, which seeks to safeguard playing fields and sports pitches. The Town and Country Planning (General Development Procedure) Order 1995 defines a playing field as *“the whole of a site which encompasses at least one playing pitch”*, with a playing pitch defined as *“ a delineated area which, together with any run-off area is of 0.4 hectares (0.2 hectares)”* before a wide range of “field” sports, such as rugby, football, cricket, etc are listed as examples of playing pitches. There is no reference made to bowling greens. Furthermore, the site has not been specifically identified upon the Local Plan Proposals Plan as an area of open space which is offered protection by virtue of policy LR.1 (in fact the site is “washed over” on the Proposals Plan for residential purposes). Whilst it might be desirable to identify an alternative site at this stage, be it the potential site at the Victoria Sports Ground or otherwise, there is no Local Plan policy to support this. Whilst the concerns expressed by both Sport England and the Council’s Cultural Services Manager are understandable, it is the case that there is no Local Plan policy to support a refusal on this ground. Furthermore, if the Bowling Club were simply to cease to operate on the current site, there would be no means of ensuring that the facilities were brought back into use in the future.

4.9 In their response, Sport England quote national guidance under paragraph 10 of PPG17 – Planning for Open Space, Sport and Recreation. However, paragraph 10 of PPG17 also states that:
“Not all open space, sport and recreational land and buildings are of equal merit and some may be available for alternative uses”.

Notwithstanding the previous observation, it must be stressed that there is no suggestion that the Bowling Club is likely to cease to operate. There appear to be clear and genuine aspirations for expansion and improvement which simply cannot be achieved on the current site and will be dependant upon the disposal of the current site and the capital receipt generated. Consideration of alternative uses of the site would, given the nature of the surrounding area, inevitably focus upon the potential for residential redevelopment and the benefits that could deliver, which are outlined below.

THE PRINCIPLE OF RESIDENTIAL DEVELOPMENT IN THIS LOCATION
4.10 As previously described, the site is allocated for residential use within the adopted Local Plan and therefore policy H.2 is relevant. This policy presumes in favour of residential development within such areas, provided that the site constitutes “previously developed land”.

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- 4.11 A definition of previously developed (or brownfield) land is provided within Annex B of Planning Policy Statement (PPS) 3 – Housing, and reads:
“Previously developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. The definition includes defence buildings, but excludes:
- Land in built-up areas such as parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not previously been developed”.
- 4.12 The site as it stands, with a bowling green, pavilion (club house) and associated land, is, based upon the above definition, not considered to constitute previously developed land and as such would not, normally, be considered as being appropriate for residential development in line with policy H.2, despite the residential allocation indicated on the Local Plan Proposals Map. However, the fact remains that the site falls within a residential area and is in a highly sustainable location, within walking distance of the Town Centre and Kidderminster railway station and located upon a frequent bus route. Added to this, as confirmed by the Strategic Housing Manager, there is a clear and demonstrable need to affordable housing within Kidderminster and as such this site warrants special consideration as an “exception” site which is capable of delivering 100% affordable housing. The provision of affordable housing is a District Council priority. It is only the lack of supply of affordable housing and the outstanding need that make the consideration of this site for residential development appropriate, and only then based upon 100% affordable provision, which can be secured via the imposition of a suitable planning condition.

THE DENSITY OF THE PROPOSED DEVELOPMENT

- 4.13 As has previously been identified, the application proposes a mix of apartments and dwelling houses totalling 33 units of accommodation, on this 0.43 hectare site, which equates to just under 77 dwellings per hectare. PPS3 – Housing places great emphasis on the need to make the most efficient use of land, with paragraph 47 stating:
“Local Planning Authorities may wish to set out a range of densities across the plan area rather than one broad density range although 30 dwellings per hectare net should be used as a national indicative minimum”
- 4.14 Higher densities of development within the urban areas can assist in reducing the pressure on Greenfield sites and the resulting sprawl. Furthermore, in the right locations such development can be effective in reducing car dependency, with higher density developments providing more support for public transport and within close proximity of town centres can lead to more journeys being made on foot.

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- 4.15 Policy H.5 “Housing Density” of the Council’s adopted Local Plan identifies a range of densities, which for Kidderminster range from 70 dwellings per hectare within the Town Centre (as defined by the Inset Plan); at least 50 dwellings per hectare within 500 metres of the railway station and town centre (the accompanying reasoned justification makes it clear that this distance relates to either the town centre or the railway); and, 40 dwellings per hectare within 300 metres of a high frequency bus route. In applying the policy, regard is to be had to the local circumstances and the character of the surrounding area.
- 4.16 The application site is located in excess of 500 metres from both the railway station and the Town Centre (as defined by the Inset Plan), and as such the Local Plan seeks for a density of “40 dwellings” per hectare, or more, whilst being mindful of local circumstances and the character of the area.
- 4.17 However, notwithstanding the wording of Policy H.2, paragraph 50 of PPS3 – Housing, which was published in 2006 (i.e. more recently than the adopted Local Plan policies) states:
“Density is a measure of the number of dwellings which can be accommodated on a site or in an area. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment”.
- 4.18 As previously stated, there are a variety of house types within the vicinity of the application site, with more traditional residential development sitting cheek by jowl with more recent contemporary development, along with a number of in-fill properties. This makes an effective comparison of densities difficult due to the distinctive differences between existing house types. Without doubt given current national and local planning policy there would be no scope for replicating the type of densities already evident within the immediate vicinity of the site, with only the section of the Tabbs Gardens development directly adjoining the site coming anywhere close to an appropriate density of development (approximately 56 dwellings per hectare) under current national and local policies and guidance.
- 4.19 A development such as that proposed, which is anchored by apartments, is an effective means of maximising the land resource available. This is a highly sustainable location and the opportunity presented to make the most effective use of the land, to meet a demonstrable need, has been pursued in an appropriate form by the applicant. In this regard, it is perhaps worthy of note that the two and three storey development of apartments and town houses at the nearby junction of the A449 and the A456 (Birmingham Road) on the former site of the Land Oak Service Station, as approved in 2005, resulted in a development density of 76 dwellings per hectare.

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THE DESIGN AND LAYOUT OF THE DEVELOPMENT AND ITS RELATION WITH EXISTING RESIDENTIAL DEVELOPMENT

- 4.20 The existing site, and in particular the single storey club house, result in a gap in the otherwise two storey plus urban form of this stretch of Chester Road North. The development of the site provides an opportunity to enhance the appearance of this particular section of the A449.
- 4.21 The proposed layout takes the form of three groups of dwellings; an L-shaped development of 22 apartments fronting both onto Chester Road North and the new access road serving the development; a terrace of 3 dwelling houses facing directly onto Chester Road North; and, a row of 6 terraced and 2 semi-detached dwelling houses to the rear (west) of the site, facing into the development site and backing onto a relatively new development of residential properties in Tabbs Gardens.
- 4.22 In the case of the dwelling houses, these are all two storey, with a mixture of house types and material finishes, designed to reflect the variety of existing development within the vicinity of the site. Each dwelling features modest fore gardens, but all are provided with private enclosed rear gardens ranging from 10 metres in depth down to a minimum of 8 metres, to accommodate the retention of an existing hedgerow along the boundary with properties in Tabbs Gardens and to facilitate rear access to the properties (namely plots 6 to 11). The separation distances between plots 4 to 11 and existing dwellings in Tabbs Gardens, at 22 metres is considered to be acceptable and consistent with separation distances sought elsewhere within the District. Similarly, the relationship between plots 1 and 4 and the nearest existing property at 239a Chester Road North and 21 Quantock Drive respectively is acceptable, even allowing for a side facing window at the latter property.
- 4.23 Without doubt it is the apartment element of the development that has generated the most concern locally, with the number, design and height of the apartments being primary concerns. The massing of the apartments block has been carefully considered in order to integrate within the existing street scene. At 22 apartments, over two and three floors, the apartments have been designed in such a way as to provide significant variety in elevational detail and ridge heights, again to reflect the variety that already exists within the vicinity of the site. A combination of red brick; rendering and tile hanging is proposed, along with a variety of window detailing. Contrasting red and grey roof materials are also indicated. The apartments, as with the terrace of three properties, will also feature iron railings along the highway frontage to define the public and "private" realm. It should also be noted that the existing bus stop on Chester Road North is to be repositioned and enhanced.

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- 4.24 It is always a challenge for developers when considering the introduction of new buildings within an established area and street scene. The existing Bowling Club building is arguably out-of-keeping with the surrounding area, yet the fact that it has sat relatively unaltered for many years has resulted in it being accepted as part of the street scene. In reality, it is a functional single storey building, which does little to address or add positively to the street scene. The scheme as proposed has sought to take references from the wide variety of existing building styles in the vicinity of the site, and in doing so it stands up to scrutiny when assessed against the Council's adopted Design Quality Supplementary Planning Guidance.
- 4.25 At a maximum ridge height of 11.1 metres, reducing down to 8.9 metres, the apartments feature significant variation in height rather than presenting a single, solid block along the Chester Road North frontage. This variation continues into the site and fronting onto the internal access road, but more critically when viewed from the rear of properties in Linden Grove, which are some 39 metres distant from the apartments. The separation distances between existing properties on the east side of Chester Road North (i.e facing the site) and the apartments is some 26 metres, which even allowing for the height of the proposed apartments is considered to be an acceptable distance.
- 4.26 Full three storey development is evident in the area, in particular at the nearby doctors' surgery at the corner of Chester Road North and Linden Avenue, whilst two storey development, with original dormer features, is evident to the south of the site within a traditional terrace of properties to the north of the railway bridge. Once again, comparison with the development of the former Land Oak Service Station is appropriate, which is located some 150 metres north of the application site. The ridge heights of the development in that case range from 12.4 metres to 10.1 metres along the Chester Road North frontage.
- 4.27 The layout of the development is undoubtedly dominated by the access road and car parking. The parking court to the rear of the apartments is well overlooked by the apartments themselves. Whilst there is private amenity provision provided to the proposed 11 dwellings houses, the amenity provisions for the apartments is restricted and does not exceed 120 square metres. The proposed landscaping of the site centres upon the replacement of existing trees and the strengthening of the boundaries, in particular the northern boundary with the gardens to properties in Linden Grove, along with the provision of the aforementioned private and communal amenity areas.

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HIGHWAYS ISSUES

- 4.28 There is no denying that the A449 (Chester Road North) is an extremely busy road, but residential development fronting the road at the back of pavement is already evident. Along its length there are significant junctions, in particular the nearby signalised crossroads with the A456 (Birmingham Road), which is some 150 metres to the north of the site. Whilst in recent years the highway has been de-trunked, the volume of traffic which passes along this stretch of the highway on a daily basis is clearly significant, and at peak times in particular queuing traffic is often evident within the immediate vicinity of the site.
- 4.29 The proposed development would remove the two existing vehicular access points into the site along with the existing wall and hedge along the highway frontage, to be replaced by a single access road which would serve the entire development. That is to say, no individual properties would be served directly from Chester Road North in the form of separate driveways. The location of the access has been designed so as to ensure that appropriate visibility splays can be provided in both directions for vehicles exiting out onto the A449.
- 4.30 The basic location and alignment of the access road serving the development has not changed since the original submission. However, the detail design has evolved in response to concerns previously raised by County Highways colleagues, culminating in a proposed private, unadopted, road featuring shared surfaces and on-street parking to serve the apartments. Whilst the highway itself would be constructed to adoptable standards, no separate footway is indicated. Such a shared surface arrangement can be appropriate, particularly in smaller, new, development such as this, and the proposal satisfies the relevant guidance as set out within "Manual for Streets", which is a joint DCLG and DfT guide published in 2007.
- 4.31 Parking provision is provided on the basis of 1 space per apartment and two bedroom property, and 2 spaces per three bedroom dwelling (i.e. 37 spaces to serve the 33 units of accommodation). This is fully in accordance with the County Council parking standards which are incorporated into the adopted Local Plan, under Appendix 9. Parking for the dwelling houses is either adjoining or in the immediate vicinity of the properties. The majority of parking to serve the apartments is provided in the form of a communal car park to the north of the site, along with 4 no. "on-street" parking bays.
- 4.32 Previous concerns regarding the manoeuvring of refuse and emergency vehicles have now been addressed. Cycle stands and storage have been provided and are considered to be acceptable in terms of numbers and their location. In light of all of the above, County Highways have now confirmed that, whilst the driveway will not be adopted by the County Council and will remain as a private drive, the layout is acceptable in design terms and as such no objections are raised, subject to the imposition of suitable conditions.

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- 4.33 The non-adoption of the highway following development, whilst unusual, is not unacceptable. Whilst it is perhaps more common in respect of smaller developments of up to 5 dwellings, it is worthy of note that to the rear of the application site lies the residential development of Tabbs Gardens which, despite serving 46 dwellings, is actually served by a private (i.e. unadopted) drive. Clearly in such instances this places an extended burden of maintenance upon the applicants in the future, but this has been recognised by Wyre Forest Community Housing (the applicants).

OTHER ISSUES

- 4.34 With regard to the nature and tenure of the proposed apartments, in light of the comments received from the Strategic Housing Manager the applicants have been asked to reconsider the proposals for the proposed apartments. Furthermore, during earlier stages of the application's consideration a suggestion was made that if the apartments were all set aside for warden controlled sheltered housing, the actual requirement for car parking would be reduced. This in turn would provide an opportunity for additional landscaping and amenity provision within the vicinity of the apartments. The applicants in response advised that warden controlled sheltered housing such as that suggested is no longer developed. The proposed tenure and split of the apartments remains unaltered.
- 4.35 A number of representations as received from local residents made reference to an alleged covenant upon the land, claiming that the land was donated on the basis that it would always be retained for recreational use. The current land owners have advised that they know of no such restriction. Regardless of this claim, this would not in itself be a planning consideration. Any covenant that may, or may not, exist would need to be removed legally.
- 4.36 There are no objections to the proposed development in terms of biodiversity, as confirmed by the key consultees in this regard. Requests for the provision of bird/bat boxes and the use of native species within the landscape scheme can be delivered via the imposition of suitable conditions.
- 4.37 Concerns expressed regarding the proposed storm and foul sewers and the potential impact upon the existing system have been assessed by Severn Trent Water and no objections have been received. A specific concern expressed by an immediate neighbour who claims that the drains cross their land is acknowledged. During any future construction it would be incumbent upon the developer to ensure that the integrity of the neighbour's drainage is protected and maintained.

09/0601/FULL

- 4.38 Objections have been received from a number of residents expressing concern at the lack of primary school spaces locally and the lack of children's play areas. The Council's adopted Supplementary Planning Document (SPD) on Planning Obligations sets out thresholds for development in respect provision of, and/or contributions towards such provision. However, the size of the development falls short of the thresholds in terms of any on-site provision of play equipment with only a financial contribution required towards existing facilities in the area. Furthermore these contributions are reduced in the case of affordable housing schemes such as this. Contributions towards educational facilities are waived for affordable housing schemes.

SECTION 106 AGREEMENT

- 4.39 In accordance with the Planning Obligations SPD, the proposed development could require contributions towards the following:

- Public Open Space and Play Areas;
- Biodiversity;
- Sustainable transport;
- Education;
- Sustainable development.

- 4.40 Taking each of these matters in order, there would be a requirement for a financial contribution towards existing public open space and play areas, which would be calculated as being £7,841.04. This figure takes into account the 50% reduction given to affordable housing schemes such as that which is proposed.

- 4.41 In terms of biodiversity, as previously outlined, the proposed scheme is acceptable and no further mitigation or financial contribution is required. Suitable planning conditions are suggested.

- 4.42 The site occupies a highly sustainable location, in close proximity to existing high frequency bus stops and within walking distance of both the Town Centre and the railway station. Cycle stands and storage are also provided. The County Council have not, therefore, identified a need for a contribution.

- 4.43 The proposed development consists of 100% affordable housing provision and on that basis, and in accordance with the Planning Obligations SPD, no contribution towards Education is warranted. With regard to sustainable development, appropriate levels of bin storage are provided to serve each property in order to accommodate recycling and green waste bins; the properties will be constructed in accordance with Category 3 of the Code for Sustainable Homes; and, a SUDS drainage scheme is proposed to deal with surface water drainage. In light of this, no further requirements are considered necessary or warranted in this case.

09/0601/FULL

- 4.44 Members will have noted that a representation was received from West Mercia Constabulary seeking a financial contribution “... to cover the cost of the increased demand on policing infrastructure that the new development will create”. However the submission acknowledges that: “... There will always be priorities relating to provision of infrastructure and some contributions will be more critical than others. It is the job of the Local Planning Authority as the ultimate decision-maker and place shaper to balance these priorities on a case-by-case basis, depending on the scheme”. Whilst acknowledging this request, which takes the form of a detailed and lengthy justification as to the basis for the financial contribution, the fact remains that the requirements for such contributions have not been previously identified and are not, therefore, embedded within the Planning Obligations SPD. This being the case, it is considered that there are no grounds to request such a contribution.

5.0 Conclusions and Recommendations

- 5.1 Any new development within an established and relatively unaltered area such as this is inevitably going to generate concerns from local residents, which is understandable. The concerns expressed in this case are varied and are outlined within the main body of the report. A balanced view, which weighs up all of the key issues, must be sought.
- 5.2 In assessing the merits of this application, the potential gain in terms of providing much needed affordable housing, which is a District Council priority, in a sustainable location is a primary consideration, however this must be weighed against all other considerations. As reported, the application site does not satisfy the definition of previously developed land as set out within Annex B of PPS3 – Housing. The fact that Chester Road Bowling Club is looking to relocate and improve facilities has presented an opportunity to deliver 100% affordable housing on the site by way of an “exception” site. Furthermore, the sale and subsequent development of the site would enable the Bowling Club to reinvest in an alternative and improved site elsewhere. Whilst acknowledging both Sport England and the Cultural Services Manager’s concerns regarding the relocation of the Bowling Club, Local Plan policies provide no means of securing an alternative site via this application.
- 5.3 The scheme as presented is of an admittedly higher density than that of immediately adjacent, established, development, which has seen little change over the years. Both Local Plan policy H.5 and PPS3 – Housing, encourage greater density of development and seek to make the most effective and efficient use of an existing site. Bearing in mind the more recent, and similar density of, development at the former site of the Land Oak Service Station, even allowing for the existing adjoining densities, the proposed density of development is considered to be acceptable.

09/0601/FULL

- 5.4 The design of the properties, and in particular the apartments, has sought to take its influences from the variety of existing development in the vicinity of the site. There exists a wide variety of house types; materials; and, ridge heights, which have been similarly incorporated into the development. The internal layout and reliance upon a private, shared surface, access road has generated concerns in terms of highway and pedestrian safety as well as in terms of parking. The limited amenity space within the scheme has also been cited. The shared surface option is supported by Manual for Streets and the non-adoption of the highway by County Highways whilst unusual is not unheard of. The parking provision is in full accordance with the adopted car parking standards as they appear within the adopted Local Plan. As for the amenity space provision, in terms of the dwelling houses the level of provision is acceptable. In terms of the apartments, the amenity provision is limited.
- 5.5 Regarding those representations made, following neighbour notification, regarding issues of amenity and privacy, the rights enjoyed by the neighbouring properties under the provisions of Article 1 of Protocol 1, and Article 8 of the Human Rights Act 1998 have been considered and assessed against the scope of the proposed development. No potential breach has been identified.
- 5.6 In light of all of the above, and being mindful of all relevant considerations, on balance, it is considered that the scheme as submitted for 33 affordable homes would be acceptable, and **delegated** authority to **APPROVE** the application is therefore recommended, subject to:
- i. Conclusion of the Departure advertising process and no new issues being raised, that have not already been addressed within this report; and,
 - ii. the signing of a **Section 106 Agreement** to secure a **£7,841.04** contribution towards Public Open Space; and,
 - iii. The following conditions and notes:
 1. A6 (Full with no reserved matters)
 2. A11 (Approved Plans)
 3. B1 (Samples of materials)
 4. B13 (Levels details)
 5. Provision of bird/bat boxes
 6. C7 (Landscaping)
 7. C8 (Landscape Implementation)
 8. C14 (Landscape Maintenance)
 9. 100% Affordable Housing only
 10. E2 (Foul and Surface water)
 11. F4 (Noise Insulation of Flats)
 12. F5 (Construction Site/Noise Vibration)
 13. Construction Method Statement – Construction hours and parking.

09/0601/FULL

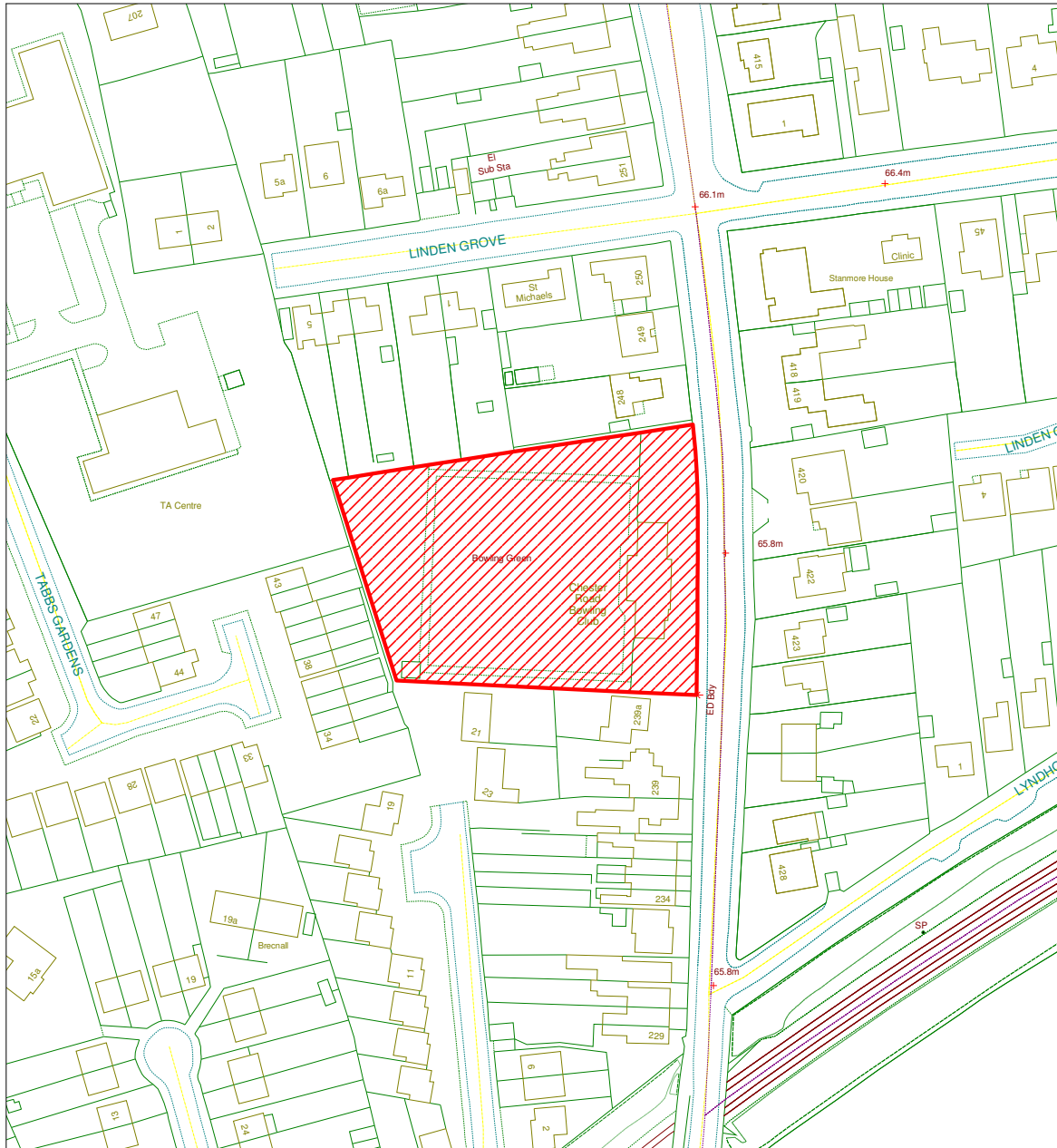
14. F7 (Completion of Noise Attenuation)
15. F12 (No burning of materials)
16. F13 (Control of Dust)
17. Construction traffic – wheel wash
18. H13 (Access, Turning and Parking)
19. J1 (Removal of Permitted Development – Residential)

Notes:

- A. SN2 (Section 106 Agreement)
- B. SN1 (Removal of Permitted Development Rights)
- C. HN1 (Mud on Highway)
- D. HN4 (No Laying of Private Apparatus)

Reason for Approval

The proposed development has been assessed against relevant national, regional and local guidance. The application site does not constitute previously developed land, based upon the definition given in Annex B of PPS3 – Housing. However, whilst Policy H.2 of the adopted Wyre Forest District Local Plan presumes against development which is not previously developed land, the site is located within a predominantly residential area which is washed over by residential land as allocated upon the Local Plan Proposals Plan. There is a clear and demonstrable need for affordable housing within Kidderminster and on that basis, and given the sites location, it is considered that there are appropriate and exceptional circumstances which outweigh the requirements of Policy H.2 in respect of previously developed land these being the delivery of 100% affordable housing on the site, within a residential area and in a sustainable location. The development itself has been assessed in terms of the potential impact upon neighbouring properties and other properties within the vicinity of the site, particularly in terms of the design and height of the proposed scheme, in particular the apartment block. In these regards it is considered that there will be no adverse impact caused by the development. The impact upon the existing highway network has been assessed and no adverse impact has been identified. The density of the development has been carefully assessed, with particular reference to Local Plan policy and PPS3, and whilst it is accepted that the density of the development exceeds the density of development within the immediate vicinity of the site, it is considered that the proposed development makes an efficient and effective use of the land available and thereby is in accordance with the aims and aspirations of PPS3. Adequate provision has been made for foul and surface water drainage, with a Sustainable Urban Drainage System proposed. In light of the above, and being mindful of all other relevant considerations it is considered that whilst the application is a departure from Policy H.2, it is compliant with Policies H.5, D.1, D.3, D.4, D.7, D.10, D.11, D16, NR.9, TR.6, TR.7, TR.8, TR.9, TR.17, LR.3 IMP.1 of the Adopted Wyre Forest District Local Plan.



PLANNING AND REGULATORY SERVICES DIRECTORATE
Chester Road Bowling Club
Chester Road North
Kidderminster
DY10 1TE

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



Application Reference: 09/0850/FULL **Date Received:** 11/12/2009
Ord Sheet: 381064 276402 **Expiry Date:** 05/02/2010
Case Officer: James Houghton **Ward:** Habberley and Blakebook

Proposal: Provision of play equipment (30m aerial zip wire/runway)

Site Address: PLAY AREA, TRURO DRIVE, KIDDERMINSTER, DY116DL

Applicant: Wyre Forest Community Housing

Summary of Policy	D.1, D.3, LR.1 (AWFDLP) QE1, QE3, QE4 (WCSP) PPS1
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site is an area of public open space set to the rear of properties on Truro Drive, the site contains two play areas and a ball court.

2.0 Planning History

2.1 WF.07/0703 – Provision of ball court with fencing (3m high in part) and shelter : Approved 05/09/08.

2.2 08/0252/FULL – Play are with provision of play equipment : Approved 07/05/08.

2.3 09/0513/FULL – Provision of play equipment (30m aerial runway) : Withdrawn.

3.0 Consultations and Representations

3.1 Community and Partnership Services – No representations received.

3.2 Environmental Health – No objections. The proposed zipwire would be unlikely to cause a statutory noise nuisance and would be located in an area already generating noise associated with play, any noise generated as a result of this proposal would be vocal and not amplified and would blend with noise associated with other uses of the site. Whilst access to the site is unrestricted it is unlikely that the equipment is in constant use.

3.3 Crime Risk Advisor – No objections.

09/0850/FULL

- 3.4 Neighbour/Site Notice – Letters supporting the application have been received from one of the ward councillors and a representative of the Habberley Tenants Consultative Committee, in addition two petition supporting the application have been received.

Three letters objecting to the proposal have been received. The objections are on the grounds that:

- Concerns over the levels of noise experienced from the site and neighbouring clubhouse.
- Possibility of proposed equipment increasing levels of noise currently experienced.
- Visual impact of proposed structure.
- Devaluation of neighbouring properties as a result of the park and the increased levels of equipment.
- Possible loss of privacy to those properties on The Lea, in particular no. 30 which has side facing windows looking onto the park, as a result of the development.

4.0 Officer Comments

- 4.1 The applicant seeks approval for the installation of an aerial zipwire/runway on the existing public open space to the rear of properties on Truro Drive. The aerial runway would be 3.3m in height and 30m in length. This application differs from the previously withdrawn application in that the aerial runway has been moved closer to the existing multi use games area.
- 4.2 The proposed equipment is considered appropriate in terms of both scale and design and would not appear incongruous or unusual within the context of the public open space or the immediate area. The aerial runway would be located approximately 37m from properties on The Lea and 68m from properties on Truro Drive, as such the equipment would have a negligible impact on the amenity of properties adjacent to the public open space in terms of privacy, overlooking and outlook. It is noted that no. 30 The Lea benefits from side facing windows looking onto the public open space however the proposed aerial runway would offer no significantly increased impact on the amenity enjoyed by virtue of these windows in terms of both privacy and outlook given the use of the land as public open space.
- 4.3 Letters from those objecting to the proposals voice concerns for a possible increasing noise as a result of the development, given the comments of the Councils Environmental Health department it is not considered that there would be any significant increase in the noise levels across or around the application site.
- 4.4 The concerns relating to visual impact of the aerial runway and the possible devaluation of properties in the immediate area have been taken into account although they would not be considered material planning considerations.

09/0850/FULL

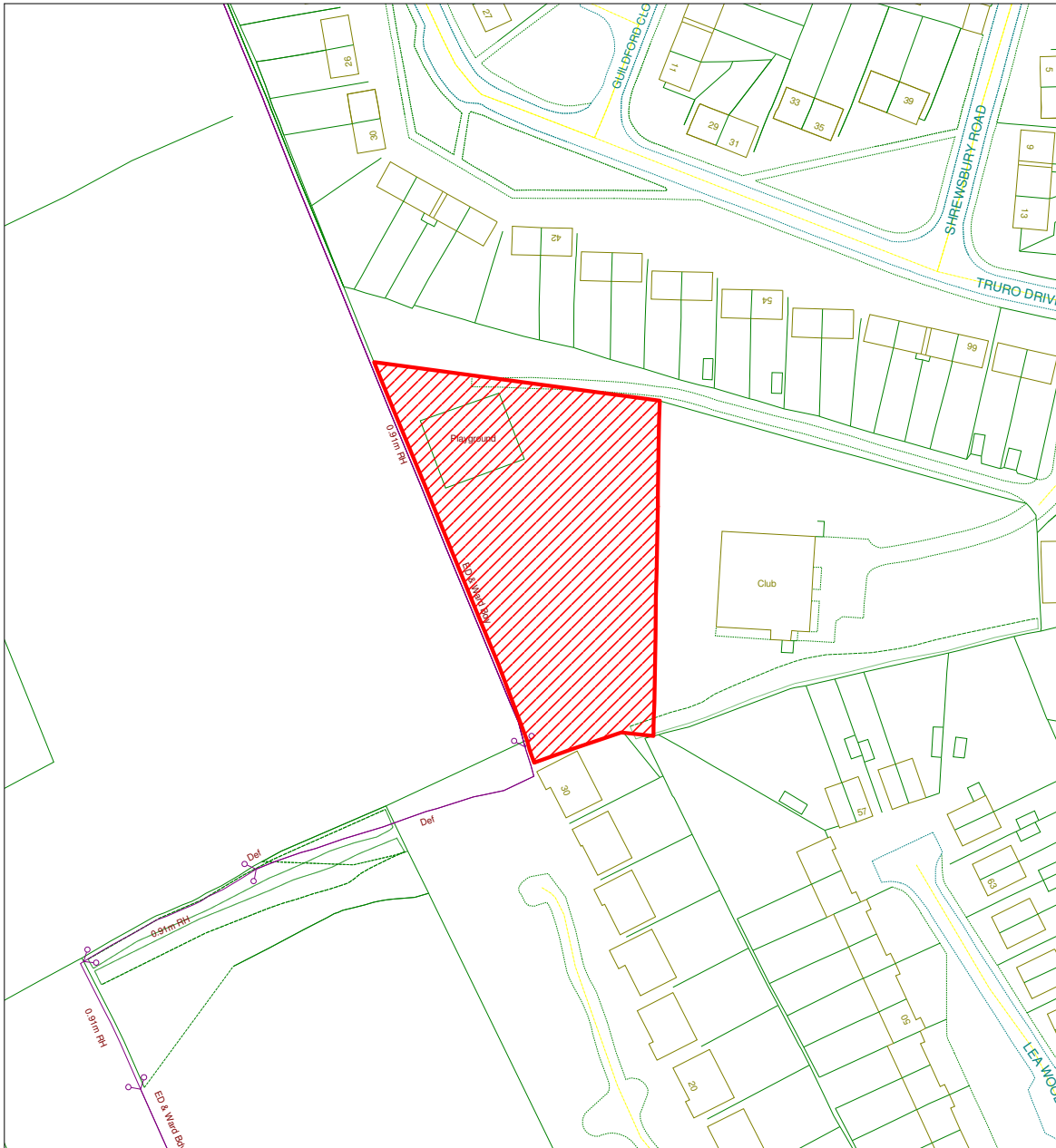
5.0 Conclusions and Recommendations

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

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. B6 (Materials)

Reason for Approval

The proposed aerial runway is considered acceptable in terms of design, scale and position. The impact of the scheme on neighbouring properties has been carefully considered and it is felt that no undue harm will be caused. The development would not reduce the size of the public open space and would have no adverse effect on this leisure use, as such the proposals are considered to accord with the requirements of Policies D.1, D.3 and LR.1 of the Adopted Wyre Forest District Local Plan.



PLANNING AND REGULATORY SERVICES DIRECTORATE
Play Area
Truro Drive
Kidderminster
DY11 6DL

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Application Reference: 09/0858/FULL	Date Received: 16/12/2009
Ord Sheet: 374977 274020	Expiry Date: 10/02/2010
Case Officer: Stuart Allum	Ward: Rock

Proposal: Extension to existing car park adjacent to Wyre Forest Discovery Centre

Site Address: WYRE FOREST DISCOVERY CENTRE, CALLOW HILL, ROCK, KIDDERMINSTER, DY149XQ

Applicant: Forestry Commission

Summary of Policy	D.1, D.3, D.4, D.5, D.7, D.10, D.15, TM.1, LA.1, LA.2, NC.2, NC.5, NC.7, NC.8, TR.9, TR.17 (AWFDLP) CTC.1, CTC.5, CTC.12, CTC.15, RST.2 (WCSP) QE.3, QE.6 (WMRSS)
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The Wyre Forest Discovery Centre is located off Callow Hill, to the west of Bewdley on the A456 route to Tenbury.
- 1.2 Visitors to the site presently park their vehicles in designated car parking areas within the forest environment, and in close proximity to the visitor centre building. This area provides the starting point for the various associated forest walks and trails managed by the Forestry Commission.
- 1.3 The site lies within the Landscape Protection Area and is also partly within a 'Special Wildlife Site'. The proposal involves the expansion of the current number of 195 parking spaces by 85 to 280. A total of 21 trees are identified for felling to accommodate the development.

2.0 Planning History

- 2.1 WF.791/95 - Change of use of existing visitor centre, shop and tearoom into kitchen, restaurant and seating area : Approved
- 2.2 WF.428/96 - Erection of stable building to provide 3 loose boxes : Approved
- 2.3 WF.310/98 - Circular 18/84: Construction of alterations to existing access : No objection

09/0858/FULL

2.4 07/3017/AG - Erection of deer larder : Approved

2.5 07/1302/OUTL - Construction of a Community Education visitors centre :
Approved

3.0 Consultations and Representations

3.1 Rock Parish Council – Views awaited

3.2 Highway Authority – No objections

3.3 Arboricultural Officer – No objections in principle subject to conditions (to be added to Addenda and Correction sheet)

3.4 Countryside and Conservation Officer – Recommends Refusal

The application does not contain sufficient detail to satisfy the provisions of PPS9 and should be refused. The ecological issues are:

1. Potential for the trees to support bats.
2. Unmitigated loss of the woodland associated with this development.
3. Development will encourage more visitors into the forest so some form of mitigation to minimise this harm is also needed.

The submitted ecological report is both out-of-date and sited on a different area of woodland, making it completely invalid.

Additional ecological information has been submitted – views awaited.

3.5 Neighbour/Site Notice - one emailed objection:

“I wish to speak at committee and intend to make the following point:

Why is there no proposal to extend the car park in a northerly direction, ie. into the forest and away from the main road. At present, the only extension proposed for the car park are eastwards and westwards.

There is already believed to be a residue of aggregate at the northern extremity of the car park from a previous road.”

09/0858/FULL

4.0 Officer Comments

- 4.1 The justification for the submitted application stems from the increasing demand for car parking space by visitors to the site. Currently, approximately 195 cars can be accommodated, but peak times can attract far in excess of this number and it is creating an allegedly unacceptable management situation.
- 4.2 The areas for the additional car parking areas have been chosen on the basis that they coincide with the Commission's on-going general tree thinning policy, and that they avoid further intrusion into the forest track areas to the north. The two areas identified are also more accessible for vehicles entering from the highway.
- 4.3 In all cases where an existing tourist attraction seeks to expand facilities, the scope and nature of the development will be subjected to close scrutiny in relation to environmental impact on landscape, historic and ecological features and local communities.
- 4.4 Whilst this proposal may demonstrate landscape credibility in terms of its spatial relationship with the remaining trees, and the sites are sufficiently isolated from nearby dwellings to avoid loss of amenity or privacy, the necessary evidence to evaluate the potential ecological impact has not been submitted in a sufficiently robust or up-to-date form.
- 4.5 Such a situation has resulted in the comments received from the Countryside and Conservation Officer, reported above. Following discussions with the applicant, a further ecological report has been submitted which covers the missing information on the previous report. At the time of writing the Countryside and Conservation Officer's comments are awaited. These will be updated via the Addenda and Correction Sheet.
- 4.6 Regarding the comments made by the neighbour, there appear to be good reasons why the alternative site to the north was not considered suitable for the additional car parking areas and the loss of 21 trees is acceptable in terms of the overall impact on local landscape. However, insufficient information has been received to enable the Local Planning Authority to fully endorse their suitability for that purpose from an ecological perspective.

5.0 Conclusions and Recommendations

- 5.1 Although the proposal fails at present to meet the requirements of the appropriate biodiversity policies and other guidance, including PPS9, additional information has been submitted and is currently being assessed. The impact on the landscape and residential properties is considered acceptable.

09/0858/FULL

5.2 It is therefore recommended that delegated authority to **APPROVE** the application be given subject to:

- (a) a 'no objection' response from the Countryside and Conservation Officer, and
- (b) the following conditions:
 - 1. A6 (Full with No Reserved Matters)
 - 2. A11 (Approved Plans)
 - 3. Tree Conditions
 - 4. Ecology Mitigation

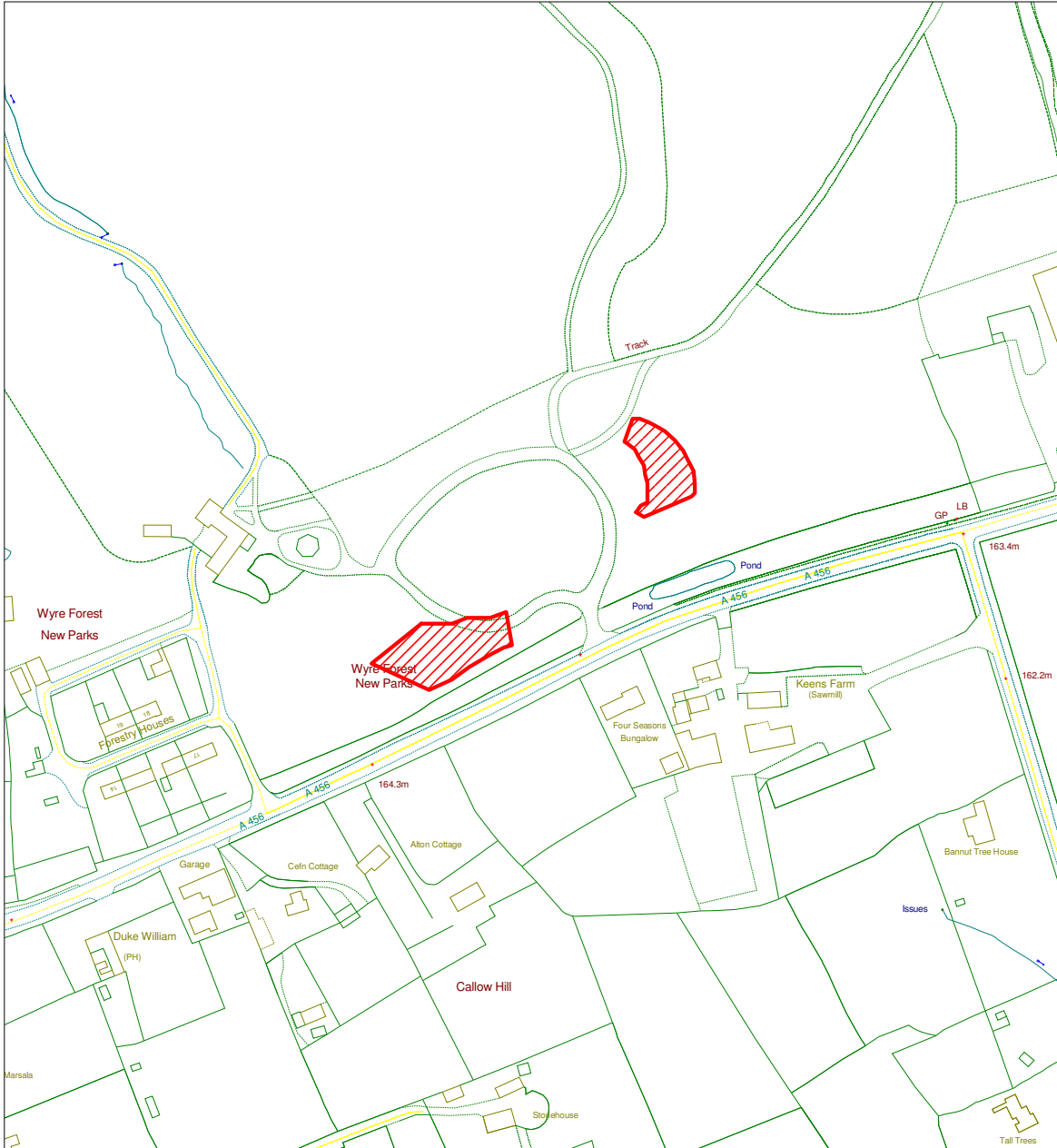
NOTE
SN3 (Protection of Species)

Reason for Approval

The proposed additional car parking can be provided without resulting in significant harm to the surrounding landscape, the Wyre Forest SSSI or matters of biodiversity. The impact on residential properties has been fully assessed and it is considered that no undue harm will result. The proposal is thus in accordance with the policies listed above.

5.3 If an objection from the Countryside and Conservation Officer is raised following an assessment of the additional information I recommend that delegated authority be given to REFUSE the application for the following reason:

Insufficient information has been submitted to enable the Local Planning Authority to fully or properly assess the potential ecological impact of the proposal, nor any projected mitigation measures designed to overcome identified harm to such interests. This is contrary to Policies TM.1, D.4, NC.2, NC.5, NC.7 and NC.8 of the Adopted Wyre Forest District Local Plan, Policies CTC.5, CTC.12, CTC.15 and RST.2 of the Worcestershire County Structure Plan, and guidance in PPS9.



PLANNING AND REGULATORY SERVICES DIRECTORATE
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Callow Hill
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PLANNING COMMITTEE
9TH FEBRUARY 2010

PART B

Application Reference:	09/0192/FULL	Date Received:	17/03/2009
Ord Sheet:	380938 271255	Expiry Date:	12/05/2009
Case Officer:	Paul Round	Ward:	Mitton

Proposal: Installation of new shopfront, erection of two storey rear extension & change of use of first floor to offices (Class B1)

Site Address: 23/24 BRIDGE STREET, STOURPORT-ON-SEVERN, DY138UT

Applicant: Engineering & Building Design

Summary of Policy	D.1, D.3, D.18, CA,1, CA.3, LB.1, TR.9, TC.2, AR.3 (AWFDLP) CTC.20 (WCSP) QE.3, QE.5 (WMRSS) Design Quality SPG PPS1, PPS4, PPG15, PPG16
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 No. 23/24 Bridge Street is a retail premises located within the heart of Stourport on Severn Town Centre. It is a locally listed building and situated within the Conservation Area.

2.0 Planning History

2.1 None.

3.0 Consultations and Representations

3.1 Stourport on Severn Town Council – No objections and recommend approval.

3.2 Highway Authority – No objections subject to condition.

09/0192/FULL

3.3 Worcestershire County Council Historic Environment and Archaeology Service
- No objections subject to condition

3.4 Stourport on Severn Civic Society – ORIGINAL PLANS - Stourport-on-Severn Civic Society welcome the restoration and re-use of this building which is long overdue but are **opposed** to this planning application.

23/24 Bridge Street is a significant site:

- It is prominently placed close to one of the main town "gateways".
- It is opposite the area covered by the Bridge Street Development Brief.
- It is historically important as Sir Charles Hastings (founder of the BMA) served his apprenticeship c1808 in the apothecary's shop at no 24. Because of the above factors we believe this site deserves sensitive, sympathetic treatment. This does not appear to be the case with this application.
- The "existing" windows on the ground floor, referred to in the application were inserted last year. Did they receive planning permission? They are totally unsuitable and do not match the features of the upper floors. The Civic Society archive contains photos of the building in the Edwardian period with the original ground floor frontage. This building would, surely, be an appropriate recipient of one of the unclaimed English Heritage grants which are available for the regeneration of Bridge Street?
- The description of materials to be used is poor and needs to be more specific
- Brick piers on the front of the building are inappropriate
- Toilet facilities for the offices are inadequate
- There does not seem to be any provision for dustbin storage. Shop premises will surely need this, otherwise the remaining site at the back of the building will become a refuse tip.
- The planning application refers to building work having started on 12/01/09. What building work?

REVISED PLANS – The revised plans for 23/24 Bridge Street do not appear to be any different from the ones we received some months ago. Although we are pleased to see some attempt to bring the building back into use we are opposed to the current application for the following reasons:

- This is a prominent and historic building close to one of the gateways to the town and is therefore worthy of special consideration. If the planned Bridge St development takes place it will be directly opposite the new entrance to the historic basins.
- This planning application is retrospective as much of the work appears to have already been done without planning permission
- There has been no attempt to make the ground floor frontage of the building conform with the rest of the building. There are photographs available to show how it originally looked and funding available from English Heritage to restore its original appearance.
- Stourport deserves better than this

09/0192/FULL

3.5 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

4.1 The proposed works fall into two aspects firstly for the shopfront and secondly in respect of the use of the upper floors as offices and the associated rear extension.

4.2 The shopfront has been installed and provides a vast enhancement to the elevation to that which previously existed as a boarded up shop. Whilst the details may not be perfect, I do not feel that the solution chosen can be justifiably refused as it has provided an enhancement and use to the Locally Listed Building and the appearance of the Conservation Area. I note the comments of the Civic Society; however, I do not feel that a perfect solution could be achieved on this occasion and in view of the enhancement gained, I consider the shopfront to be acceptable.

4.3 The use of the upper floors as offices is supported by Policy TC.2. The rear extension provides the required staircase. There have protracted negotiations in respect of the design of this element and the final solution although not ideal provides an adequate design solution to the property. Bearing in mind that the rear of the property is completely enclosed by other buildings, the character of the conservation area will not be affected by this element.

4.4 On balance, the proposal offers a solution that enhances the conservation area and brings the building back into use.

5.0 Conclusions and Recommendations

5.1 The application is recommended for **APPROVAL** subject to the following conditions:

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. B1a (Samples/Details of Materials)
4. B9 (Details of Windows and Doors)
5. Implementation of a programme of historic building recording
6. Secure parking for six cycles

Reason for Approval

The proposal results in a solution that enhances the character of the conservation area and brings a locally listed building back into use. The design is considered on this basis to be acceptable and the use of the upper floors supported by policy. For these reasons, the proposal is considered to be compliant with the above policies of The Adopted Wyre Forest District Local Plan

Application Reference: 09/0688/FULL	Date Received: 28/09/2009
Ord Sheet: 384629 280477	Expiry Date: 23/11/2009
Case Officer: Stuart Allum	Ward: Cookley

Proposal: Stable Block

Site Address: THE BARN, AUSTCLIFFE ROAD, COOKLEY,
KIDDERMINSTER,

Applicant: Mr D Boraston

Summary of Policy	GB.1, GB.2, GB.6, D.1, D.3, D.5, D.7, CA.6, TR.9, TR.17, EQ.2, EQ.3 (AWFDLP) SD.2, D.39, RST1 (WCSP) QE.1, QE.3, QE.5 (WMRSS)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site is located in the Green Belt on the eastern edge of Cookley’s residential area. Vehicular access is gained from Austcliffe Road via an opening at the western side of the barn site.
- 1.2 The site is part of an existing paddock outside the ‘domestic curtilage’ formed by the on going conversion of the adjacent agricultural barn to dwelling use. This has been confirmed by a revised plan demonstrating the paddock/garden areas concerned. To the west, the site is closely bounded by existing residential properties, those in Staite Drive being at a significantly higher level.
- 1.3 The proposal is to erect a timber stable for the private use of the applicants, 11 metres long x 3.5 metres wide x 3.4 metres high in a corner of the paddock, ‘dug in’ to the existing bank, and at a lower level than the adjacent dwellings.

2.0 Planning History

- 2.1 09/0043/FULL – Conversion of barn to dwelling : Approval

09/0688/FULL

3.0 Consultations and Representations

3.1 Wolverley and Cookley Parish Council – Recommend refusal. There has been a lack of consultation with neighbouring properties. The development would have environmental effects due to proximity to people and is overdevelopment as current barns exist.

3.2 Highway Authority – No objections

3.3 Environmental Health – No adverse comments

3.4 British Waterways – No comments to make

3.5 Neighbour/Site Notice – 4 letters received:

- No consultation has taken place in relation to this proposed development. Grateful to both Councillors and the committee for allowing us the time to consider the proposal and participate in the planning process.
- As we were unaware of this proposal we have no information regarding its use. In particular we are unaware as to whether it is for use as private or commercial stables.
- Highways – Concern about an increase in traffic volume such as horse boxes and other visiting vehicles.

Proposed new entrance abuts directly against our driveway and slow manoeuvring vehicles could cause a hazard, especially with the proximity of the blind bend.

When we built our property the Council Planners were concerned about the proximity of this bend to our drive and we were informed that we were on the extreme edge as far as safely emerging vehicles were concerned. We went to great lengths to ensure vision was as clear as possible by removing obstructing foliage and ensuring adequate turning space was available on our widened driveway.

- Structural Risk – Proposal states that part of the existing embankment which verges on our property is to be excavated and a 1200mm retaining wall erected.

This will leave part of the embankment remaining. We are worried that this excavation will weaken the embankment as it comes below the level of our house and foundations – risk of subsidence. We understand that an ‘angle of repose’ running at 45 degrees from the base of the foundations is the minimum necessary to ensure security from movement unless a substantial load bearing retaining structure is built.

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- Loss of Light – Understand that 1.8m high fence would be erected at the top of the remaining embankment parallel to the existing fence which will block daylight to our lounge, dining room and conservatory.
- Nuisance from Noise, Smell, Insects and Lighting – Proximity of proposed stable block to our property is likely to be a smell, vermin and insect problem – health hazard also likely to be increased noise from vehicles and people – engines running. Also concerned about their strip of the embankment remaining between the fence to our property and the proposed 1800mm high fence. What would this land be used for?
- Existing buildings – One of the applicants justifications for a new block rather than the conversion of the existing building relates “in addition years ago these buildings were used as slaughter houses and the deep ingrained smell still exists in the structure and horses will not enter”.

We believe that the applicants have been misinformed about how these buildings have been previously used. We believe that animals were never slaughtered in these premises.

- I have lived in Austcliffe Road for 45 years and have lived in Cookley for over 80 years. Horses have been stabled there for the last 10 years.
- Leylandii trees have now been planted along the boundary – this will cause more nuisance in the future.

4.0 Officer Comments

- 4.1 As this site lies within the West Midlands Green Belt, the starting point in the determination of this application is the appropriateness or otherwise of the development in this context.
- 4.2 Policy GB.1 of the Adopted Wyre Forest District Local Plan indicates that development which provides essential facilities for outdoor sport or recreation may be regarded as appropriate development in the Green Belt, subject to not harming the openness of such designated areas.
- 4.3 In this case, the site chosen for the proposed stable has a close spatial relationship with existing buildings, including neighbouring dwellings and ‘The Barn’ which is currently being converted to dwelling use for the applicants, along with the adjacent traditional outbuilding.
- 4.4 As such, it would be difficult to claim that the proposed building would harm Green Belt openness or visual amenity in the wider sense.
- 4.5 The assessment of ‘appropriateness’ is also linked to how ‘essential’ the development is in relation to facilitating outdoor sport or recreation.

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- 4.6 Such an assessment is clarified to some extent by equestrian policies in the Local Plan, the reasoned justification of which recommends a maximum size for stables, which is mirrored by the submitted scheme. It is reasonable to provide shelter for recreational horses in the Green Belt provided that the scale of the proposal does not become overbearing in terms of openness and visual amenity.
- 4.7 The objections of the neighbouring properties have included reference to the existing brick and tile outbuilding adjacent to the approved barn conversion. There is conflicting evidence about the previous use of this building, but in any event it is not considered necessary for the applicants to demonstrate that this building is unsuitable for stabling as a 'very special circumstance' in the context of Green Belt Policy, to justify the stable applied for.
- 4.8 Having adopted such a sequential determination process it follows that the proposed building is entitled to be judged on its own merits, and is therefore considered to be appropriate development in the Green Belt.
- 4.9 Turning now to the other issues raised by the neighbours and the Parish Council, the previously incomplete neighbour consultation exercise has been rectified in accordance with Council Policy, and all relevant adjacent properties have received individual notification by letter. The issues addressed by the neighbours are considered in turn.

HIGHWAYS

- 4.10 The Highway Authority have issued a 'no objection' comment. It is considered that the development of a stable building will not result in significant additional traffic movements so as to warrant refusal.

STRUCTURAL RISK

- 4.11 The structural integrity of the proposed retaining wall can be controlled by a specific planning condition requiring the submission of engineering details.

LOSS OF LIGHT

- 4.12 It is considered that the distance between the neighbouring windows and the proposed fence (4 metres) is sufficient to minimise loss of light to principle habitable room windows, although full details of the fencing are reserved for approval through a planning condition.

ENVIRONMENTAL NOISE

- 4.13 The Council's own Environmental Health Section are not objecting to the proposal. Stables need not create environmental nuisance or health hazards subject to proper day-to-day management. If such management were ever to break down, it remains within the remit of the Council to take appropriate action, if necessary, through the 'Statutory Nuisance' procedure. Details of waste disposal can also be controlled through a planning condition.

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EXISTING BUILDINGS

- 4.14 This issue has been discussed at point 4.7. The existing building falls within the domestic curtilage of the barn. This proposal seeks for stabling in the separate paddock area.

LEYLANDII HEDGE

- 4.15 The recently planted leylandii hedge is not subject to planning control at its present height, but may become subject to investigation at a later time if a complaint is received under the 'High Hedges' legislation.
- 4.16 Regarding issues of amenity and privacy, the rights enjoyed by the neighbouring properties under the provisions of Article 1 of Protocol 1, and Article 8 of the Human Rights Act 1998 have been balanced against the scope of the proposal in this context. No potential breach has been identified.

5.0 Conclusions and Recommendations

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

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. External materials – approved
4. Stables – no commercial use
5. Retaining wall – engineering details to be submitted
6. Fencing details including materials and colour to be submitted

Reason for Approval

The proposal is considered to be appropriate development in the Green Belt because the stable building is sited and designed in such a way that the openness and visual amenity of the Green Belt would not be harmed. The development is also acceptable in terms of neighbour amenity and highways safety. Accordingly the provisions of the policies listed above are considered to have been satisfied.

Application Reference: 09/0802/FULL **Date Received:** 13/11/2009
Ord Sheet: 382002 271085 **Expiry Date:** 08/01/2010
Case Officer: Stuart Allum **Ward:** Mitton

Proposal: Two storey side extension plus new velux rooflight to adjoining site (17 Pinedene)

Site Address: 19 PINEDENE, STOURPORT-ON-SEVERN, DY139NG

Applicant: Mr & Mrs Freeman

Summary of Policy	D.1, D.3, D.17 (AWFDLP) QE.1, QE.3 (WMRSS) Design Quality SPG PPS1
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 No. 19 Pinedene is a semi detached dwelling located in an allocated residential area to the east of Stourport on Severn town centre.
- 1.2 The local area is characterised by medium density housing arranged on regular building lines, set back from the highway.

2.0 Planning History

- 2.1 None

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Recommends refusal due to the obstruction of light to an adjoining site at No. 17 Pinedene and the potential planning precedent resulting from accepting the proposed velux rooflight solution proposed.
- 3.2 Neighbour/Site Notice – No representations received

09/0802/FULL

4.0 Officer Comments

- 4.1 The proposed side extension is in scale and keeping with the form, materials, architectural characteristics and detailing of the original building, and would be visually subservient in this context.
- 4.2 The extended property would be visually appropriate in the local setting and streetscene.
- 4.3 However, the proposal would not be capable of meeting the requirements of the Council's 45 degree day-lighting code, due to the presence of a side facing bedroom window in the gable end of the neighbouring property at No. 17 to the east of the site. This is the sole means of illumination to this principal habitable room.
- 4.4 To compensate for this, the applicant is willing to provide alternative illumination to this bedroom at No. 17 by way of a forward facing rooflight of an appropriate size and design.
- 4.5 This arrangement has not generated any objections from the affected neighbour at No. 17 and is capable of being accommodated within any planning permission by a condition, rather than being the subject of a separate legal agreement with the Council. The recommended condition has been endorsed by the Council's Principal Solicitor, and has been applied previously in similar cases. In that context, and in view of the comments made by Stourport on Severn Town Council, a precedent has already been set for replicating this solution. It is however considered to be an acceptable solution.
- 4.6 With regard to the issues of amenity and privacy, the rights enjoyed by the neighbouring properties under the provisions of Article 1 of Protocol 1, and Article 8 of the Human Rights Act 1998, have been balanced against the scope of the proposal in this context. No potential breach has been identified, subject to the use of recommended conditions 4 and 5.

5.0 Conclusions and Recommendations

- 5.1 In consideration of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998, it is recommended that this application be **APPROVED**, subject to the following conditions:-
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. No windows or other openings shall be formed in the side elevation without the prior written approval of the Local Planning Authority.

09/0802/FULL

4. The development hereby permitted shall not be initiated by the undertaking of a material operation as defined in Section 56 (4) (a) – (d) of the Town and Country Planning Act 1990 in relation to the development, until a Planning Obligation pursuant to Section 106 of the said Act relating to this land and the adjoining property has been completed and lodged with the Local Planning Authority, and the Local Planning Authority has notified the persons submitting the same that it is to the Local Planning Authority's approval. The said Planning Obligation will ensure that the roof window shown on the approved Drawing 2507 Revision A is provided in the front roof slope of No.17 Pinedene, Stourport on Severn, to the written satisfaction of the Local Planning Authority.

Reason for Approval

The proposed extension is considered to be of an appropriate scale and design in relation to the original dwelling and will present an acceptable appearance in the streetscene. The impact of the extension upon neighbouring properties has been carefully assessed and, with the recommended conditions in place, no undue loss of amenity or privacy would occur as a result of the development. Accordingly, the proposal is considered to be in compliance with the policies listed above.

Application Reference:	09/0860/FULL	Date Received:	15/12/2009
Ord Sheet:	381892 281214	Expiry Date:	09/02/2010
Case Officer:	Paul Round	Ward:	Wolverley

Proposal: Alterations to external elevations of existing domestic outbuilding used in association with Flat No.1

Site Address: HEYBRIDGE, KINGSFORD LANE, WOLVERLEY, KIDDERMINSTER, DY115SN

Applicant: Mr P Stanford

Summary of Policy	D1, D3, D5, GB1, GB2, GB6, LA1, LA2, TR9, TR17 (AWFDLP) D39 (WCSP) QE3, QE6 (WMRSS) PPS1, PPG2, PPS7
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Heybridge is a detached property which at some time in the past has been subdivided to form 4 flats. The site is located off Castle Hill Lane in Kingsford to the North-West of Wolverley.
- 1.2 The site is located within the West Midlands Green Belt and the designated Landscape Protection Area.
- 1.3 The proposal involves works to an existing domestic garage at the property.

2.0 Planning History

Various but of relevance:

- 2.1 KR.89/70 – Double Garage : Approved
- 2.2 WF.838/02 – Pitched roof and other alterations to existing garage : Approved
- 2.3 09/0466/FULL – Use of garage for ancillary domestic accommodation : Withdrawn

09/0860/FULL

3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council – Recommend refusal; development in Green Belt which is restricted also need to keep consistency within the parish therefore should be refused in line with similar development at Hobro, Wolverley.
- 3.2 Highway Authority – No objection
- 3.3 Worcestershire County Council Public Path Orders Officer - No objection subject to note
- 3.4 Environmental Health – No adverse comments
- 3.5 Ramblers' Association - There would appear to be no material effect upon Public Right of Ways, Wolverley and Cookley 502 & 510 and therefore we have no objections.

However because of the close proximity of the proposed development to the footpath/bridleway we would ask that the applicants are made specifically aware that under no circumstances may they obstruct, either during construction or afterwards, or divert the footpath and that the granting of planning permission does not give them any such authorisation and that access to the conversion is as existing.

- 3.6 Neighbour/Site Notice : Representations have been received from 2 near neighbouring properties.

Firstly, there is a letter of support but concerns have been raised -

1. There is a poor planning history associated with this property. Heybridge itself is broken into 4 apartments without planning consent. A planning enforcement notice has previously been applied to the site in an attempt to stop the owner from trading his business from it. That has failed to be enforced and there are regularly plant and machinery and skip lorries on the site and open storage of rough materials. This is confirmed in the supporting statement with the application. Tidy up notices have been applied with various levels of response and the owner has been monitored closely by the Environment Agency.

2. The owner embarked on works last year cutting away an embankment to the west of the property and was required by your authority to submit a planning application to construct a wall. The latter has since been constructed and an area of wasteland has now been attractively landscaped. However the use of part of the site, the subject of this planning application, for vehicles and rough storage still continues. Currently there is extensive rough storage on the site and there are regular bonfires where toxic substances are burnt.

09/0860/FULL

Many of the issues above could be resolved if a condition was attached to any planning consent requiring that **prior to commencement of works**, the yard was cleared and returned to open lawns and gardens. The condition should also require the removal of large quantities of diesel/oil storage and any other storage, scrap vehicles and materials from the site. This would mean that granting of consent would have the result of improving the area. The layout plan provided with the application shows only a small area of parking significantly reduced from the rough parking and storage area currently in use. Any consent would need to specify the reduced size of this area.

The second letter simply makes the following comment –

I await with interest your decision. Up until now, I have been under the impression that Councils did not allow business or new buildings on private properties, how wrong I was.

4.0 Officer Comments

- 4.1 The application follows a previous application for self contained accommodation which was withdrawn due to policy difficulties.
- 4.2 The use of the building now proposed is not self-contained and falls within what is permissible as ‘ancillary domestic accommodation’ which falls into the same category as the existing domestic garage, as such there is no change of use of this building. (For clarity, if the building were to have self contained accommodation it would create a separate domestic unit of accommodation which would require planning permission). In this case the internal layout shows two bedrooms with associated toilet facilities and a games room. There are no bathing (i.e. bath or shower) facilities or kitchen facilities provided as these will be shared with the main residence, that being in flat 1.
- 4.3 The applicant has informed the Council that the use of this building is to provide overnight accommodation for visiting relatives and will not be occupied on a full time basis and does not therefore need to be self-contained.
- 4.4 On this basis the consideration of this application purely falls to the external changes proposed and their impact on this rural Green Belt location and adjoining residential properties

09/0860/FULL

- 4.5 The changes proposed are purely elevational and do not alter the footprint of the building. The garage doors are to be replaced with boarding and windows, existing window and door to the side elevation will be boarded and additional windows and rooflights provided to the opposite side and rear. The changes do not affect the form or size of the building and as such they are appropriate in the Green Belt location. Due to the orientation of the building there will be little visual change from public vantage points. On this basis I am satisfied that the proposed changes will not result in harm being caused to the character of the surroundings.
- 4.6 The representations received from the neighbours are noted, in particular the request for a condition. However, due to the scope of the works, I do not consider that it would be reasonable to insist that the land is tidied. If this is an outstanding issue, there are other parts of the planning legislation that can be brought to bear in this situation.
- 4.7 I also note the comments of Wolverley and Cookley Parish Council. However, this is not a comparable case with the one mentioned at Hobro (Horseley Cottage, Hobro – 09/0678/FULL and 09/0679/FULL), as the application at Hobro sought retrospective permission for a self contained unit of accommodation and substantial alterations to the building, Members are advised that these applications have been refused under Officer delegated powers. The application before Members and under consideration does not propose substantial alterations or a self contained unit of accommodation, which would require a separate planning application and would not be looked upon favourably. It should also be noted at this juncture that the works proposed and the use of the building would normally fall under permitted development rights not requiring planning permission if the property were a dwelling house and not, as in this case, a flat.
- 4.8 There are no highway issues as there is ample parking at the property and there are no alterations proposed to the access. Neighbouring properties will be unaffected by this proposal.

5.0 Conclusions and Recommendations

- 5.1 The external alterations to the garage are considered acceptable and will not have an adverse impact on this rural Green Belt setting or the character of the Landscape Protection Area. It is considered that there are no highway or neighbours amenity issues in this case.
- 5.2 I therefore recommend **APPROVAL** subject to the following conditions.
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B5 (Timber staining)

09/0860/FULL

Notes

- A. This permission relates to the external changes of the building only. The applicant should be aware that the building should remain as ancillary accommodation without bathing or kitchen facilities. Any changes to make the building self-contained in nature would require a formal planning application for change of use to a self-contained unit of residential accommodation, which may not be looked upon favourably.
- B. The works proposed by this application may require a Building Regulations Application. The Applicant should contact the Principal Building Control Officer at Duke House, Kidderminster (01562 732526) to discuss this proposal.
- C. The Applicant is advised to note that Public Right of Ways (Footpath WC-510 and Bridleway WC-502)) cross near to the site. The developer is therefore advised of the following obligations: - No disturbance of, or change to, the surface of the path or part thereof without written consent [this includes laying of concrete, tarmac or similar]; - No diminution in the width of the right of way for use by the public; - Building materials must not be stored on the right of way; - Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way; - No additional barriers are placed across the right of way; - The safety of the public using the right of way is to be ensured at all times.

Reason for Approval

The external alterations to the garage are considered acceptable and will not have an adverse impact on this rural Green Belt setting or the character of the Landscape Protection Area. It is considered that there are no highway or neighbours amenity issues in this case. For these reasons the proposal is considered to be in accordance with the policies listed above.

Application Reference: 09/0862/TREE	Date Received: 16/12/2009
Ord Sheet: 379120 275361	Expiry Date: 10/02/2010
Case Officer: Alvan Kingston	Ward: Wribbenhall

Proposal: Fell Horse Chestnut T1 & T4, Re-pollard Limes T2, T3 & T5

Site Address: Land Off, Station Road, Bewdley, DY121BT

Applicant: Mr Tim Fell

Summary of Policy	D3, D4 (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 trees, which form part of TPO No. 52, confirmed in 1974, are located on a section of land that runs parallel with Station Road, Bewdley. They are among a number of trees growing close to the roadside in Station Road and along the approach to the Severn Valley Railway Station.

2.0 Planning History

- 2.1 WF.0619/97 – TPO: Remove Sycamore, prune back 2 mature Limes, remove branch from Chestnut : Approved 29/10/97
- 2.2 WF.0473/00 – TPO: Reduce 6 Holly trees, removal of 2 Holly trees, re-pollard 3 Common Limes and 3 Horse Chestnut : Approved 18/7/00

3.0 Consultations and Representations

3.1 Bewdley Town Council – Objection received on the following grounds:

‘On advice of their Tree Wardens, the Committee believe that apart from some small dead branches, there is no danger of branches falling onto the adjacent housing. The trees in the past have been pollarded and this should apply to T1 and T4. Indeed, the opportunity could be taken to re-pollard the whole line. This has happened on the other side of the road and the trees there have benefited from this treatment which then avoids the problems of falling branches and also prolongs the life of the tree.’

3.2 Ward Members – No representations received.

3.3 Site Notice – No representations received.

09/0862/TREE

4.0 Officer Comments

- 4.1 This is one of two applications for works on the same trees in Station Road, Bewdley. The second application, reference 09/0863/TREE), is the next item on the agenda. In this application, the proposed works are to fell two horse chestnuts (*Aesculus hippocastanum*) and re-pollard three common limes (*Tilia x europaea*).
- 4.2 The chestnut trees are in a very poor condition with large cavities and decay evident within the main stems and old pollard heads. As a result, they are considered to be a potential threat to the nearby properties and users of Station Road. Unfortunately pollarding the chestnuts is not a viable solution for these two trees, as mature, or over mature, chestnut trees, as in this case, do not cope well with such hard pruning works.
- 4.3 The owner of the land is not keen to plant replacement trees to mitigate for the loss of the two chestnuts. However, it is considered that there will need to be replacements planted for both trees, in the same location, as their removal will be likely to have an adverse impact on the amenity of the local area.
- 4.4 The lime trees have also been pollarded in the past although they have since been left to grow and the re-growth has become heavy and unstable. A separate application (09/0863/TREE) has been submitted in which the owner seeks to fell the three limes. It is considered that pollarding the trees at this stage would be a better course of action, as proposed by this application, as the removal of all five trees at the same time would be likely to have a significant impact on the amenity of the area.
- 4.5 It is clear from the site inspection that all the trees subject of this application are long overdue for appropriate safety works. Attempts have been made by Worcestershire County Council and Wyre Forest District Council to find the owner of the trees to enforce them to carry out works.
- 4.6 It is acknowledged that the Town Council's recommendation that all five trees be pollarded would be a good solution to solve the safety issues and keep the trees in-situ. However, as previously stated, the two chestnut trees are in a poor condition with decay present and it is considered that they would be unlikely to grow much following the pollarding works, as old horse chestnuts (*Aesculus hippocastanum*) do not tolerate heavy pruning works. Felling and replacing the two chestnut trees would, it is felt, be a much better long-term solution.

09/0862/TREE

5.0 Conclusions and Recommendations

- 5.1 The recommendations of the Town Council, in many respects, offer a good solution to remedy the safety concerns in respect of the trees, which are the subject of this application. The pollarding of the three lime trees is entirely appropriate, however a similar approach to the existing horse chestnut trees is not considered appropriate, for the reasons set out in this report.
- 5.2 In light of the above, the application is recommended for **APPROVAL**, subject to the following conditions:
1. TPO1 (Non-standard Condition '2 year restriction of Consent Notice')
 2. C17 (TPO Schedule of Works)
 3. C16 (2 x Replacement trees)

Schedule of Works

Only the following works shall be carried out:

- T1 Horse chestnut (*Aesculus hippocastanum*) – Fell
- T2 Common lime (*Tilia x europaea*) – Pollard to previous points
- T3 Common lime (*Tilia x europaea*) – Pollard to previous points
- T4 Horse chestnut (*Aesculus hippocastanum*) - Fell
- T5 Common lime (*Tilia x europaea*) – Pollard to previous points

Application Reference:	09/0863/TREE	Date Received:	16/12/2009
Ord Sheet:	379120 275361	Expiry Date:	10/02/2010
Case Officer:	Alvan Kingston	Ward:	Wribbenhall

Proposal: Fell all trees T1 & T4 Horse Chesnut, T2, T3 & T5 Common Lime

Site Address: Land Off, Station Road, Bewdley, DY121BT

Applicant: Mr T Fell - The Dennis Fell Companies

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/REFUSAL

1.0 Site Location and Description

1.1 The trees, which form part of TPO No. 52, confirmed in 1974, are located on a section of land that runs parallel with Station Road, Bewdley. They are among a number of trees growing close to the roadside in Station Road and along the approach to the Severn Valley Railway Station.

2.0 Planning History

- 2.1 WF.0619/97 – TPO: Remove Sycamore, prune back 2 mature Limes, remove branch from Chestnut : Approved 29/10/97
- 2.2 WF.0473/00 – TPO: Reduce 6 Holly trees, removal of 2 Holly trees, re-pollard 3 Common Limes and 3 Horse Chestnut : Approved 18/7/00

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Object. “On the advice of their Tree Wardens, the Committee believe that apart from some small dead branches, there is no danger of branches falling on to the adjacent housing. Now represents an opportunity to pollard or re-pollard this line of trees that would then avoid the problem of falling branches and also prolong the life of the trees. Felling should be avoided as the trees represent an important visual amenity in the area”.
- 3.2 Ward Members – No representations received
- 3.3 Neighbour/Site Notice – No representations received

09/0863/TREE

4.0 Officer Comments

- 4.1 This is one of two applications for works on the same trees in Station Road, Bewdley. The other application, reference 09/0862/TREE is the previous item on this agenda. In this application the proposed works are to fell two Horse Chestnuts (*Aesculus hippocastanum*) and three Common Limes (*Tilia x europaea*).
- 4.2 The Chestnut trees are in a very poor condition with large cavities and decay within the main stems and old pollard heads. As a result they are a potential threat to the nearby properties and users of Station Road so I have no objection to the removal of these two trees.
- 4.3 The Lime trees have been pollarded in the past, but have been left to grow for too long and the regrowth is now heavy and unstable. In the previous application 09/0862/TREE the owner would like to pollard these three limes, which I feel is the desirable solution at this stage as removing all five trees at the same time would adversely affect the amenity of the area. I would therefore recommend refusal for the removal of the three Limes.
- 4.4 All the trees within this application are long overdue for appropriate safety works and attempts have been made by Worcestershire County Council and Wyre Forest District Council to find the owner of the trees to enforce them to carry out works.
- 4.5 The owner of the land is not keen to plant replacement trees to mitigate for the loss of the two Chestnut trees; however I feel there would need to be replacements planted for both trees in the same location as their removal will have an effect on the amenity of the local area.

5.0 Conclusions and Recommendations

- 5.1 It is recommended that the **removal of the two Horse Chestnut trees** (*Aesculus hippocastanum*) be **APPROVED** subject to the following conditions:
1. TPO1 - Non-standard Condition '2 year restriction of Consent Notice'.
 2. C17 - TPO Schedule of Works
 3. C16 – 2x Replacement trees

Schedule of Works

Only the following works shall be carried out:
T1 Horse chestnut (*Aesculus hippocastanum*) – Fell
T4 Horse chestnut (*Aesculus hippocastanum*) – Fell

No other trees shall be felled.

09/0863/TREE

5.2 I recommend **REFUSAL** to **remove the three Common Lime trees** (*Tilia x europaea*) for the following reason:

1. Removal of the three Common Lime trees (*Tilia x europaea*) in addition to the two Horse Chestnut trees (*Aesculus hippocastanum*) would have a detrimental effect on the amenity of the local area.

Agenda Item No. 5

Application Reference: 09/0868/FULL **Date Received:** 18/12/2009
Ord Sheet: 385806 275082 **Expiry Date:** 12/02/2010
Case Officer: James Houghton **Ward:** Blakedown and Chaddesley

Proposal: Two storey house extension

Site Address: 33 STANKLYN LANE, STONE, KIDDERMINSTER, DY104AP

Applicant: Mr M Vaux-Harvey

Summary of Policy	D.1, D.3, D.17, GB.1, GB.2, GB.6 (AWFDLP) D.39 (WCSP) QE.1, QE.6 (WMRSS) PPS1, PPG2
Reason for Referral to Committee	The applicant is a serving Wyre Forest District Council Officer or is an immediate family member. Statutory or non-statutory Consultee has objected and the application is recommended for approval.
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site is a semi detached, hip roofed and render/timber finished dwelling set back from the road behind a front garden and drive. It is located off Stanklyn Lane within the settlement of Stone to the south east of Kidderminster Town Centre.
- 1.2 The site is washed over by the West Midlands Green Belt.
- 1.3 The applicant seeks approval for the erection of a two-storey extension to the side and rear. The extension would provide a utility room, enlarged hall, reception room and an additional bedroom.

2.0 Planning History

- 2.1 None

3.0 Consultations and Representations

- 3.1 Stone Parish Council - Objects to this planning application on the grounds that the property would be out of keeping with the area and would involve loss of amenity for neighbouring properties.

09/0868/FULL

3.2 Highway Authority – No objections

3.3 Neighbour/Site Notice – No representations received

4.0 **Officer Comments**

4.1 The application site is within the West Midlands Green Belt, Planning Policy Guidance Note 2: Green Belts states, in paragraph 3.6 that:

“Provided that it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is not inappropriate in Green Belts.” This advice is reflected in Policy GB.1 of the Adopted Wyre Forest District Local Plan.

4.2 The proposed extension would increase the volume of the property from 357.63m³ to 518.5m³, an increase of 69%. It is not considered that the proposed extension is disproportionate to the original dwelling and as such constitutes appropriate development in the Green Belt. Due to the position of the extension there would be a negligible impact on the visual amenities of the Green Belt on the character of the surrounding countryside.

4.3 The proposed extension is considered appropriate in terms of scale and design. The position of the extension set back by 3.5 metres from the front of the dwelling would allow it to appear visually subservient from the original dwelling and due to the design of the development, which incorporates architectural features from the existing property, it would not appear incongruous or unusual within the context of the immediate area. The proposal would thus be in accordance with the design and criteria set out in Policy D.17 of the Adopted Wyre Forest District Local Plan.

4.4 The impact of the proposed extension on the amenity enjoyed by the occupants of neighbouring properties would be considered negligible. Whilst there are side-facing windows at No. 35 Stanklyn Lane these serve as secondary windows to those on the front and rear elevations. The property is set back from the application property and is some 5 metres from the proposed extension. The proposed extension would feature side-facing windows at first floor looking towards No. 35 although they would look onto the front garden area of the neighbouring property, replicating the existing situation in respect of bedroom 2. On this basis, the extension would offer no significant loss of privacy or light and no impact on the outlook enjoyed by the occupants of neighbouring properties.

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- 4.5 The proposal will result in the addition of a further bedroom taking the total number to four. The parking standards contained within the Local Plan do not require any additional parking provision. However, due to the large frontage ample parking exists for this dwelling.
- 4.6 The Parish Council's comments are noted; however, having considered the design of the property in relation to the surroundings and the impact on neighbouring properties, for the reasons set out above the application is considered acceptable.

5.0 Conclusions and Recommendations

- 5.1 The proposal constitutes appropriate development in the Green Belt, which will not result in visual harm to the surrounding area. The design and position of the extension is acceptable having considered the relevant policy context. Having assessed the impact of the extension on neighbouring properties it is considered that no significant harm will ensue. There are no highway issues in this case.
- 5.2 It is recommended that the application is **APPROVED** subject to the following conditions:
1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. B6 (External Details – Approved Plan)

NOTE

SN12 (Neighbours' Rights)

Reason for Approval

The proposed extension is considered to be of an appropriate scale and design in relation to the host dwelling and would have no detrimental impact on the street scene. The impact of the extension on the occupants of neighbouring properties has been carefully assessed and it is considered that there will be no undue impact upon their amenity. The extension would have a minimal impact on the character, appearance and openness of the Green Belt. For these reasons, the proposal is considered to be in accordance with Policies D.1, D.3 D.17, GB.1, GB.2 and GB.6 of the Adopted Wyre Forest District Plan (2004) and the guidance laid out in Planning Policy Guidance Note 2: Green Belts.

Agenda Item No. 5

Application Reference: 09/0874/FULL **Date Received:** 21/12/2009
Ord Sheet: 387536 277921 **Expiry Date:** 15/02/2010
Case Officer: Paul Round **Ward:** Blakedown and Chaddesley

Proposal: Replacement dwelling

Site Address: 7 NEW WOOD LANE, BLAKEDOWN, KIDDERMINSTER, DY103LD

Applicant: PRE1 Ltd

Summary of Policy	D1, D3, D5, GB1, GB2, GB6, H2, H9, NR9, TR9, TR17 (AWFDLP) D39 (WCSP) QE3, QE6 (WMRSS) Design Quality SPG PPS1; PPG2; PPS7
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval.
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site accommodates a detached residence fronting situated on New Wood Lane, to the south of Blakedown Village. There a number of detached dwellings along New Wood Lane, each being well screened by mature landscaping and each being individually designed.
- 1.2 The application seeks consent for the demolition of the existing property and replacement with a new detached dwelling.
- 1.3 The site falls with the West Midlands Green Belt

2.0 Planning History

- 2.1 WF.509/81 – Garage : Approved
- 2.2 08/0591/FULL – Extensions : Withdrawn
- 2.3 08/0747/FULL – Extensions and Alterations : Approved 25/9/08 (extant)

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3.0 Consultations and Representations

3.1 Churchill and Blakedown Parish Council – The Parish Council considers that, because of its scale and design, this proposed replacement dwelling would be over-dominant on the site and not in keeping with the traditional design of the character of other properties in New Wood Lane. The Parish Council also notes that no garaging or other outbuildings are included in this application

3.2 Highway Authority – No objection

3.3 Severn Trent Water – No objection subject to condition

3.4 Neighbour/Site Notice – 2 letters received raising the following issues:

1. Lack of Garage or Outbuildings on Plan
2. Concern over Basement / Digging Out / Subsidence
3. Structure / Aesthetics of new Boundary Wall
4. Are the side facing Windows to be obscured glazed?
5. Chimneys are extremely large and imposing
6. Timing and Period of Works, Days and Hours of Works, Delays and Compensation
7. Retention of boundary trees.

4.0 Officer Comments

4.1 The application seeks for a replacement dwelling in the Green Belt. The Design and Access Statement highlights that the property is in a severely poor condition and is suffering from significant damage from a recent water leak and water ingress which will require a large amount of works and renovation to make the property structurally sound once more. The owners have made the decision to replace the dwelling as this is the more viable option.

4.2 In planning policy terms replacement dwellings are guided by Policies GB.1 and H.9 of the Adopted Wyre Forest District Local Plan. Policy GB.1 stipulates that the dwelling proposed must not be materially larger than the one it replaces. Policy H.9 sets out the following 5 fold criteria as a basis for consideration and allows replacement dwellings where:

- the existing dwelling is not of historic or local architectural interest;
- the use has not been abandoned;
- it is comparable in size and 3 dimensional scale to the existing dwelling;
- it would relate harmoniously to any other buildings in the locality and be in keeping with the character of the area; and
- it is located on the site of the existing dwelling except where a less prominent position is available nearby.

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4.3 The key consideration in respect of the principle of the development relates to an assessment of the respective sizes of the existing and proposed dwellings. In this case the term ‘existing’ is considered to encompass the floor area and volume of the dwelling including the approved extension as the planning consent remains extant. This approach has been used by Inspectors on a number of appeals.

	Volume (m3)	% increase / decrease	Floor Area (Ground and First Floor in m ²)	% increase / decrease
Existing Dwelling (including Approved Extension)	1756	-	490	-
Proposed Dwelling (excluding basement)	1718	-3%	478	-2.5%

4.4 It is evident that proposal represents a ‘like for like’ replacement of the extant position, with drawings showing the same roof height being maintained. Therefore it is clear that the proposal represents appropriate development in the Green Belt. The applicant’s agent has also submitted a comparison of the massing of the existing and proposed dwellings which shows a reduction in the length and width of the property.

4.5 The reduced footprint would result in the proposed dwelling being pulled away from the western boundary with No.5 by more than 5m in comparison with the existing property that is sited immediately adjacent to the common boundary. I am satisfied that the proposal is acceptable in principle in this Green Belt location and meets the tests of Policies GB.1 and H.9 of the Adopted Wyre Forest District Local Plan.

4.6 In respect of design, properties in New Wood Lane are of substantial size and are of varying designs, including art deco and mock tudor. This variety gives the location its unique character within the District.

4.7 The proposed design is a modern taken on a georgian style of property, with symmetry being a strong design feature. The property is attractive in its own right and sits comfortably with the variety of properties within the surroundings.

4.8 Neighbouring properties will not be affected by the proposals due to the position and orientation of the dwelling and the provision of obscure glazed windows to the side elevations, providing betterment over and above the existing situation. Concerns have been expressed over constructional matters these can be dealt with through suitably worded conditions.

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- 4.9 Whilst I note the comments made by the Parish Council. I do not feel that their concerns are evidenced in the application, and for the reasons set out above I feel that the scheme should be supported. In respect of garaging and outbuildings the scheme does not include these types of building. Whilst some permitted development rights are recommended to be removed, it would not be reasonable to remove rights to erect outbuildings as these can be built without requiring the benefit of planning permission at present.
- 4.10 There is ample parking and an adequate access arrangement for the existing dwelling and although the proposal would increase the number of bedrooms from 5 to 6 it is not considered that this would impact on matters of highway safety.

5.0 Conclusions and Recommendations

- 5.1 The proposal represents appropriate development in the Green Belt. It has been well designed and would conform to the varied characteristics of properties within the surrounding area. The impact of the proposed dwelling on adjoining residential properties has been assessed and it is concluded that no undue harm would arise. There are no highway safety issues in this case.
- 5.2 I therefore recommend **APPROVAL** subject to the following conditions:
1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. B3 (Materials)
 4. J1 (Removal of Permitted Development – extensions)
 5. E2 (Foul and Surface Water)
 6. B13 (Levels Details)
 7. F5 (Construction Site Noise/Vibration)
 8. C12 (Details of Earthworks)

Reason for Approval

The proposal represents appropriate development in the Green Belt. It has been well designed and conforms to the varying characteristics of properties within the surrounding area. The impact of the proposed dwelling on adjoining residential properties has been assessed and it is concluded that no undue harm will arise. There are no highway safety issues in this case. For these reasons the proposal is compliant with the policies listed above.