

09/0336/FULL

2.0 Planning History

- 2.1 WF.966/85 – Alterations and extension : Approved
- 2.2 WF.630/86 – Extension : Approved
- 2.3 WF.1002/91 – Extension : Approved
- 2.4 WF.249/93 – Demolish existing bungalow and replace with dwelling : Approved
- 2.5 09/0031/FULL – Erection of replacement dwellinghouse with vehicular access (demolition of all existing buildings) : Refused

3.0 Consultations and Representations

- 3.1 Highway Authority – No objection. No alteration to the highway is required as the dropped kerb already exists in this location
- 3.2 Severn Trent Water Ltd – No objection subject to condition
- 3.3 Conservation Officer – Now that the applicant and/or the agent have amended the plans to indicate accurately each of the elevations, I am happy to support the proposals. I therefore recommend approval for the scheme, subject to conditions on the approval controlling all facing materials and the submission of 1:10 scale sections and profiles of windows to the front elevation, in order to ensure the quality of the development.
- 3.4 Neighbour/Site Notice : a total of 5 letters of objection have been received in response to the originally submitted and subsequent revisions. Main points of objection summarised are:-
 - Previously rejected plans – refusal of permission clearly states need for justification for demolition of a locally listed building. The Design and Access Statement only states that the building is in a poor state of repair – is this really justification – only need to look at examples of recently restored and modernised buildings in Kidderminster such as the Old Piano Building
 - Fully support the objections raised by my mother - whole process very distressing for her – may need to hire a solicitor in order to gain an injunction to clarify the boundary line, and after the 16 year dispute she and my father suffered in her retirement she resents this possibility again

09/0336/FULL

- It would appear that the plan measurements are completely inaccurate. No correlation between my Deed plan (agreed in 1995 after 16 year boundary dispute) and the submitted revised plan. Boundary agreement also required for the construction of a new retaining wall at his cost when demolition of the building begins and damage inconvenience to me and my garden. Surely this should be shown on the planning application and is it not a requirement for the applicant to sign a declaration that the boundaries are true and correct?
- Proposed development breaks the 45 degree and 20 degree rule at the front of my property. Supporting Design and Access Statement says it will not, but as plans are inaccurate who is right and who is wrong? I will suffer light and view restriction.
- How is maintenance of the pitched roof and guttering to the rear to be achieved when there will be only very limited access at the side of my boundary?
- Two car parking spaces are shown on the revised drawing – a car park space should be 2.4m in width, so how will 2 spaces be achieved when the drawing measurements read 4.65m? and in consideration that part of the design of this building is for use by a disabled person a standard disabled parking space is 3.6m!?
- Architect states that he has not been made aware of the recessing boundary line by his client, nor has he seen a copy of the revised Deeds
- How does the builder propose construction will take place in light of safety, with the property being close to the junction with The Quarry and do they operate under the considerate construction scheme as most reputable builders do?
- Still very concerned regarding loss of light in our living/kitchen/garden rooms. Plans very confusing – exact measurements difficult to decipher
- Is our dual right of way to be infringed? We need that existing gap between our properties, to enable us to carry furniture and other large items - impossible through front door.
- Is the building line of this new build going to be exactly level with our house or is it going to be built more forward towards the road? If it is more forward, won't it affect our light in the front windows?

4.0 Officer Comments

- 4.1 The proposed development is for a two bedroom dwellinghouse, consisting of a two storey element to the front of the site in the position of the single storey building it will replace, along with a single storey element extending out to the rear.
- 4.2 The principle of demolition and rebuild of an existing dwelling in a residential frontage, on previously developed land, is acceptable in terms of housing policy (H.2) but in all instances development must be environmentally acceptable and be in compliance with other Local Plan policies.

09/0336/FULL

- 4.3 The previous attempt at redevelopment of this site failed because the proposed replacement dwelling on that occasion was considered, by its size, height and design, to be an over-development of the site with consequent harmful effects on the amenity and privacy of neighbouring dwellings. Also, insufficient evidence was produced at that time to justify the demolition of the existing locally listed building.
- 4.4 The challenge for the applicant and his agent has therefore been to modify the size, scale and design of the proposed dwelling, and to improve on the overall architectural quality and detailing to such a point that the loss of the existing building would be mitigated.
- 4.5 Following protracted negotiations, the proposal shown in the latest set of revisions is considered to represent a building of sufficient quality to overcome the previous concerns. This takes a significant step beyond the submitted structural evidence that the bungalow is 'beyond economic repair' due to its current neglected condition. The end result would therefore represent at least a maintenance of the quality of the streetscene, for which reason No. 84 Stourbridge Road was originally locally listed.
- 4.6 The transformation of the rear of the proposed dwelling from the previously proposed and refused two storey to ground floor only has had a dramatic effect on the relationship of this part of the scheme with neighbouring properties. It would not now be possible to criticise the design as an 'over-development' and the previous concerns regarding over-domination and enclosure relative to rear amenity areas have been dispelled.
- 4.7 The neighbours have, however, raised some points relating to perceived loss of amenity, specifically in terms of the Council's 45 degree daylighting Code for principal habitable room windows. The general reduction in the massing of the building has overcome these previous refusal reasons. The only remaining potential issue is the likely effect at the front of the replacement building on the front facing ground floor window at No. 3 The Quarry, which serves a kitchen/dining room (a 'principal habitable room'). Although the 45 degree Code is breached by the development, this through room benefits from an alternative light source to the rear, enabling the code to be applied more flexibly.
- 4.8 Other issues raised, including the boundary definition, obligations in relation to Deed plans and maintenance access arrangements are essentially private matters outside the scope of material planning considerations. No attempt has been made by the applicant or his agent to modify the originally submitted boundary plans, which were verified by the signature on the appropriate ownership certificate. With further regard to 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 that context. No potential breach has been identified in the latest revised scheme.

09/0336/FULL

5.0 Conclusions and Recommendations

5.1 This proposal now meets the requirements of the appropriate policies and other guidance. Sufficient justification has been provide to support the proposal to demolish this locally listed building, and the design of the proposed replacement dwelling is considered to be of good quality It is recommended that this application be **APPROVED** subject to the following conditions:

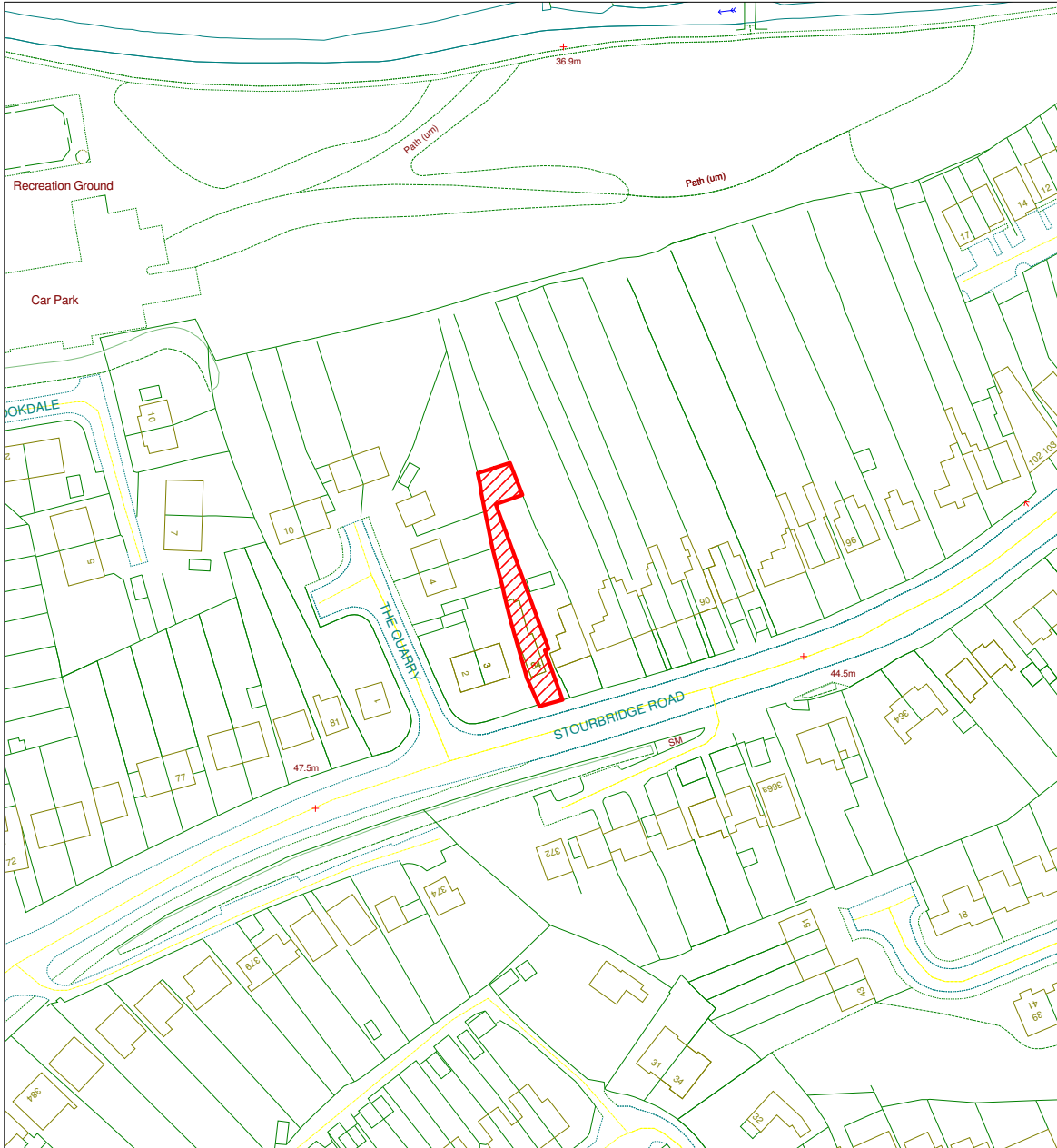
1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (materials details/samples to be submitted)
4. 1.10 scale sections and profiles of front elevation windows to be submitted
5. Severn Trent drainage condition

Note

SN12 (Neighbours' rights, with specific reference to boundary issues)

Reason for Approval

The size, design and architectural features of the proposed dwelling ensure that the visual contribution formally made by the demolished locally listed building to the streetscene would be maintained. The potential impact of the development upon the adjacent neighbouring properties has been carefully assessed and it is considered that no serious loss of amenity or privacy would occur. Accordingly, the proposal is considered to be in compliance with the policies listed above.



PLANNING AND REGULATORY SERVICES DIRECTORATE
84 Stourbridge Road
Kidderminster
DY10 2QB

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



Application Reference: 10/0007/FULL	Date Received: 04/01/2010
Ord Sheet: 382955 278055	Expiry Date: 05/04/2010
Case Officer: Paul Round	Ward: Franche

Proposal: Amendment to Planning Permission 09/0066/FULL to include minor alterations to house types, site layout, and number of dwellings

Site Address: LAND OFF PUXTON DRIVE, KIDDERMINSTER

Applicant: Wyre Forest Community Housing

Summary of Policy	H2, H4, H5, H10, D1, D3, D4, D7, D10, D11, D13, D16, NR5, NR7, NR8, NR9, LA2, LA4, NC1, NC5, NC6, NC7, TR1, TR9, TR17, LR1, LR3, LR6, CY4, IMP1 (AWFDLP) SD5, CTC1, CTC8, CTC11, CTC15, D6, T1 (WCSP) CF2, CF5, QE1, QE3, QE4, QE7, QE9, T2 (WMRSS) Design Quality SPG; Planning Obligations SPD PPS1, PPS3, PPS9, PPS25
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site forms part of a 1.63 ha piece of land situated on the south east side of the Marlpool Gardens estate. The site constitutes a rectangular shaped piece of ground that wraps around the estate behind properties in Brooklands Drive and Puxton Drive. Access is gained from Brooklands Drive and Hawkstone Close. To the south lies the Puxton Marsh Site of Special Scientific Interest and the Stour Valley.
- 1.2 The site is allocated for residential purposes within the Adopted Local Plan, and washed over by the Landscape Protection Area designation. The level of the site has been previously raised and as such falls outside the modelled levels for flood zone 2 and 3.
- 1.3 A application for 73 residential units was approved last year. The site has been subsequently purchased by Wyre Forest Community Housing. The current application site forms part of this larger residential site.

2.0 Planning History

- 2.1 WF/0243/75 – Residential development : Refused 20.05.75

10/0007/FULL

- 2.2 WF/0833/95 (Outline) – Residential development erection of 46 dwellings, construction of new access roads with works to and management of adjoining open space : Approved 29.9.98
 - 2.3 WF/0159/00 – Variation of condition 1 (b) and (c) of planning permission WF.833/95 – to allow a further 3 years for submission of reserved matters and to allow development to begun no later than 7 years from the date of outline permission : Approved 14.3.00.
 - 2.4 WF/0569/04 – Variation of condition 1 (b) and (c) of planning permission WF.833/95 and WF.159/00 to allow a further 3 years for submission of reserved matters and to allow development to begun no later than 10 years from the date of outline : Withdrawn.
 - 2.5 WF/0064/04 – Reserved Matters: Access and siting of 46 dwellings and associated engineering works to regrade land : Approved 27.7.04
 - 2.6 WF/0975/94 – Reserved Matters: External appearance, design and landscaping following outline approval (WF.833/95 and WF.159/00) and reserved matters – approval for siting and access (WF.64/04) ON land off Puxton Drive, Wolverley Park, Kidderminster : Approved 12.10.04
 - 2.7 WF/0050/05 – Engineering works for surface water sewer to link to existing main sewer : Approved 12.08.2005
 - 2.8 06/0547/CERTE – Certificate of lawfulness for existing development to confirm that the ground works and erection of the retaining wall undertaken on the land constitute implementation of planning permission reference Nos. WF833/95, WF159/00, WF 64/04 and WF 857/04 which remain extant : Approved 07.07.06
 - 2.9 08/0651/FULL – Residential development of 73 dwellings with associated internal roads, access, car parking & landscaping : Refused 19.12.08; Appeal Withdrawn
 - 2.10 09/066/FULL – Residential development of 73 dwellings with associated internal roads, access, car parking & landscaping : Approved 14.07.09
- 3.0 Consultations and Representations**
- 3.1 Wolverley and Cookley Parish Council – Noted, original application already approved.
 - 3.2 Highway Authority – No objection subject to conditions

10/0007/FULL

- 3.3 Crime Risk Advisor - From a security aspect the revised plans are an improvement on the original design, my only area of concern is with the courtyard parking, as per my response to the original planning application, rear courtyard parking does generate crime and is to be avoided. However, rear courtyard parking is acceptable providing the courtyard is protected by gates.

The drawings supplied (Drawing number D07) indicate that the courtyard is to be protected by gates, there is no indication on how the gates will be operated. Simply providing gates and expecting residents to close them is not acceptable, therefore the gates should be electronically controlled and have an automatic closure on them so that when they are not in use they close and the courtyard is secure.

Side entrances to all properties should be protected by a lockable gate that is close to and preferably level with the front building line.

- 3.4 Neighbour/Site Notice – A total of 78 letters were sent out to those residents of the Marlpool Estate and Wolverley who had previously commented on this site and site notices and a press notice have also be utilised.

Three letters of objection have been received.

Letter 1 – My substantive objections remain the same as to the Mucklows application. (Previous comments read as follows:

I ask that WFDC rejects this hostile application. I believe the application should be referred back to Government or at least the West Midland Government Office as a special case. Government advice is to reject building on Flood Plains and this falls into that category. Your Committee should have a site visit. Further refusal reasons – inappropriate development in Green Belt land; Floodplain ground proposed would be subject to movement and flooding, proposed site has been built up with soil etc, and is unstable, risk of flooding around and into proposed homes is unacceptably high, current properties more likely to flood because of new proposals adversely affecting drainage, overload & water back up risk, run off risk. Loss of amenity area in SSSI and spoliation of marsh area and nature reserve ruination.

Unacceptable precedent to build on flood plain. Complete ignorral of community preference to reject application no meaningful community consultation; proposal could adversely affect the anti-flooding defences protecting Kidderminster Town Centre climate change indicates more future flooding likely. Gross disturbance of wildlife on the site. Overload of road system and infrastructure, increased danger to pedestrians and children.)

Letter 2 - I have no issue at all with the need for housing being met. I have issues, as we have always had, with the following:

10/0007/FULL

- These dwellings would be built on a flood plain. Although I am relieved to say my house has never flooded, I have seen water flooding the area intended for building from my bedroom window sometimes, so I know it happens. No insurance company would give any one wishing to insurance a property built there or its contents the time of day. Building properties there knowing the potential risk shows a willingness to make money but no consideration whatsoever for the consequences. If any prospective buyers were to ask the advice of people living locally, the same opinion would be given.
- If building goes ahead, this might alter the water table, which is quite high anyway. This might then put existing properties in Brooklands Drive, Hawkstone Close, and Puxton Drive under a new threat from flooding as well as the new dwellings that are planned. The problem of insurance for dwellings such as my parents' house (which is the one I live in) would then become an issue, as would possible costs for yourselves if flooding actually occurred, in any dwellings, pre-existing and planned. Somebody would have to assist people in the clean-up process, which in itself would cost money.

Letter 3 – Once again I write to object to this planning permission. It is not wanted. It will spoil the wildlife around. The roads are dreadful now so they will get worse. Please just leave the land as is. Of course it's all down to money!

4.0 Officer Comments

4.1 The application seeks consent for amendments to the approved layout for 73 houses in order to meet the requirements of Wyre Forest Community Housing. The changes affect about a quarter of the site. In addition other changes are proposed which are minor and are being dealt with as a non-material amendment to the previous permission.

4.2 The main highlights of the amendments are as follows:

- changes to the layout of the dwellings to eliminate a “leaking” cul-de-sac design and open rear parking courts;
- creation of an adopted dedicated pumping station, which requires a 14m stand off zone;
- reduction in the number of units from 73 to 69;
- two new house types;
- amendments to the floor plan and fenestration of approved house types; and an
- indication of potential solar thermal or photovoltaic panels to roofs in order to achieve Level 3 of the Code for Sustainable Homes.

10/0007/FULL

- 4.3 The visual height and bulk of the majority of properties will remain unaltered maintaining the appearance as originally approved, with amendments to fenestration details to take account of a more efficient internal layout. Two new house types have been introduced that integrate well with the design of rest of the development as originally intended. These new house types provide larger two bed units and a flat over the access to a parking area which will provide security to this potentially dead area.
- 4.4 The changes have resulted in a more pleasing layout that follows the principles of the secure by design initiative. As seen above the Crime Risk Manager sees the amendments as an improvement to the original design. Although the layout has changed to remove the “leaking” cul-de-sac and one of the rear parking areas one the design principles have not changed and the development still maintains the quality of design as originally approved last year
- 4.5 The amendments will result in a reduction in the number of units and will continue to provide an acceptable residential layout in full accordance with Local Plan design policies and the requirements of Design Quality Supplementary Planning Guidance.
- 4.6 It is noted that residents have raised concerns that were previously expressed over the impact of the development on the flood plain, the Nature Reserve and SSSI, drainage and highway matters. It should be noted that as established during the previous application the whole of the site falls outside both flood zones 2 & 3, as shown on the Environment Agency maps. Furthermore the application site is clearly earmarked in the Strategic Flood Risk Assessment as being a development site. As these amendments, would not materially change the character of the development these matters do not carry significant weight at this stage.

5.0 Conclusions and Recommendations

- 5.1 The proposed development is considered to be acceptable in respect of design, layout and density. The proposed traffic generation will not significantly alter and can be still accommodated on the existing road network without compromising highway safety. Neighbouring properties will not be adversely affected by the amendments. The impact of the development on the SSSI and flooding have been fully considered previously and it is felt no adverse harm will be caused to the SSSI or put future residents or other areas at increased risk of flooding.
- 5.2 I therefore recommend **APPROVAL** the following conditions:
1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. B1 (Samples/Details of Materials)
 4. B11 (Details of Enclosure)

10/0007/FULL

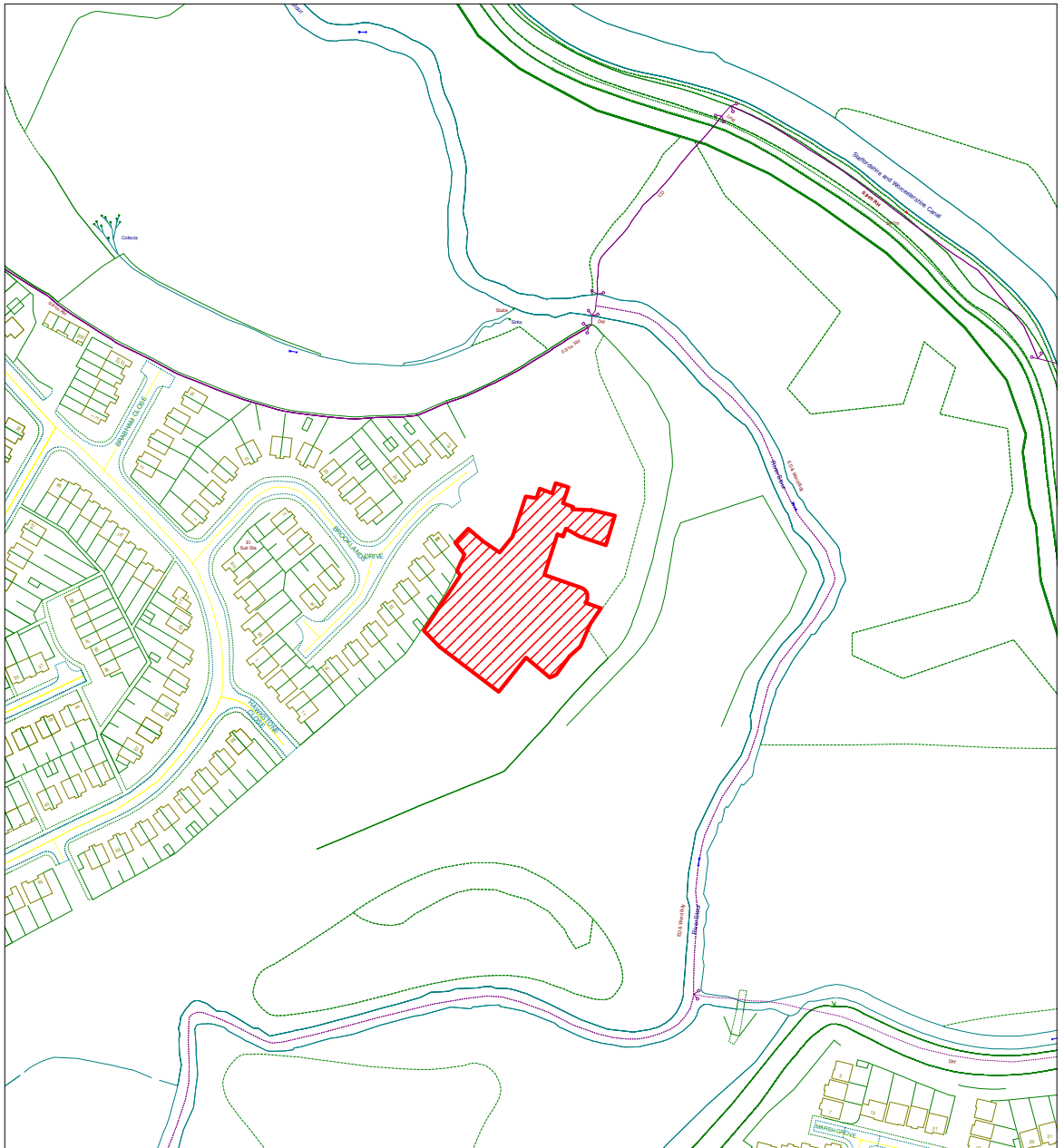
5. C2 (Retention of Existing Trees)
6. C7 (Landscape – Large Scheme)
7. C8 (Landscape Implementation)
8. C12 (Details of Earthworks)
9. J1 (Removal of Permitted Development – Residential)
10. Severn Trent - Drainage
11. Environment Agency – Surface Water
12. Environment Agency – Run Off
13. Environment Agency – Floor Levels
14. Environment Agency – Finished Ground Levels
15. Environment Agency – SUDS scheme to be implemented
16. Natural England – Details of Lighting to be submitted
17. Natural England – Provision of Bat Boxes
18. Natural England – Protected Species Survey and Mitigation prior to Development Commencing
19. Natural England – Details of access to SSSI and information boards as appropriate
20. Natural England – Details of scheme of surface drainage onto SSSI
21. Highways - Access, turning and parking
22. Highways -Highway improvements / offsite works.
23. Highways - Wheel Washing
24. Highways - Parking for Site Operatives
25. Highways - Travel Plan Condition

Notes

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

Reason for Approval

The proposed amendments continue to establish a development is considered to be acceptable in respect of design, layout and density. The proposed traffic generation will not alter and can be still accommodated on the exiting road network without compromising highway safety, and neighbouring properties will not be adversely affected by the amendments. The impact of the development on the SSSI and future flooding have been fully considered previously and is felt no adverse harm will be caused to the SSSI or put future residents or other areas at increased risk of flooding.



PLANNING AND REGULATORY SERVICES DIRECTORATE
**Land off Puxton Drive
Kidderminster**



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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

9TH MARCH 2010

PART B

Application Reference:	09/0841/FULL	Date Received:	07/12/2009
Ord Sheet:	384208 276268	Expiry Date:	08/03/2010
Case Officer:	Julia Mellor	Ward:	Offmore and Comberton

Proposal: Variation of Condition 9 of Planning Permission 06/0124/FULL to allow occupation of apartments independent of Holmwood Nursing Home.

Site Address: SANDALWOOD SUPPORTED LIVING APARTMENTS,
25 COMBERTON ROAD, KIDDERMINSTER, DY103DL

Applicant: St Cloud Care

Summary of Policy	H.13, D.1, LB.1, LB.5, TR.9, TR.17 (AWFDLP) T.1 (WCSP) PPG13
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site is located east of Kidderminster town centre. It has a frontage and an access to both Comberton Road and Chaddesley Road. The site accommodates a sixty-bed nursing home known as Holmwood which is accessed via Chaddesley Road and, in a separate Grade II listed building, 12 extra care flats with attached nursing accommodation. The flats, known as Sandalwood are accessed from Comberton Road opposite the King Charles School. The applicants, St. Cloud Care, currently provide care to both facilities.

2.0 Planning History

2.1 05/1143/FULL - Erection of extensions/modifications and additional building to form 12no. extra care flats; erection of nurse/administration building, new gates and fencing : Withdrawn 21/11/05

09/0841/FULL

2.2 06/0124/FULL - Modification and extension to form 12no. extra care flats with nurse/admin extension, new gates, fencing and car parking : Approved 21/03/06

2.3 06/0127/LIST - Modification and extension to form 12no. extra care flats with nurse/admin extension, new gates, fencing and car parking : Approved 21/03/06

3.0 Consultations and Representations

3.1 Highway Authority – No objections

3.2 Strategic Housing Services Manager – No objections

3.3 Neighbour/Site Notice – One letter has been received stating that they do not think that the proposed variation will affect them apart from possible parking problems.

4.0 Officer Comments

4.1 As Members will note from the planning history, both planning and listed building consent was granted to convert the detached building known as Sandalwood into 12 extra care flats together with a nursing suite in March 2006.

4.2 The 12 flats offer supported living accommodation whereby the occupiers can still live independently though care, sometimes even nursing care can be provided. A domiciliary care service operates out of the nursing suite attached to the building.

4.3 The application seeks consent to vary condition 9 of the planning consent which reads as follows:

(9) The residential units hereby approved shall be used solely for occupation by the 'mature elderly' requiring nursing care in association with the adjacent Holmwood Nursing Home and to no other persons whatsoever other than visitors of such persons.

Reason

To define the permission to that applied for and to ensure that the amenity and car parking provision is of a satisfactory standard and to comply with Policies TR.17 and D.13 of the Adopted Wyre Forest District Local Plan.

09/0841/FULL

- 4.4 The applicants consider that the above condition, which ties the occupier's provision of care to the adjacent Holmwood Nursing Home does not allow them to operate within domiciliary care regulations. To explain, they state that:

'It is a policy requirement of the Care Quality Commission that St Cloud Care cannot insist that occupiers of the 12 flats purchase their domiciliary care within their apartments, exclusively from St Cloud Supported Living. This is because the Care Quality Commission understandably wish to prevent situations where some care providers might be tempted to charge excessive domiciliary care rates to a captive market, by requiring occupiers to purchase only their domiciliary care.'

- 4.5 By enabling the occupiers to exercise freedom of choice to buy their domiciliary care from whichever care agency they wish they may breach condition 9 of the planning consent.

- 4.6 The applicants also want to vary the wording of the condition to that as stated below:

'The residential units hereby approved shall be used solely for occupation by the "mature elderly" requiring nursing or personal care and to no other persons whatsoever other than visitors of such persons.'

- 4.7 This would mean that the occupiers of Sandalwood may only require nursing or personal care; the existing condition refers only to nursing care. However, having read the supporting information, it is considered that this already occurs whilst the condition still limits occupation to the mature elderly who, at approximately 80 years of age or more, are less likely to be independent and more likely to be in greater need of assistance.

- 4.8 The main planning consideration in determining this variation is the potential additional requirement for parking spaces for external care providers visiting the occupiers of Sandalwood. The application was approved on the basis that 7 spaces for the flats at Sandalwood (4 x 1 bed and 8 x 2 bed), would be acceptable. The question now is whether the proposed variation to the permission, which the applicants estimate could add another 2 trips per day to the site would generate additional parking to the extent to warrant refusal. On the basis that highways raise no objection and only one letter of objection raising parking as an issue has been received, it is not considered an objection which could be sustained.

- 4.9 The Sandalwood building, as stated previously, is Grade II listed; however, it is considered that the current proposal would have no impact upon the setting of this listed building. It is not considered that the variation would have any significant adverse impact upon neighbouring occupiers.

09/0841/FULL

5.0 Conclusions and Recommendations

- 5.1 It is not considered that the variation to Condition 9 would require additional parking to the extent to warrant refusal. As part of this application, it is necessary to review the conditions from the previous approval to ascertain whether they need to be repeated on the new decision. Having considered all 12 conditions, none however need to be replicated.
- 5.2 The application is therefore recommended for **APPROVAL**, subject to the following conditions:
1. A6 (Full with No Reserved Matters)
 2. The residential units hereby approved shall be used solely for occupation by the 'mature elderly' requiring nursing or personal care and to no other persons whatsoever other than visitors of such persons.

Reason for Approval

The proposed variation of Condition 9 would have no significant detrimental effect upon the available parking provision. The impact upon neighbours and upon the setting of the listed building has been taken into account; however, it is considered that there would be no undue harm. It is therefore considered to comply with the policies listed above.

Agenda Item No. 5

Application Reference: 09/0864/FULL **Date Received:** 16/12/2009
Ord Sheet: 387328 274641 **Expiry Date:** 10/02/2010
Case Officer: John Baggott **Ward:** Blakedown and Chaddesley

Proposal: Erection of a 2 bay car port, erection of 2m high wall, creation of new access and driveway and removal of existing driveway

Site Address: STEPPE FARM, WORCESTER ROAD, HARVINGTON, KIDDERMINSTER, DY104LJ

Applicant: Mr P Edwards

Summary of Policy	D.1, D.3, D.10, D.17, GB.1,GB.2, LB.1, LB.2, LB.5, TR.9, TR.17 (AWFDLP) QE5 (WMRSS) PPG2, PPG15
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 Steppe Farm is a 16th Century Grade II Listed Building located on Worcester Road, Harvington, in close proximity to the junction with Park Lane. The original building was remodelled in the 18th Century and has seen subsequent 19th Century, and more recent, alterations and additions. The site lies within the Green Belt.
- 1.2 The property is set directly to the back of the pavement, with the private garden located to the side and rear. Vehicular access is gained via a shared private driveway which passes by the side of Forge Cottage, to the north, and skirts the periphery of the garden to provide access to both Steppe Farm and the property beyond known as Steppe Barn.
- 1.3 It is proposed to erect a new timber framed car port; a 2 metre high boundary wall; provide a new access point from the shared driveway and partly realign the existing driveway so as to incorporate more of the associated land within the garden.

2.0 Planning History

- 2.1 There is a long history of alterations and improvements to the property. But for the listed status of the building much of what has taken place would have constituted permitted development. Planning permission was granted in the late 1990's for a detached double garage, which was subsequently constructed.

09/0864/FULL

3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council – Express concerns regarding the size of the development (i.e. the proposed car port). Object to the proposal.
- 3.2 Highway Authority – No objections.
- 3.3 Conservation Officer – No objections following amendments to scheme which reduce the size of the car port from 3 to 2 bays.
- 3.4 County Council (Public Path Orders Officer) – No objections.
- 3.5 Neighbour/Site Notice – No representations received following direct neighbour notification and the posting of a site notice.

4.0 Officer Comments

- 4.1 The application property is set directly to the back of pavement on the busy A450 Worcester Road. Directly to the north of the property lies a mature screen of conifer trees which acts as the boundary of the private garden which serves the property. The vehicular access point lies directly to the north of these conifers, adjacent to Forge Cottage.
- 4.2 The proposed development includes the erection of a 2 metre high brick wall directly behind the existing conifer trees to further enclose the garden area. Members are advised that this element of the proposal has actually been commenced, and as such the application is, in part, retrospective. The choice of materials is, however, entirely in keeping with the host property and in this regard there are no objections.
- 4.3 The major element of the proposed development is that of the erection of a timber framed car part. The plans as originally submitted indicated a triple (3 bay) car port positioned in close proximity to the original dwelling. However, due to the size it was considered that a 3 bay car port would detract from the appearance and character of the listed building. These concerns were shared by the Parish Council.
- 4.4 Through negotiation, and whilst being mindful of the applicant's personal circumstances, a reduced scheme to a double (2 bay) car port has been submitted by way of an amendment to the application. This is considered to an entirely more appropriate scale of development, which has been agreed by the Council's Conservation Officer. The Parish Council has been notified of the amendments, but at the time of writing the report no further comments had been received. (Should any be forthcoming they will be reported via the Committee Addenda and Corrections Sheet).

09/0864/FULL

- 4.5 The remaining elements of the application, namely the realignment of the private driveway and the provision of a new access point from the driveway (to serve the new car port) are by comparison minor and are considered acceptable.
- 4.6 There would be no adverse impact upon the amenity of neighbouring properties, a fact underlined by the lack of representations received following neighbour notification.

5.0 Conclusions and Recommendations

- 5.1 Whilst recognising the listed status of Steppe Farm, it is accepted that there remains scope to accommodate the proposed development, in its amended form, without detracting from the character and appearance of this Grade II Listed Building.
- 5.2 The proposed design and location of the 2 bay car port would be acceptable and whilst not wishing to condone the retrospective nature of the wall which has been constructed in advance of the application's consideration, the fact remains that the wall and the materials used are of a high quality and in no way detract from the host property.
- 5.3 In light of the above, and being mindful of all relevant considerations, it is recommended that the application be **APPROVED**, subject to the following conditions.
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B5 (Timber staining)
 4. B3 (Finishing materials to match)

Reason for Approval

The size, location and external appearance of the car port and brick wall are considered to be acceptable and would not detract from the character and appearance of Steppe Farm, which is a grade II Listed Building, nor given the nature of the existing built development in the immediate vicinity, would they have an adverse impact upon the Green Belt. The provision of the new vehicular access into the site from the private driveway, and the further realignment of the private driveway would similarly not detract from the Green Belt or have an adverse impact upon the Listed Building, neither would it have an adverse impact upon the amenity of the neighbours. For these reasons the proposed development is considered to be in accordance with the policies listed above.

Agenda Item No. 5

Application Reference: 10/0036/FULL **Date Received:** 21/01/2010
Ord Sheet: 383265 276754 **Expiry Date:** 18/03/2010
Case Officer: Paul Wrigglesworth **Ward:** Greenhill

Proposal: Change of use from Building Society Offices to Dental Surgery

Site Address: 114 COVENTRY STREET, KIDDERMINSTER, DY102BH

Applicant: Dr Balbir Bhandal

Summary of Policy	TC.2 RT.6 D.1 D.3 CY2 TR17 (AWFDLP) EC11 (WCSP) PPS1, PPS4
Reason for Referral to Committee	Development Manager considers that application should be considered by Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 This vacant property, last used as a Building Society, is located between the Alan Warwick butchers shop and an empty shop which used to be occupied under the name of Great Expectations. The Coventry bus stop lies close by.
- 1.2 The area is allocated in the Adopted Wyre Forest District Local Plan as a Primary Shopping Area.

2.0 Planning History

- 2.1 WF/0057/88 - New retail shop : Approved 22/3/88
- 2.2 WF/0693/88 – Change of use from A1 (retail) to A2 (Financial and Professional services) : Approved 19/7/88
- 2.3 WF/1194/88 - New shop front for Building Society (Heart of England Building Society) : Approved 13/12/88
- 2.4 WF/0530/94 - New frontage entrance lobby and porch for Cheltenham and Gloucester Building Society : Approved 12/9/94

10/0036/FULL

3.0 Consultations and Representations

- 3.1 Highway Authority – No objections
- 3.2 Environmental Health - Views awaited
- 3.3 Severn Trent Water – No objections

3.4 Neighbour/Site Notice – Objection received:

'As a Kidderminster shopper I am highly concerned at the lack of retail outlets in the Coventry Street end of town. Surely, this is a prime site to encourage the regeneration of our depleting retail services. Will the addition of yet another dental practice in Kidderminster help a fastly depleting prime shopper centre? I would also be interested to know, how the issue of disposing contaminated waste will be addressed. As far as I am aware there is no back access. Does this mean the waste will be transported across a busy public pathway adjacent to food outlets? Outside parking is not possible due to a very busy bus stop situated outside the unit in question'.

4.0 Officer Comments

- 4.1 The Council's Forward Planning Section has been consulted on this application and their response to the application is as follows:

The application site lies within the Primary Shopping Area and as such policies RT.2 and TC.2 are relevant to this application.

Policy RT.2 states that within the Primary Shopping Area proposals involving non-retail (A1, A2 or A3) uses, or that will undermine the retail functioning of the Primary Shopping Area will not be allowed. This application is for a D.2 use and therefore contrary to Policy RT.2 of the Adopted Local Plan. Policy TC.2 supports this approach stating that within the primary and secondary shopping areas, non-retail uses will not normally be allowed at the ground floor street frontage.

However, Policy EC11 of PPS4 (DCLG, 2009) Planning for Sustainable Economic Growth sets out guidance for determining applications for economic development (other than main town centre uses) not in accordance with an up to date development plan. This application would be considered, through the definition provided within PPS4, to be economic development but would not be considered to be a main town centre use and therefore, this policy should be given consideration in the determination of this application. This policy requires local planning authorities to:

- *weigh market and other economic information alongside environmental and social information*

10/0036/FULL

- *take full account of the longer term benefits, as well as the costs, of development*
- *consider whether proposals help to achieve the wider aims of the development plan.*

In conclusion, although the application is contrary to Policies RT.2 and TC.2 of the Adopted Local Plan, consideration should be given to the application against Policy EC11 of PPS4 in determining this application.

4.2 The factors that PPS4 require to be taken into account are considered below:

MARKET, ECONOMIC, ENVIRONMENTAL AND SOCIAL INFORMATION

4.3 This part of the primary shopping area is suffering which is in part due to the economic downturn. This is evidenced by the number of vacant premises on the market. The site itself is an empty building society, and next door on the one side there is an empty shop and on the other side next door to an adjacent butchers shop there is a vacant premises last used as a bank. The application site has according to the applicant been vacant for 12 months.

4.4 There may well be a social need for a new NHS dental practice within the town centre. However, there is no reason why this use could not be located elsewhere within the central area. For example the use of upper floors of retail properties would in principle be acceptable and there are vacant properties elsewhere where permission ought to be forthcoming or has already been granted (e.g. the former Elim Pentecostal Church on Prospect Hill).

LONG TERM BENEFITS AND COSTS

4.5 In the short term benefits would arise from an approval by dint of a vacant premises becoming occupied and this would play its part in enlivening this part of the town centre. However, in the long term, should local economic conditions improve to the extent that vacant retail premises become reoccupied the existence of a dental practice would be detrimental to the function and vitality of this part of the town as a shopping area as it would break up a retail street and constitute dead frontage.

THE WIDER AIMS OF THE DEVELOPMENT PLAN

4.6 The key aim of the Development Plan with regards to the town centre is to enhance the attractiveness of the town centre for shopping, commerce and culture. The key aim of retail policy is to enable the provision of an adequate range of shops to meet the needs of shoppers from within the district and beyond. A dental practice would not contribute towards these aims.

10/0036/FULL

- 4.7 A dental practice is a community use as defined by the Adopted Wyre Forest District Local Plan. The main community aim of the plan is to safeguard and enhance facilities within the district, and to strengthen the sense of community. While a new dental surgery would undoubtedly enhance the provision of facilities it should also be borne in mind that the reasoned justification for community facilities (Policy CY.2) makes it clear that it is important that this policy does not prejudice the emphasis placed on town centres for retail or commercial leisure facilities (Paragraph 12.19). Policy CY.2 also states that new community facilities must amongst other things be consistent with the town centre hierarchy.
- 4.8 With regards to the waste collection referred to by an objector further information has been requested from the applicant which should be available by the date of the meeting.

5.0 Conclusions and Recommendations

- 5.1 Although there are some immediate benefits from finding a use for vacant premises PPS4 also includes a requirement for longer term considerations. After giving due weight to these factors and after taking account of the fact that this is an empty building society premises and not a shop the proposal is still judged to be harmful by reason of it constituting long term dead retail frontage. In addition, granting planning permission for a non retail use would also set a serious precedent that would make it increasingly difficult to resist other non retail uses in areas like this in the future. Other considerations in PPS 4 have been considered including the Government's overarching objective for sustainable economic growth and also the desire to offer a wide range of services to communities in town centres but in this case these are not judged to outweigh the long term harm that will arise to the primary shopping area by this proposal.
- 5.2 It is recommended that the application be **REFUSED** for the following reason:
1. The proposal is contrary to Policies RT.2 and TC.2 of the Adopted Wyre Forest District Local Plan as the site is allocated as forming part of the Primary Shopping area where non retail uses are not normally allowed and the change of use of a vacant building society to a dental practice would in the long term be harmful as it would constitute a break in the retail frontage to the detriment of the vitality and function of this part of the town centre. In addition, to permit non retail uses would set a serious precedent that would make it increasingly difficult to resist other non retail uses elsewhere in areas allocated as primary shopping to the long term harm of the town centre.

Application Reference:	10/0058/FULL	Date Received:	05/02/2010
Ord Sheet:	382307 272884	Expiry Date:	02/04/2010
Case Officer:	Emma Anning	Ward:	Mitton

Proposal: Proposed Pump House / Storeroom, Bait Shop and Static Caravan

Site Address: WILDEN FISHING POOL, WILDEN LANE, STOURPORT-ON-SEVERN, DY139LW

Applicant: Mr A Hubble

Summary of Policy	H.9 D.1 D.3 D.7 NR.5 NR.9 GB.1 GB.2 GB.3 GB.6 NC.1 NC.2 NC.5 NC.7 TR.9 TR.17 LR.13 (AWFDLP) CTC.8 CTC.11 D.12 D.39 D.43 RST.1 (WCSP) PPG 2 PPS 7 PPS 9 PPG 17 PPS 25
Reason for Referral to Committee	Development Manager considers that application should be considered by Committee
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 Wilden Fishing Pool is a leisure fishing pool located to the rear of the Wilden Industrial Estate off Wilden Lane, Stourport-on-Severn. The site is washed over by the West Midlands Green Belt. The site is within Flood Zones 2 and 3 as identified by the Environment Agency. A public bridleway runs to the north east of the site. The site is also part of a Site of Special Scientific Interest.

- 1.2 Permission is sought for the erection of a pump house/store room, a bait shop and the siting of a static caravan for residential purposes for occupation by the owners. This application is a resubmission of a previous application for the same development which was withdrawn in order to allow additional time for the applicant to produce a business plan in support of the proposal.

2.0 Planning History

- 2.1 09/0796/FULL - Erection of pump house/storeroom, bait shop and siting of static caravan : Withdrawn

- 2.2 WF/0937/02 - Reinstatement of pools for fishing purposes, laying out of car park : Approved

10/0058/FULL

3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – Awaiting comments

3.2 Highway Authority – No objection

3.3 Environment Agency – Awaiting comments

3.4 Countryside and Conservation Officer – I have no biodiversity concerns with this one, there is a good report. The only slight concern is it is a development on a SSSI and we must make sure we have given Natural England the opportunity to respond.

3.5 Crime Risk Advisor – Views awaited
(Response to previous application) I have no objections to the application.

An essential part of the proposal is the presence of the caravan. Having somebody living on the site will greatly assist with security and hopefully alleviate many of the problems that presently occur.

As far as the buildings are concerned, the design of them does not present any problems. Because of the material used for their construction it is essential that the physical security on them is off the highest standard

3.6 Forward Planning – The application site lies within the Green Belt and as such, policy GB.1 is of relevance to this application. Policy GB.1 seeks to control development within the Green Belt and sets out the limited circumstances where development within the Green Belt is considered to be appropriate. The three elements of the application are considered separately below.

The pumphouse/storeroom element of the application could be considered to provide essential facilities for outdoor sport or outdoor recreation as set out under clause (ii) of the policy. The pumphouse/storeroom element of the application also replaces an existing freight container and could therefore be considered to offer visual improvements within the Green Belt.

Consideration needs to be given as to whether the bait shop element of the application is an essential facility for the site and therefore, whether it is appropriate under PPG2 and policy GB.1 of the Adopted Local Plan. Consideration should also be given to policy GB.3 of the Adopted Local Plan which sets out further details on outdoor sport and recreation within the Green Belt, this policy sets out that where, in very special circumstances, ancillary buildings are necessary, they must be directly related to the needs of the use of the land, and be restricted to the minimum size necessary.

10/0058/FULL

Consideration also needs to be given to whether the proposed static caravan for residential use is essential to the site. Clause (iii) of policy GB.1 sets out the circumstances where residential development is appropriate within the Green Belt, and PPS7 sets out the criteria which should be considered where occupational dwellings are proposed.

3.7 Natural England – Views awaited
(Response to previous application) Natural England has no objection to the proposed development subject to the proposal being carried out in accordance with a geological watching brief.

3.8 Ramblers Association – In principle we have no objection to the proposal; however because of the close proximity of the proposed development to the footpath we would ask that the developers are made specifically aware that under no circumstances may they obstruct the footpath, either during construction or afterwards, or divert the footpath and that the granting of planning permission does not give them any such authorisation.

Also access to the pool is along Stourport bridleway 539 and it may well be prudent, should the application succeed that that warning notices be erected. Firstly, pointing out that vehicle access is confined to approved users and visitors to the fishing pool only and, secondly, that there be a notice warning drivers of the possible presence of horse riders, cyclists and pedestrians and to proceed with caution.

3.9 Severn Trent Water – Views awaited
(Response to previous application) No objection subject to drainage condition.

3.10 Worcestershire Wildlife Trust - Views awaited
(Response to previous application) We note the contents of the ecological survey and we do not wish to object to the proposed development. However we would suggest that you append a condition to any permission you may be otherwise minded to grant to cover the recommendations made in section 4 of the ecological report. We would also add that the site is in very close proximity to a SSSI and Natural England's views must be obtained prior to determination of the application.

3.11 Worcestershire County Council Public Path Orders Officer – Views awaited
(Response to previous application) No objection raised. Notes alerting the applicant's attention to the need to keep the Public Right of way free of obstruction should be included on an approval.

3.12 Neighbour/Site Notice – Five letters offering full support for the scheme were submitted as part of the planning application; two were from Ward Members and three from businesses surrounding the site.

10/0058/FULL

4.0 Officer Comments

PROPOSAL

- 4.1 Permission is sought to erect a pump house/store room, a bait shop and to site a static caravan on the site. Information supplied by the applicant states that these facilities are essential to support and improve the use of the fishing pool. The bait shop and toilets would provide improved facilities for users of the pool with bait and tackle being readily available. These facilities would allow the owner to be on site during the day and night to serve his customers' needs and to monitor the use of the pool, therefore reducing the acts of vandalism which have taken place.
- 4.2 There are currently no customer facilities on this site. There is an existing pump unit and a storage container located adjacent to the site entrance.
- 4.3 The proposed bait shop and toilet facilities would occupy one building. The building would be L-shaped but would have timber decking which would allow the building the transition between different land levels. The building would be sited adjacent to an existing bund which runs around the perimeter of the pool, facing on to the pool where the decked area would meet the top of the bund. The overall height of the building would measure 4.4m to the ridge and would occupy a footprint of 67 square metres.
- 4.4 The proposed pump house and store would replace the existing freight container and would be positioned to the east of the application site near to the river. The building would occupy a footprint of 25 square metres and would be single storey with a ridge height of 3.8m. It is not proposed to elevate this building above ground level.
- 4.5 No drawings of the proposed static caravan have been submitted, however some details of scale and siting have been provided. It is proposed that the caravan would be located at the south of the application site, adjacent to the pool bund, in an area which is currently open. The caravan would be a standard 2/3 berth caravan measuring 11.6m long x 3.7m wide x 2.8m high. From the information submitted it is likely that the caravan would require some sort of platform on which to rest as it is proposed that its finished floor levels would be set at 26.8 AOD. A condition requiring such details to be submitted prior to commencement of works would be included on any approval.

PRINCIPLE OF DEVELOPMENT

- 4.6 The key policy considerations in this instance are the Green Belt Policies of the Adopted Wyre Forest District Local Plan and Government advice contained in PPG 2: Green Belts and PPS 7: Sustainable Development in Rural Areas.

10/0058/FULL

- 4.7 PPG 2 and Policies GB.1 and GB.3 of the Adopted Wyre Forest District Local Plan do allow for new buildings to be erected within the Green Belt in association with outdoor recreation activities such as the pools, but only where the facilities are essential and are of the minimum size necessary. PPG 2 clearly states that essential facilities should be genuinely required for the use of land, in this case the use of the site as a recreational fishing pool.
- 4.8 Given that there are several developments proposed as part of this application it is considered that each should be considered in turn against the requirements of PPG and Policy GB.1 of the Adopted Wyre Forest District Local Plan.
- 4.9 Firstly, the proposed pump house and store room have been assessed against the relevant policy and given that both of these facilities currently exist on site and there is a clear need for the pump in association with the fishing pools I am satisfied that both facilities can be considered as essential and are therefore appropriate in this Green Belt location. In terms of their size the pump house and store would be of modest proportions which I consider would be acceptable in replacement of the existing facilities in this location.
- 4.10 Secondly, the proposal includes the erection of a bait shop with toilet facilities which would be contained in one freestanding building to be erected on site as detailed above. I consider that the provision of W.C. facilities on site in association with the fishing pools could be considered as appropriate, the reason being that the nature of the activity carried out at this site will often involve people staying on site for long periods during a given day and as such it would be reasonable to expect some toilet provision would be provided.
- 4.11 The bait shop provides a multi use as shop, reception and information point which is required in connection with the business. Although the shop in its own right may not be classed as “essential” as it will be only used by users of the facility and the limited floorspace it occupies. For these reasons I am satisfied that the provision of a building for bait shop, toilet facilities, reception and information point can be judged as being essential for this outdoor facility especially when viewed in conjunction with the business plan submitted.
- 4.12 Finally, the siting of a static caravan for residential purposes should be assessed against advice given in PPG 2 and the Green Belt policies of the Adopted Wyre Forest District Local Plan along with Government advice contained in PPS 7. Provision is made within the above for new dwellings where it is proven that there is a need for that dwelling and is clearly required in association with an existing business operation. As for the provision of new facilities buildings, a new dwelling could only be supported in principle where it can be shown to be an essential facility required in connection with the fishing pools. Similarly PPS 7 would require the applicant to demonstrate that a functional test based on need and a financial appraisal have been carried out and have shown the facility to be genuinely required before the principle of the development can be considered acceptable.

10/0058/FULL

- 4.13 The applicant has provided a robust functional appraisal of the need for the caravan on this site. The functional requirements of the site are based on DEFRA (Department of the Environment, Farming and Rural Affairs), Environment Agency, CEFAS (Centre for Environment, Fisheries and Aquatic Science) advice and regulations as set out in the Fish Health Regulations 1997. With a significant fish stock being held in the pools the applicant has to carry out a daily routine to ensure the protection and continual well being of the stock on site. Daily duties include visual inspections, flushing and cleaning of overflow gates and oxygen level checks. These checks currently require the applicant to make several trips to the site each day. The applicant's agent advises that with the applicant currently has to commute from Kidderminster to carry out the above checks, this is clearly not the most practical option for the owner who does not consider this a viable long term option. In addition to the above there is a need to provide a full-time presence on the site to ensure the security of the site at all times. As part of the supporting documentation submitted with this application are police incident reports to show the acts of vandalism and other criminal activity which has occurred on this site outside of its normal opening hours. As detailed above the Crime Risk Officer supports the proposal for a residential unit on this site as it is considered it would greatly assist with security and would reduce crime at this site. Finally, the applicant explains that, with the current lack of an onsite presence, there have been many occasions when the pool has been used and the appropriate fee has not been collected because the proprietor has not been present. Clearly this has implications for the financial viability of the business and lends further strength for there to be a member of staff on site at all opening times.
- 4.14 It is the applicant's intention to significantly improve facilities at this site through a substantial financial investment in the business. It is proposed to introduce night fishing to the site and to increase the number of pegs available as well as improving the onsite facilities for visitors as discussed above. Clearly with the introduction of longer opening hours, the need for a continual on-site presence would increase further.
- 4.15 As detailed above a comprehensive business plan along with supporting information has been submitted as part of this application. The report has been compiled by an independent rural practice surveyor. The report concludes that the growth of Wilden Fishing Pools has increased steadily since it opened in 2005 and that with the proposed future investment that it would continue to grow further. Based on previous growth and projected growth figures for the following three years the report confirms that the business would be sufficient to warrant the siting of a caravan on this site.

10/0058/FULL

- 4.16 On the strength of the independent professional advice contained in the business plan and supporting documentation I consider that the applicant has demonstrated that there is both a functional need for the development proposed and that it is reasonably likely that the financial viability of the business could support a unit of accommodation which is directly required in connection with the running of the business. Given that the figures quoted are projections only and that the growth projections are speculative at this stage I consider it reasonable to permit the siting of a caravan for a temporary basis only. A temporary consent would allow for the Local Authority to ensure that the business establishes itself as projected and is capable of supporting a dwelling at this site, where a dwelling would not normally be permitted. I consider the principal of a caravan acceptable, which due to its temporary nature could be easily removed from site were it shown not to be required in the future. For these reasons I consider it reasonable to permit the siting of the proposed caravan for the three year period.

SCALE, SITING AND DESIGN

- 4.17 As detailed above the pump house and store would be a modest single storey structure measuring 9.3m by 2.8m with a ridge height of 3.8m. The building would be timber construction with a shingle or reconstructed slate roof. In considering this would replace two standard shipping containers and a pump house which currently detract from the visual amenity of this part of the Green Belt I am satisfied that aesthetically the replacement buildings would contribute positively towards improving visual amenity in this locality and would provide replacement storage provision as needed.
- 4.18 The bait shop and toilet building would be of similar timber design to the pump house and store described above, given that the principal of these buildings has been found to be acceptable and that they would be constructed of materials which would be sensitive to this semi-rural, green belt location I am satisfied that the buildings would harmonise with the existing landscape and would not cause harm to visual amenity in this setting.
- 4.19 No elevation details of the proposed caravan have been provided other than a block plan which shows its proposed footprint, however it is the siting of a caravan for the use proposed which requires consent in this instance and not the caravan itself. As detailed above the establishment of a new residential property in this location strictly in association with this rural enterprise, is considered to be appropriate development in this Green Belt location. The caravan would be sited at the point on the site furthest from the public bridleway and in considering its single storey nature, I consider its visual impact on the landscape would be minimal and would not cause harm to visual amenity.

BIODIVERSITY & GEOLOGICAL CONSERVATION

- 4.20 The site is part of the River Stour Flood Plain Site of Special Scientific Interest, as identified by Natural England. Accordingly, an ecological survey has been submitted by the applicants.

10/0058/FULL

- 4.21 In order to ensure that the proposal would not give rise to harm to biodiversity or cause geological harm The District Council's Countryside and Conservation Officer and Natural England have been consulted. The District Council's Officer did not raise any objections in terms of the biodiversity impact but did recommend taking advice from Natural England. Natural England do not object to the scheme however they have insisted that a geological watching brief be carried out as various excavations that are likely to be needed during the course of the development proposal's construction. These excavations provide an opportunity to scientifically record the geological deposits on site thus adding to the understanding of this SSSI and the development of the River Stour. Support for the Local Planning Authority to require the applicants to carry out such a brief is contained within Paragraphs 56-69 of *Circular 06/2005* accompanying *PPS9* which provides detail on the legislative regime governing Sites of Special Scientific Interest (SSSI). Section 28G of the *Wildlife and Countryside Act 1981* (as amended) includes a **duty on public bodies, including local planning authorities**, to "*take reasonable steps, consistent with the proper exercise of the authority's functions, to further conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which the site is of special scientific interest*". For this reason I consider that it would be reasonable in the interests of geological conservation to add such a condition to any approval.
- 4.22 For the reasons outlined above I consider the proposal would not cause harm to biodiversity or geological conservation in this instance, the proposal therefore accords with Policies NC.1 NC.2 NC.5 NC.7 of the Adopted Wyre Forest District Local Plan.

FLOOD RISK

- 4.23 The site is within flood Zone 2 and 3 and as such a Flood Risk Assessment has been provided by the applicant and has been considered by the Environment Agency. Advice from the Environment Agency is that the Flood Risk Assessment relating to the pump house and bait shop is acceptable as the buildings are proposed to be sited on ground which is above the 1% plus climate change level. These buildings are considered to be water compatible as they are linked to water based recreation.
- 4.24 Initial concerns were raised with the proposed caravan by the environment Agency as part of the previous application. The Environment Agency's vulnerability classification criteria has been applied to this element of the proposal and both the Local Planning Authority and the Environment Agency agree that the development is 'highly vulnerable' development. The Flood Risk Assessment as submitted with the application concurs with this assessment.

10/0058/FULL

- 4.25 In line with the requirements of PPS 25 'Highly Vulnerable' development should not be permitted within Flood Zone 3 (Table D3 PPS25) and requires the 'Exception Test' within Flood Zone 2. Previously the Environment Agency noted that, from the topographic survey, it appeared that the proposed caravan was to be situated on ground which may result in it being partly situated within the 1% plus climate change floodplain (and within Flood Zone 2). This current application has removed the caravan from such a location to an area outside of this floodplain and the finished floor levels have been set above the 1 in 100 year flood level. The revised Flood Risk Assessment submitted with this application confirms that a dry access from the caravan could be achieved during a time of flood, additionally the property would be served by the Environment Agency's automated notification service of any impending flood event.
- 4.26 It was noted by the Environment Agency that flood storage and flows may be affected by the proposed development. The agent has noted that due to the elevated nature of both the bait shop and caravan that no impact on flood storage capacity would arise. Similarly, the replacement storage facilities would not be significantly larger than those they would replace and therefore would have no greater implication on flood storage than the existing storage containers. The hardstanding around the buildings and car park already exist and therefore there would be no increase in surface water run-off from these areas. Any surface water from roof will be directed to soakaways, ensuring that the development will not increase the risk of flooding elsewhere.
- 4.27 Whilst feedback from the Environment Agency is still awaited, based on the information submitted and the changes made following the previous comments of the Environment Agency I am satisfied that, subject to no objections being raised by the Environment Agency that the development would not increase the risk of flooding and that the proposed dwelling could be adequately protected from flood events.

DRAINAGE

- 4.28 Information submitted on the accompanying planning application form is that foul sewerage would be disposed of using package treatment plant. No details of the type or siting of the plant have been provided at this stage, however in line with recommendations made by Severn Trent Water it is proposed to add a condition to any approval which would require the submission of these details prior to any development commencing on this site. I consider this condition would also satisfy a point made by Natural England with regards to the site geology. Natural England was concerned that the installation of a treatment plant, if buried too deeply in the ground, may have implications for the underlying substrata. This condition would ensure that any sewerage treatment plant installed would be appropriate in both drainage and geological conservation terms. The proposal would therefore satisfy Policies NR.9 and NC.1 and NC.2 of the Adopted Wyre Forest District Local Plan.

10/0058/FULL

HIGHWAYS AND ACCESS

- 4.29 It is proposed to utilise the existing access to this site which site is off Wilden Lane, onto Wilden Lane Industrial Estate, along a service road dividing the McVeigh Parker site and over the River Stour into the car park located in the South East corner of the site, from the bridge over the river there is track access to neighbouring fields and Environment Agency/NRA monitoring station. The Highway Authority have been consulted on this proposal and do not raise any objections, I am therefore satisfied that the proposal would not give rise to a situation which would be detrimental to highway safety, in accordance with Policies TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan.

5.0 Conclusions and Recommendations

- 5.1 The proposal accords with the relevant policies of the Adopted local Plan and I therefore recommend **delegated** authority to **APPROVE** the application subject to no objections from the Environment Agency being received and subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Temporary 3 year consent for caravan
4. Details of materials including hardsurfacing to be submitted
5. Caravan to be for use of applicant (and dependants) only in association with fishing pools business.
6. Drainage details to be submitted
7. Drainage implementation to be carried out in accordance with watching brief to be submitted.
8. Development to be carried out with strict regard for the Ecological Report as submitted with this application.
9. Restriction on retail goods to be sold in connection with the use of the pools
10. Removal of permitted development rights for fences

Reason for Approval

The proposed development is considered to constitute acceptable development in this Green Belt location which would not cause harm to the visual amenity of the Landscape Protection Area or Green Belt and would not cause harm to biodiversity or geological conservation. The proposal would not create or exacerbate a flooding problem on this site and would not give rise to a situation which would be detrimental to highway safety. The proposal therefore complies with the policies listed.

Application Reference: 10/0061/TREE	Date Received: 08/02/2010
Ord Sheet: 379637 276018	Expiry Date: 05/04/2010
Case Officer: Alvan Kingston	Ward: Wribbenhall

Proposal: Crown raise two Horse Chestnut and fell one Horse Chestnut

Site Address: 10 THRELFALL DRIVE, BEWDLEY, DY121HU

Applicant: Mr Ray Hewitt

Summary of Policy	D3, D4 (AWFDLP)
Reason for Referral to Committee	Development Manager considers that application should be considered by Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The trees, the subject of this application, are situated within the rear garden of 10 Threlfall Drive, Bewdley. The trees were once part of the grounds of Walstone House; however, they are now located within smaller gardens, on a relatively new housing estate.

2.0 Planning History

2.1 Not applicable

3.0 Consultations and Representations

3.1 Bewdley Town Council – Awaiting formal comments

3.2 Ward Members – Awaiting comments

3.3 Neighbour/Site Notice – No representations received

4.0 Officer Comments

4.1 The three trees, which are the subject of this application, are all Horse Chestnuts (*Aesculus hippocastanum*) and are numbered 1224, 1225 and 1226 on the submitted plan.

4.2 Tree 1224 is probably the best tree within the group. However, it has a co-dominate stem and displays evidence of having been topped in the past.

10/0061/TREE

- 4.3 Tree 1225 is a poor quality tree that has decay within the stem and is suppressed by trees 1224 and 1226.
- 4.4 Tree 1226 is in a very poor condition and has signs of Phytophthora Bleeding Canker along its stem and primary limbs. This tree has also been topped in the past.
- 4.5 In light of the above, the case for the proposed works to these trees appears to be sound and supportable. Indeed, with this in mind, the recently undertaken review of the Tree Preservation Order in this area, which includes these three trees, has concluded that in remaking the Order, these particular trees should, due to their poor condition, be omitted from the new Tree Preservation Order.

5.0 Conclusions and Recommendations

- 5.1 All three trees have been omitted from the new Tree Preservation Order due to their condition. The proposed works of felling 1225, crown lifting 1224 and 1226 to 6 metres and reducing the crowns of the two trees to previous points is therefore reasonable.
- 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

Schedule of Works

Only the following works shall take place:

1. Horse Chestnut (*Aesculus hippocastanum*) 1224 – Crown lift to 6 metres and reduce to previous points.
2. Horse Chestnut (*Aesculus hippocastanum*) 1225 – Fell.
3. Horse Chestnut (*Aesculus hippocastanum*) 1226 – Crown lift to 6 metres and reduced to previous points.

All pruning must take account of the tree's naturalistic form.