

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
20TH MAY 2010

PART A

Application Reference:	10/0064/OUTL	Date Received:	23/03/2010
Ord Sheet:	382550 277471	Expiry Date:	22/06/2010
Case Officer:	Paul Round	Ward:	Franche

Proposal: Class B1 Office Park with associated car parking facilities, landscape areas and highway works (appearance, landscaping, layout and scale - Reserved Matters)

Site Address: LAND AT PUXTON LANE, PUXTON LANE, KIDDERMINSTER, DY115DF

Applicant: Morbaine Limited

Summary of Policy	E.10, D.1, D.3, D.4, D.7, D.9, D.16, NR.1, NR.2, NR.3, NR.5, NR.6, NR.7, NR.8, NR.9, LA.4, LA.6, AR.3, NC.1, NC.2, NC.3, NC.5, NC.7, NC.8, TR.7, TR.9, TR.17, LR.1, TR.6, LR.8, IMP.1 (AWFDLP) SD.1, SD.2, CTC.1, CTC.5, CTC.5, CTC.8, CTC.9, CTC.11, CTC.12, CTC.14, CTC.15, CTC.19, D.19, D.26, T.1, T.3, RST.3 (WCSP) UR2, PA1, QE1, QE3, QE4, QE5, QE6, QE7, QE8, QE9, T2, T3, T7 (WMRSS)
Reason for Referral to Committee	'Major' planning application Third party has registered to speak at Committee
Recommendation	REFUSAL

1.0 Site Location and Description

1.1 The site in question forms a 2.5ha parcel of land situated at the end of Puxton Lane, a narrow cul-de-sac that is accessed from Mill Street, Kidderminster. The site lies north of the industrial buildings on Puxton Lane, and south of the Kidderminster Flood Alleviation Bund. A public bridleway runs along the west boundary of the site, which is proposed to be used to access the site. Beyond lies a swathe of Urban Open Space and above at a higher level, residential properties in Avill Grove, Marlpool Court and Beaulieu Close.

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- 1.2 Whilst the site is unallocated or “white land” within the Adopted Wyre Forest District Local Plan, it is affected by the following constraints:
- (a) Flood Zone 3. With a least part of the site falling within the functional floodplain (Flood Zone 3b).
 - (b) Three-quarters of the site is covered by a Woodland Tree Preservation Order.
 - (c) The site lies directly adjacent to (but not within) the Puxton Marshes Site of Special Scientific Interest (SSSI).
 - (d) The designated Stour Valley Country Park lies adjacent, to the north of the site.
- 1.3 The proposal seeks for a 3,700 square metres (39,828 sq ft) office development accommodating between 300-350 employees and an illustrative 169 car parking spaces. Access would be via Puxton Lane and aforementioned the Bridle Way with substantial modifications proposed to allow access.
- 1.4 The application has been submitted in outline form with only access to be determined at this stage, and is supported by the following documentation:
- (a) Design and Access Statement
 - (b) Transportation Statement
 - (c) Employment Land Report
 - (d) Flood Risk Assessment
 - (e) Extended Phase 1 Ecological Survey
 - (f) Badger Survey
 - (g) Tree Survey
 - (h) Geo-Environmental Desk Study

2.0 Planning History

2.1 None

3.0 Consultations and Representations

3.1 Highway Authority - Recommends that the permission be **refused** for the following reasons:-

- The application fails to demonstrate acceptable access to the site and does not allow for sustainable access.

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- The connection from Puxton Lane to the site is via an existing Public Right of Way, the existing construction of this access is unacceptable in width for motor vehicles and provides no specific facilities for pedestrian or cycles. This access is land outside the applicant's control and does not form part of the planning application. The route is substandard and the additional vehicle movements will conflict with the Public Right of Way status. In order to be acceptable new carriageway and shared footway/cycleway construction on this line is necessary.
- Puxton Lane is a narrow road with limited footway width. The existing alignment provides restricted forward visibility splays and is a very steep access road. The applicant has proposed improvement measures, but these are not considered to be acceptable and the applicant has not promoted a preferred access proposal, therefore not withstanding any other comment do not consider that I can reasonably condition the application. The provision for pedestrians is substandard and no proposals to improve bicycle access are promoted. The available road width and pavement is restricted to the point where no reasonable measures can be introduced to provide acceptable access for vulnerable road users or motor vehicles.
- The gradient of the road is a feature that fails to make walking or cycling attractive or realistic and this is a matter that the applicant is unable to improve.
- Therefore I conclude that the substandard access route, the inability of the applicant to satisfactorily improve it, land not being in the applicant's control; and conflict with the Public Right of Way means that the site is not located in a position to make a development at this location acceptable in transport terms.

Also:

- The TA (Transport Assessment) has not been prepared in accordance with Worcestershire County Councils guidance of transport assessments.
- The car parking provision is significantly in excess of that indicated by Worcestershire County Councils highway design guide which indicates that for commercial development, these standards are maximums.
- No disabled car parking spaces are provided, they are just noted.
- Sheltered and Secure cycle parking spaces are not provided, they are just noted.
- Delivery vehicle access and egress is not demonstrated nor are locations for loading and unloading to occur.
- There is no Travel Plan provided, the references made in the TA are not sufficient.
- Considering the alterations to Puxton Lane the application should be supported with a stage 1 safety audit.

I consider that this application will have an adverse impact on highway safety and does not provide measures to encourage sustainable access. The documents do not adequately address the access proposals and therefore it is recommended for refusal.

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- 3.2 Environment Agency - We currently object to the proposed development as submitted on the following grounds:

Flood Risk

The site lies within Flood Zone 3 of the River Stour, based on our 'indicative' Flood Zone Map. This is land with a 1 in 100 or greater annual probability of river flooding (>1%) and is defined by Planning Policy Statement (PPS) 25 as having a 'high probability' of flooding. The site is also located behind the flood berm for the Kidderminster Flood Alleviation Scheme (FAS), which provides an upstream flood alleviation storage area.

We note that the Flood Risk Assessment (FRA) undertaken by Chris Dartnell (dated February 2009) has referenced a defended 1% plus climate change flood level of 35.05m AOD, which has been derived from the use of our flood model. The topographic survey submitted with the application shows that the majority of the site is located within Flood Zone 3. A small part of the south eastern corner of the site is situated above the 1% plus climate change flood level i.e. within Flood Zone 2.

The FRA does not clarify if the site is located within Zone 3a or 3b. Based on the ground levels provided as part of the FRA, it is likely that at least part of the site is located within Zone 3b ('functional floodplain').

Planning Policy Statement 25 - Development and Flood Risk

PPS25 would class the proposed development as a 'less vulnerable' use, which should not be permitted within Flood Zone 3b and within Flood Zone 3a and Flood Zone 2, requires the Sequential Test to be passed.

1. Functional Floodplain:

Whilst the FRA has made an assessment of the 1% plus climate change flood event, no information has been provided to clarify whether the site is situated within Flood Zone 3b (functional floodplain). In line with PPS25, only 'water compatible' uses and 'essential infrastructure' should be permitted in this zone.

Therefore, in the first instance the applicant should provide information to clarify the Flood Zone 3a and 3b extents.

If the proposed development is located within Flood Zone 3b then development should not be permitted, in line with PPS25. If the proposed development is located within Flood Zone 3a / Flood Zone 2 then evidence of the Sequential Test is required. This information has currently not been provided as part of the application.

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2. Sequential Test:

PPS25, paragraph 14 states that 'a sequential risk-based approach to determining the suitability of land for development in flood risk areas is central to the policy statement and should be applied at all levels of the planning process.' The aim of the Sequential Test is to steer new development to areas at the lowest probability of flooding (Zone 1); (paragraph 17).

Only where there are no reasonably available sites in Flood Zones 1 or 2 should decision-makers consider the suitability of sites in Flood Zone 3, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required (see Annex D5 of PPS25). In this instance no evidence has been provided to indicate that this test has been carried out.

Note - The Level 1 and recently completed Level 2 Strategic Flood Risk Assessment (SFRA) for Wyre Forest indicates that there are alternative sites, with a lower probability of flood risk.

Whilst we would not normally comment in detail on the FRA until we have received further information in relation to points 1 and 2 above, we would take this opportunity to raise the following points for consideration.

3. Flood Risk Assessment (FRA):

The FRA submitted does not currently comply with the requirements set out in Annex E, paragraph E3 of PPS25 and does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the FRA does not consider the risk of flooding arising from the proposed development, to the town centre of Kidderminster, in addition to the risk of flooding to the proposed development.

i. Impact on Flood Storage

The mitigation proposed to protect the site from flooding is to raise the platform of the site so that it varies from 35.4m AOD on the west side to 35.1m on the eastern boundary. The report appears to suggest that this can be achieved by regrading 'Cut and Fill'. However the current ground levels appear to vary from 32.7m to 35.5m and a significant area of the site appears to lie below 34m AOD. On the basis of the 1% AEP flood level including climate change provided (of 35.05m AOD) this will result in a considerable loss of flood storage, which could have a significant impact on flood risk elsewhere; in particular we would emphasize the town centre of Kidderminster. The FRA fails to quantify the loss of flood storage (it is thought that in the range of up to 20,000m³ of material may need to be imported to raise the ground to defend the site) or demonstrate that sufficient flood storage compensation can be provided to mitigate for this loss. Detailed calculations and a plan will be required to show the area (and volume) of flood storage loss and the proposed flood storage compensation area. Modelling may also be required given the scale of the proposed alterations to the floodplain.

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Note - Any proposals to alter the floodplain in such a significant way would require our formal Flood Defence Consent. Without any demonstration of the impacts downstream or that the infilling of the floodplain provides a wider gain we would be minded to refuse the consent.

ii. Historic Flood Events

The FRA states that the site did not flood during the 2007 floods, which caused the storage area upstream of the embankment to be significantly utilised. However, no evidence has been provided within the FRA to support this. Reference is made to a blocked off drainage channel as another explanation for potential lack of connectivity between the floodplain and the proposed site. However, when the topography of this area is analysed, the ground level for the area between the stopped off drain and downstream is approximately 33.7m AOD, which is a metre below the 1% AEP flood level indicated by the FRA. This suggests that during most flood events the site will rapidly inundate with floodwater.

Personnel from the Environment Agency visited the site on the day and noted significant flooding downstream of the dam. It may be that not all of the site was affected, but we would be reasonably confident parts will have flooded. It should also be noted that the 2007 event was significantly less than the 1% AEP flood event.

iii. Overtopping / Breach Scenario of the FAS

Based on the flood level provided, the embankment would overtop during a 1% flood event. A small part of the site would remain dry, but most of it would flood to a depth of 1m and in some areas this will extend to 1.6m deep. When considering climate change these depths will increase by a further 380mm leaving a further reduced island in the middle of the site. The recently completed Level 2 SFRA provides further information on overtopping and breach scenario hazards, identifying the site as a significant risk ('danger for most'). We would expect the FRA to consider the outputs of the SFRA in terms of breach and overtopping scenarios for all events for the purposes of sequentially testing the site, and for ensuring the development is safe.

iv. Proximity to the FAS

We require further information on the proximity of the proposed flood relief channel in relation to the toe of the berm. The FRA indicates that the channel is 8m from the toe of the defence and therefore does not require our consent. However, the detail provided with the planning application does not allow us to form a view. Without this information, including a detailed cross section plan, we are not able to comment further on this element of the proposal at this time.

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Biodiversity

The FAS flood berm divides the northern boundary of the proposed development site from Puxton Marsh Site of Special Scientific Interest (SSSI). The Marsh is a legally protected site covered by the Wildlife and Countryside Act (1981) as amended under the Countryside Rights of Way Act 2000 (CRoW Act).

Ecological Overview of Proposed Development Site:

The River Stour corridor forms a substantial boundary with the proposed development site. The River Stour is designated as a county status Special Wildlife Site (SWS). The River Stour corridor in the Kidderminster area currently supports some of the best wetland and marsh habitat in Worcestershire. This includes Wilden Marsh and Meadows SSSI which is located approximately 3km down stream of the proposed development site. Wilden Marsh SSSI site is considered to provide the richest and most diverse remaining wetland and marsh habitat in Worcestershire. Similarly, Stourvale Marsh, Hurcott and Podmore Marshes are all SSSI status wetland sites. These are located along the River Stour corridor and within 2km of the site.

Potential Hydraulic Continuity with Water-Dependent SSSI:

Given the relatively close proximity of Stourvale and Puxton Marshes SSSI it would need to be demonstrated that any proposed development of this site would not compromise the existing hydraulic regime, which supports the adjoining sensitive features within the water-dependent SSSI.

Extended Phase 1 Habitat Survey:

Having reviewed the Extended Phase 1 Habitat Survey Submitted by AMEC Earth & Environment (UK) Ltd (dated June 2008) we have the following comments to make:

Section 6.1.4 of the report concludes 'the site is of low nature conservation value- no rare protected species of plant or animal were recorded during the survey'. We consider that the site provides a range of diverse habitats supporting a number of willow carr / wetland and other habitat features in common to the adjacent Puxton Marsh SSSI.

1. Otters:

The report concludes that the 'site is not considered likely to be attractive to this species'. The River Stour corridor and many adjacent wetlands in the Kidderminster area are known to support a healthy otter presence. Recent otter surveys for other developments in the Kidderminster area are available. These show regular territorial 'sprainting' sites along and adjacent to the River Stour corridor. The impenetrable nature and wetland features present on the site together with the proximity to the Puxton Marsh SSSI and River Stour corridor, makes the reports conclusion on the sites suitability for otters questionable.

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The varied and mature nature of habitat present at this site and likely hydraulic continuity with the River Stour strongly suggests a separate otter survey for this site is warranted. It should be noted that a lack of evidence of a protected species at the time of a given survey does not preclude them being present at another time.

2. Great Crested Newts:

Section 5.3.2 of the report notes that 'while the ditches provide suitable habitat for great crested newts, the species was not seen during the survey'. Extensive areas of open water and wet ditches forms one of the dominant habitat features of this site. Under these circumstances it is incorrect to report that this protected species was simply not seen. As mentioned above, lack of evidence of a protected species at the time of a given survey does not preclude them being present at another time.

3. Additional Comments:

We also provide the following comments for you to consider in consultation with your Biodiversity Officer and Natural England. Section 6.3.4 of the report comments that 'no indication of badger activity was detected on site' The Phase 1 Habitat Survey report (June 2008) comments on the presence of badgers are contradicted by the separately commissioned Badger survey (November / December 2009). This report states that 'A well-established and active badger set was found along the south-eastern boundary of the Site at OS Grid Reference SO82604 77483'.

Based on the above, we raise a precautionary objection at this stage, in line with PPS9 (Biodiversity and Geological Conservation), due to the absence of sufficient information regarding the potential presence of protected species (See Comments on Section 6 of AMEC Report noted above)

We consider that due to the sites close proximity to both Puxton and Stourvale Marshes SSSI and the River Stour wildlife corridor, any development of this site has the potential to result in a direct loss of a valuable mosaic of habitat with a good ecological resource. Further, the loss of this area is likely to have a collateral impact (changes in hydrology, pollution, noise, light, or vibration) on the wider biodiversity value of the adjacent SSSI's. The information submitted is not sufficient enough to show that potential impacts as a result of the proposed development have been understood and that suitable mitigation can be achieved to mitigate for any potential impacts.

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Dedication of Land/Public Access

We note that the applicant has made reference to the public access along the track on top of the berm, in their letter dated 8 February 2010. There have been discussions regarding this matter and a letter dated 10 February 2010 was sent to the applicant from my colleague Anthony Perry, explaining our position.

Summary

We currently object to the proposed development on Flood Risk and Biodiversity grounds, as insufficient information has been submitted to adequately characterise the site and to demonstrate that the development is appropriate in this location. Insufficient information has been submitted to show that the impacts and mitigation required as a result of the proposed development are understood and can be appropriately addressed.

The application is currently considered contrary to PPS9, PPS25, and Policy NC.1 (Areas of National Importance), NC.5 (Biodiversity) and NR.5 (Floodplains) of Wyre Forest District Council's Local Plan (adopted 2004), and may be refused on this basis.

If you are minded to approve the application we would request that you inform us of this with your reasons why so that we can make further representations in relation to flood risk, biodiversity and contaminated land.

- 3.3 **Policy and Regeneration** - The site is located on Greenfield land off Puxton Lane, Kidderminster. The site is not currently allocated for any particular use and is identified as white land on the Adopted Local Plan Proposals Map. The Adopted Local Plan policies have been saved until they are replaced by the adoption of the appropriate Development Plan Document (i.e. the Site Allocations and Policies DPD). ALP Policies NR.1 – Development of Greenfield Land and Policy E.10 Business Development outside Allocated Areas are pertinent here.

Policy NR.1 specifies that proposals for built development on Greenfield land will normally only be permitted where it can be demonstrated that there are no suitable previously developed (brownfield) sites available. Further information on the Employment Land Review set out below demonstrates that the District has a number of readily available brownfield sites already allocated for employment uses that would be suitable for Class B1 Office Uses.

Policy E.10 specifies that in exceptional circumstances Class B1 development will be allowed on sites unallocated for employment uses within the town centre areas. Proposals should follow a sequential approach to office development with preference given to town centre sites, then edge of centre locations, district and local centres and finally out of centre locations that are accessible by a choice of means of transport.

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It is considered that the site is not sequentially preferable as it is a Greenfield site, located outside of the town centre, in a poorly accessed area that is at risk of flooding. Proximity and linkages to Kidderminster town centre from this site are fairly poor and this could lead to enhanced trips by private car. There are also considered to be a number of other available parcels of land, and vacant units, within the town centre and on previously developed land stretching to the south of the town, along Stourport Road, which could provide better, more sustainable, alternatives to this proposed development.

FUTURE DEVELOPMENT STRATEGY FOR EMPLOYMENT LAND PROVISION

The District Council's Submitted Core Strategy Development Plan Document, places a strong emphasis on Brownfield regeneration within the town centres of Kidderminster and Stourport on Severn. This strategy is supported by both national and regional planning policy. The West Midlands Regional Strategy reflects the national planning policy approach, which places priority on ensuring sufficient, appropriate and deliverable areas of employment land with the focus on brownfield development.

The District Council undertook an Employment Land Review (ELR) in 2008 to provide evidence for the emerging Local Development Framework. The ELR provides an assessment of the current employment sites within the District and calculates the potential future requirements for new employment land within the District. The ELR identified a potential requirement for between 43.95 – 46.47 hectares of employment land up until 2026. This figure is closely aligned to the indicative long-term requirement of 44 hectares established through the West Midlands Regional Spatial Strategy (WMRSS) Phase 2 Review (EIP Panel Report, September 2009).

The ELR also reviewed the potential future supply sites for employment land purposes within the District. The review concluded that:

“Even taking into account a flexible approach to the supply of employment land, the analysis suggests that Wyre Forest has enough employment land of the appropriate type to be able to accommodate its employment needs to 2026.”

There are a large number of vacant and under-used brownfield employment sites within the District. Safeguarding and enhancing these accessible and well located sites for industrial and commercial uses is an important element of the District's strategy for future employment development.

The District therefore has clear evidence based strategy for the future development of employment sites within the District, which is set out within the Submission Core Strategy DPD. This will focus new employment development on existing vacant and under used employment areas, therefore negating the need to further consider allocations for employment uses in Greenfield locations.

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OFFICE DEVELOPMENT

WMRSS (Phase 2 Revision) Policy PA13A seeks to direct new office development within or on the edge of Kidderminster town centre. The indicative requirement set by the WMRSS is for 40,000sq.m of gross office floor space to be provided within Kidderminster by 2026. The rationale behind this is to direct office development to more sustainable locations which are accessible by pedestrians, cyclists and public transport.

The Submission Core Strategy DPD advocates a sequential approach to office development locations, with the priority to focus new development proposals on brownfield land within, or on the edge of Kidderminster town centre, followed by the Stourport Road Employment Corridor and other allocated employment areas.

This application does not accord with this sequential approach, which sets out a firm focus on brownfield land.

FLOOD RISK

The site in question is located within an area identified as being susceptible to flooding; therefore flood risk is a major consideration for this application. The site lies within Flood Zone 3, directly to the south of a flood alleviation scheme, and is classified as having a high probability of flooding (PPS25).

The site was assessed through the District Council’s Level 2 Strategic Flood Risk Assessment and its Water Cycle Study. These studies identified the site as being in a high-risk flood category. The Level 2 SFRA also provided information on flood hazard analysis, which considered the overtopping and breaching of the Flood Alleviation scheme. Through this analysis the report identified that the site had an extreme flood hazard rating and was also considered to be within the ‘rapid inundation zone’ (which is an area that floods to a depth of 250mm in a half hour or less). The Level 2 SFRA identifies that preference should be given to sites which would not experience rapid flooding.

3.4 Countryside and Conservation Officer - Ecological issues relating to Puxton Lane application 10/0064

ECOLOGICAL CONSIDERATION	SITE SPECIFIC ISSUES	PROPOSED MITIGATION	RECOMMENDATION
Site adjacent to SSSI	Potential of harm from contaminated ground following construction	The site ground investigation suggests that the site poses a moderate risk of introducing contaminants to the SSSI. Further investigations are recommended	Application should be refused until this risk is quantified and any necessary mitigation is agreed by ourselves EA and NE

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	Potential of harm from contaminated ground during construction	The site ground investigation suggests that the site poses a moderate risk of introducing contaminants to the SSSI. Further investigations are recommended	Application should be refused until this risk is quantified and any necessary mitigation is agreed by ourselves EA and NE
	Potential harm to the SSSI from contaminated surface water run off from the development	It is suggested there could be a gain to the SSSI if the surface water from the development was allowed to percolate onto the SSSI. This could be so but the surface water needs to be free from contamination.	The plans show a flood relief channel. The function of this needs to be confirmed. Is this to be the route the surface water will take to the SSSI? And will there be any filtration offered before the water is allowed to flow onto the SSSI?
	The development will impact on the naturalness of the SSSI	Some landscaping is shown. But this is only indicative	The principle of natural screening of the development from the SSSI needs to be established at this point. Also worth consideration are buildings designed to blend into the natural surroundings green roofs /walls etc. At least appropriate colouration.
	Potential damage to the SSSI from light pollution	No information provided	The principle of appropriate lighting which does not infringe on the SSSI or any potential bat roost areas needs to be identified at this stage

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<p>National and European Protected Species</p>	<p>Badger</p>	<p>A badger sett is present on site. It is felt a NE licence may be required</p>	<p>The application should be refused until a method statement and proposed mitigation of this sett are presented. It is impossible to tell how close to the sett the development is to be as none of the drawings or site plans are scaled. However it looks feasible that the works will be with the 30m recommended distance required to insure badger safety and the works involve piling which is bound to cause some disturbance. The needs of the badger may require the design to change or become un economic so we need this up front.</p>
		<p>The area which badgers have to forage will be impacted upon.</p>	<p>Appropriate mitigation to provide the badger sett with appropriate forage needs to go into the site master plan. We also need to know this is feasible up front.</p>

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	Bats	The site provides good forage for bats	No surveying has been specifically done to quantify the importance of this land as bat forage. This needs to be done so that appropriate mitigation can be put in place
		The site has had large scale clearance work on it which affected areas of willow carr wet woodland which is described in the ecological report as having potential for bats	Mitigation for the potential loss of roosting habitat needs to be included within the sites master plan
		No information is provided on lighting	(see above)
	Otter	Otter are known to use adjacent habit and the habitat currently on site is potentially suitable for lying up or even as holts. Before the site was cleared the site would have presented good areas of terrestrial habitat (no sign were seen on the June 2008 survey but then the large and active badger sett was also missed)	Recommend refusal based on insufficient information re otter. A survey is needed to prevent any harm and mitigation is needed for the loss of habitat following development and from when the site was cleared prior to submission of this application.

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	Reptiles	Grass snake and slow worms are known to use adjacent habit and the habitat currently on site is potentially suitable. Before the site was cleared the site would have presented better areas of habitat (no signs were seen on the June 2008 survey but then the large and active badger sett was also missed)	Recommend refusal based on insufficient information regarding reptiles. A survey is needed to prevent any harm and mitigation is needed for the loss of habitat following development and from when the site was cleared prior to submission of this application.
	Great Crested newts	Some potential exists on site	A great crested newt survey is needed. Refusal on the grounds of insufficient information.
UK BAP species	Reed bunting	A record exists from near by	It is unlikely this development will directly impact on this species but if some enhancements could be included on the site master plan that would aid this species, this might help mitigate some other losses
	Other birds (marsh warbler, song thrush linnet, bullfinch, tree sparrow)	All have the potential of being impacted upon	The two site clearances may have impacts on these birds. An assessment of likely harm is needed as is a survey to assess any additional harm likely to be caused and opportunities for mitigation and enhancement investigated.

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UK priority action Habitats	Wet woodland	Much of the site is described as willow carr which despite being threatened by Himalayan balsam infestations still falls under the definition of the UK Priority action habitat of Wet Woodland. Subsequent clearance operations have further damaged this.	Mitigation for the loss of this UK priority habitat needs to shown on the site master plan prior to the granting of approval.
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3.5 Natural England - This advice letter addresses both protected species and designated site considerations. Natural England objects to the proposed development in relation to protected species issues (see below). Natural England offers advice in relation to the protection and enhancement of the neighbouring Puxton Marshes Site of Special Scientific Interest including matters to be included within planning condition/s (if the application is approved).

Protected species

We note the findings of the Amec Earth & Environmental (UK) Ltd – Extended Phase 1 Habitat Survey dated May 2008. With regard to great crested newts we acknowledge the report’s reference to the old ditch feature representing the ‘most prominent feature on the site’ and the fact that the habitat appeared suitable for GCN . However since 2008 no apparent attempt has been made to further assess the site for this species, either by Habitat Suitability Index or by direct survey methods. As a result based on the information provided, **Natural England objects to the proposed development.** We recommend that the local planning authority refuse planning permission on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

Our concerns relate specifically to the likely impact upon **great crested newts** (but please see below also regarding water vole, bats and badger). The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 ‘Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System.’

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Surveys, assessments and recommendations for mitigation measures should be undertaken by suitably experienced persons holding any relevant licences. In order to assess the potential implications on protected species, this and any subsequent planning application should include the following information:

- **Description of the proposal** – details of the type, scale, location, timing and methodology of the proposed works, including relevant plans, diagrams and schedules;
- **Survey for protected species** – thorough and robust survey of the development site and any other areas likely to be affected by the proposals for protected species;
- **Impact assessment** – clear assessment of the likely impacts of the proposal upon protected species;
- **Mitigation strategy** – to clarify how the likely impact will be addressed in order to ensure no detriment to the maintenance of the population at a favourable conservation status of the protected species. This should be proportionate to perceived impacts and must include clear site-specific prescriptions rather than vague, general or indicative possibilities; and
- **Delivery mechanisms** – to include additional information as appropriate to the mitigation strategy that will be required to ensure that the proposed mitigation works are feasible and deliverable e.g. architects plans, licenses, planning agreements, contractors' precautionary method statements.

Further survey effort

Water vole

Although the Amec Report (2008) found no evidence of this species at the time of the Phase One survey we propose further focused survey should be carried out to establish the current situation. The step-wise process set out above refers.

Other protected species issues

Bats

With reference to the tree survey report by Waterman Energy Environment & Design (June 2009) it is important to note that despite the 'low quality' arboricultural ratings attributed to some of the groups of trees on the application site, care must be exercised to address the potential for bat roosts within trees on site. The development proposal (if approved) should include the necessary steps to safeguard bats and their roosts and seek to make provision for them as part of any consented development.

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Badgers

We note that although the Amec report (2008) found no evidence of badgers a sett would appear to have been discovered subsequently. No information on the type of sett involved appears to have been presented with the application although we note the intention to retain the sett in situ (reference application site plans 'as proposed'). Appropriate steps to safeguard the sett both during the construction and operation phase should be included in any planning consent (if approved). Such measures should be integrated with site landscaping and biodiversity enhancement.

Designated Sites

The application site adjoins Puxton Marshes Site of Special Scientific Interest (SSSI).

Paragraphs 56-69 of *Circular 06/2005* accompanying *PPS9* 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*".

With reference to the document, "Office development off Puxton Lane - Flood risk assessment report" (Chris Dartnell, Feb 2009), Section 4.3.2 refers to the proposed Flood relief channel – Natural England acknowledges the role of this channel in directing ground and surface water away from the application site and into Puxton Marshes SSSI. This feature of the development may offer a way to enhance the SSSI.

The following context regarding the SSSI marshland should be considered:

The SSSI condition with respect to the land immediately east of the application site is currently 'unfavourable no change' due to 'inappropriate water levels'.

Two key factors contribute to this situation; The absence of grazing management on this part of the SSSI has allowed trees and scrub to become established. This type of vegetation cover increases water loss from the marsh (relative to a wet grassland vegetation cover) through evapo-transpiration and contributes to drier conditions on the land than would have existed under a grazing regime. In addition, historical maps of the area strongly suggest that this part of the marsh would also have been fed by groundwater springs in the neighbouring sandstone geology west of the site. This ground water would have seeped into what is now a 'blind channel' in the current application site but, at that time, the channel was functional i.e. it allowed water to flow from the western edge of the floodplain into the marsh, linking with other ditches.

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Taken together, the absence of grazing management and the long standing interruption to ground water supply and ditch connectivity together contribute significantly to the unfavourable condition of this part of the SSSI.

We acknowledge the need for the application to prove acceptable in other relevant planning respects. Nonetheless it is Natural England's opinion that, subject to measures to address the risk to the SSSI of water borne pollution and erosion at times of severe wet weather, the reinstatement of the connectivity between the springs that feed the blind section of ditch and the SSSI would be likely to enhance the SSSI wetland habitat south of the flood alleviation bund.

Issues to be addressed through suitable planning condition/s

Pollution – need for scheme design (both during the construction and operational phases) to ensure surface water drainage flowing off site and into the flood relief channel is of adequate quality.

Erosion – The design of the channel at and approaching its interception point with the SSSI should ensure that scouring and erosion of the vegetation and substrate within the SSSI is reasonably avoided.

Vehicle access to the SSSI – The design of the scheme should not preclude authorised vehicular access to the SSSI adjoining the application site. This will ensure that scope for suitable management of the SSSI is not adversely affected e.g. to allow delivering and taking away grazing livestock. Suitable access should be designed into the final scheme (if approved) if at all possible.

In all three cases we propose that a suitable design should be drawn up for approval by the LPA and/or Environment Agency as appropriate.

3.6 Worcestershire Wildlife Trust - We note that the site lies immediately adjacent to the Puxton Marsh SSSI and that it currently provides a strong buffer between extant development and the site. Accordingly we wish to object to this application on the following grounds:

1. The site is not currently allocated and we would therefore contend that given its environmental value there should be a presumption against development here.
2. The environmental information provided was collected in 2008 and can therefore be considered out of date. Updates are needed prior to determination, in line with guidance in the NERC Act and PPS9.

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3. Notwithstanding this and the fact that the site has been poorly served by previous uses it still forms an important buffer to a SSSI. Guidance in the NERC Act 2006, CROW Act 2000 and PPS9 makes clear that the LPA has a role in protecting and enhancing such sites and we would suggest that the current application does not go far enough to do this. Further information on the SSSI and necessary protection and enhancement opportunities should be gathered from Natural England, again prior to determination.
4. Open sites such as this offer significant opportunities for sustainable development that can contribute to a wide range of environmental, social and economic objectives and where they have not been allocated for specific uses they should be protected until such time as an holistic GI framework can be established and integrated into the development plan for the wider area. Development in the manner currently proposed will contribute little to the overall GI of the District and would appear to us to be a missed opportunity to enhance the site and the adjacent SSSI.

Taken together we consider that the points raised above constitute sufficient reason for refusal.

- 3.7 Arboricultural Officer - The proposed development will have an adverse effect on a small area of TPOed woodland, which I am very keen to see remain. I therefore recommend refusal to the proposed development.
- 3.8 British Waterways - After due consideration of the application details, British Waterways has the following general **comments** to make:
 - This application is over 200m from the waterway so there are few issues of concern.
 - BW does however wish to point out that such a large development should ensure that there are linkages for walking and cycling to the waterway to facilitate the sustainable use of the site.
- 3.9 Environmental Health - Site is made ground over major and minor aquifers adjacent to landfill site and other landfill sites within 1Km. Intrusive investigation needed for both soils and groundwaters and potential contamination based on historic uses of site and adjacent sites. Landfill gas and ground gas investigation also needed. Site investigation to be conducted in line with CLR 11 and BS10175, sampling to be representative of site covering both targeted areas and unspecified random areas of sufficient quantity to reflect size of site at 2.4 Ha. Walkover of the site approx 2 years ago raised issue of potential hazardous waste deposited, no visual evidence found however site has been used as an unofficial landfill in the past, big query as to what has been deposited here. Flood risk needs EA approval, question over the building of flood relief channel in this made ground.

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- 3.10 Severn Trent Water - No objection. Severn Trent Water advises that there are public sewers located within the application site.
- 3.11 Ramblers Association - We wish to object to the proposal. Kidderminster bridle way 504 runs parallel with the site and the whole of it appears to be out with the land to be developed; nevertheless the developers appear to assume that they can convert the first 30 metres of the BW into an access road. The bridleway is currently well used as means of pedestrian access into the town from the Franche direction and despite the lip service paid to sustainable transport in the consultants report this application is really all about providing car parking to sustain the office developments.
We feel that given the semi rural nature of the area this application is inappropriate and people's enjoyment of the footpaths in the area will be reduced.
- 3.12 Worcestershire County Council Historic Environment and Archaeology Service - The proposed development contains two known sites of historic/archaeological interest, this being the site of a former rope walk and associated cottages and workshops, and the site of the house of John Pearsall, who is generally credited with beginning the carpet industry in Kidderminster. His house in Puxton Lane was probably built about 1764 and demolished in 1980.

While no above ground evidence survives for these sites, they are both of local significance, and should outline consent be granted, it is advised that a programme of archaeological work be applied as a condition of consent in order to mitigate against the impact of the development on the historic environment.

The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by Policies CTC16-18 Policy in the County Structure Plan - June 2001 and by **Policy AR2** in the Wyre Forest Adopted Local Plan – January 2004.

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

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

- i) There are no reasonable alternative means of meeting the need for the development appropriate to the level of importance of the archaeological site and its setting; and
- ii) the reasons for the development outweigh the archaeological importance of the site and its setting, and the need to safeguard the wider stock of such sites.

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In this instance it is believed, *on current evidence*, that the site is not of such significance to warrant pre-determination evaluation or preservation in situ, and that the impact of the proposed development on the historic environment can be appropriately mitigated by a conditional programme of archaeological work.

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

"No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority".

It will be the applicant's responsibility to contract an appropriate archaeological organisation to undertake the programme of works as outlined in the brief (*available upon request should the local planning authority grant planning permission*)

- 3.13 Neighbour/Site Notice – 93 letters of objection have been received raising the following issues:
- (a) Highway Access is inappropriate for the number of cars and lorries to and from the site.
 - (b) A Tree Preservation Order has been placed on the woodland area, and the development would have an environmental impact.
 - (c) The site is located in the flood plain.
 - (d) The development, adjacent to Puxton Marsh, which is a designated SSSI site, will have a definite adverse impact on the environment.
 - (e) The development goes against the Local District Plan – this area is not zoned for building development.
 - (f) This is an 'off centre' development. Wyre Forest Council is looking for 'Centre development'.
 - (g) The foraging ground for badgers will be destroyed.
 - (h) Other Industrial areas are vacant why is this being considered, for example the Offices owned by Morbaine at Dixon Road / Green Street or Easter Park.
 - (i) The development will adversely affect users of the Public Right of Way.

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- (j) Sewers Cross the site and will be affected by the development.
- (k) Office development would result in significant noise to residents with possible night working.

4.0 Officer Comments

- 4.1 The application is submitted to the Local Planning Authority in outline form with access to be determined at this stage. All other matters are reserved for future consideration. It therefore falls to consider the principle of the development and the access to the site.
- 4.2 Whilst the site is unallocated or 'white land', it has a number of constraints which are set out in paragraph 1.2 of this report. As there is no specific land use policy, the principle of development is judged on its merits taking account of relevant development plan policies and national policy guidance and statements. A number of constraints require direct input from relevant consultees, and in order to present the full undiluted weight of these considerations they have been replicated in full above.
- 4.3 Having taken account of all aspects of the application including comments received I consider that the key considerations in this case are:
 - 1. Flood Risk
 - 2. Impact on Biodiversity and the Puxton Marshes SSSI
 - 3. Highway Access and impact on Public Right of Way
 - 4. Location of Office Development
 - 5. Trees
 - 6. S.106 considerations

FLOOD RISK

- 4.4 The site lies directly south of the Flood Alleviation bund installed by Environment Agency and which proved effective in preventing flooding in Kidderminster in 2007. The Environment Agency have confirmed that the majority of the site falls within flood zone 3, with a small part in south eastern corner being within flood zone 2. A flood risk assessment has been conducted on behalf of the Applicant; this concludes that Office Development is acceptable on the site subject to the sequential test and provision of flood protection and mitigation measures.
- 4.5 The Environment Agency has considered the application and the flood risk assessment in full and has provided comprehensive comments, which have been set out above. The Environment Agency conclude that the submitted flood risk assessment is wholly inadequate and fails to address the key issues of the site, fails to take account of the recently completed level 2 strategic flood risk assessment (SFRA) or the consideration of overtopping/breach of the flood alleviation scheme.

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- 4.6 Whilst it accepted that a large amount of additional information and justification is needed, the Environment Agency has indicated that there are significant difficulties to be overcome to make the scheme acceptable, particularly in relation to the loss of flood storage of up to 20,000m³, which would heavily impact on flood risk elsewhere particularly Kidderminster Town Centre.
- 4.7 PPS25 requires that a sequential test is applied to development in flood zones 2 and 3, and that it is for the Local Planning Authority to apply the test and to ascertain whether other sites are available in more sequentially preferable locations, particularly outside flood zones 2 and 3. The SFRA indicates that there are a number of alternative sites with a lower flood risk. In addition both the Adopted Wyre Forest District Local Plan, Regional Spatial Strategy (Phase 2 revision) and the submitted Core Strategy DPD, lead to the identification of key sites for office development that are more sequentially preferable than this site when taking account of flood risk issues.
- 4.8 The Environment Agency has concluded that additional information is required to enable a full assessment of the impacts of the site. I would concur with the extensive comments set out by the Environment Agency. Should the Local Planning Authority wish to disregard the comments of the Environment Agency and approve the application under the Town and Country Planning (Consultation) (England) Direction 2009, the application would need to be referred to the Government Office of the West Midlands for consideration.
- BIODIVERSITY AND SSSI**
- 4.9 The site lies directly adjacent to the Puxton Marshes Site of Special Scientific Interest (SSSI). This is a national designation which carries protection through policy and legislation. In addition a badger sett lies to the south eastern boundary. Whilst an ecological and badger assessment has been carried out they provide scant detail of the impact of the development on species, habitat or biodiversity of the site or to the adjacent SSSI.
- 4.10 Significant representation has been received from English Nature, Worcestershire Wildlife Trust, Environment Agency and the Council's Countryside Conservation Officer (as set out in this report) all who object to the application on the basis of the lack of information provided; the impact of the development; and, the lack of mitigation. In view of these substantial comments, I have to conclude that the site affords substantial habitats to protected species which have not been fully assessed, taken into account or mitigated against as part of this proposal. I agree with Worcestershire Wildlife Trust that this forms a sufficient refusal reason in its own right in view of the designation and advice in PPS9.

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HIGHWAY ACCESS AND PUBLIC RIGHT OF WAY

- 4.11 The only matter of detail submitted at this Outline stage concerning the application is that of access. A transport assessment is provided with the application, which concludes that the development is located sustainably to allow opportunities for walking, cycling, buses and trains.
- 4.12 The Highway Authority as statutory consultee on this application has provided a full response to this consideration. Due to the nature of the surrounding highway network to serve the development, access is a major consideration. Puxton Lane is single carriageway width in parts, with limited footway, and provides little forward visibility round some of the bends. In addition the closeness of its junction to the island onto the Ringway and the five arm nature of the Island results in the need for careful consideration when looking at increasing vehicles numbers resulting from this development. The Applicant's have offered improvements to Puxton Lane by virtue of two options either a priority control chicane or traffic controlled junction installed on Puxton Lane.
- 4.13 The Highway Authority has fully assessed the existing situation in respect of the highway network, the proposed alterations and the Transport Assessment. It is concluded that proposed traffic that would be generated by this development cannot be accommodated on the highway network, even when taking into account the proposed modifications to Puxton Lane. Puxton Lane is considered to be inadequate in width and restricted footway to the point that the modifications will not provide sufficient improvements to render it to be acceptable to serve the development. In addition it is considered the use of the Public Right of Way to access the development would provide conflict with other users.
- 4.14 The claim that the site is suitable to provide a range of alternative transport modes, is refuted by the Highway Authority. Officers are sceptical on this claim given the distance of the development from the train station (approximately 1.5 miles), bus station (approximately 1 mile) and bus stop (approximately 500 metres away) and given the gradient of Puxton Lane, I agree with the Highway Authority that walking or cycling is neither attractive nor realistic. Improvements to the distances and ease of walking could be made by dedicating the route across the bund as a Public Right of Way, but this cannot be fully secured by the Applicant as to complete the Right of Way would involve two other land owners (one of which is the District Council). Even if this were to be secured, the site is out of centre and not considered to be an attractive proposition for walking.

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LOCATION OF OFFICE DEVELOPMENT

- 4.15 There are several strands of development plan policy which indicate the location where office development should be located within the District. The Adopted Wyre Forest District Local Plan Policy E.10 seeks for office development to be located within town centre areas, and other areas should only be chosen if they are sequentially preferable. This is now re-enforced by the submitted Core Strategy and Regional Spatial Strategy (Phase 2 revision) which both seek for town centre sites and seek for a sequential approach to be given to office development.
- 4.16 The response from the Policy and Regeneration Manager has been set out previously and is clear. However, the following extract from the full comments is worth reiterating:
- “It is considered that the site is not sequentially preferable as it is a Greenfield site, located outside of the town centre, in a poorly accessed area that is at risk of flooding. Proximity and linkages to Kidderminster town centre from this site are fairly poor and this could lead to enhanced trips by private car. There are also considered to be a number of other available parcels of land, and vacant units, within the town centre and on previously developed land stretching to the south of the town, along Stourport Road, which could provide better, more sustainable, alternatives to this proposed development.”*
- 4.17 In addition the recent Employment Land Review has concluded - *“Even taking into account a flexible approach to the supply of employment land, the analysis suggests that Wyre Forest has enough employment land of the appropriate type to be able to accommodate its employment needs to 2026.”*
- 4.18 The Applicant has provided an Employment Land Statement detailing sites that have been considered. These are summarised below:

Stourport Road Corridor	Too industrial and poorly equipped to attract office development
Kidderminster Central Area Action Plan	Sites located within industrial setting. Do not provide the size of site required. Need to provide mixed use, which is not attractive for office developers. Insufficient capacity to meet Regional Spatial Strategy requirements
Churchfield Business Park	Identified for comprehensive development, including 5,000 sq m for office. Office not available as it is likely to be occupied by Council Offices.

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- 4.19 Other sites have been considered in the submitted Appendix including Lea Castle, which the Applicant considers too isolated and British Sugar too large. Other sites are considered to be mainly industrial and discounted. The assessment concludes that the site is a viable suitable site for Office Development.
- 4.20 Taking on balance the comments expressed by the Applicant's consultant, I do not agree that sufficient justification has been demonstrated that this site is sequentially preferable to other sites that are available. Particularly, the disregard of the Stourport Road Corridor, British Sugar and Lea Castle on the grounds set out without proper analysis of their strengths and weaknesses, especially in view of the deficiencies of the application site as set out above. Overall I conclude that this Greenfield site which is located out of centre in an unallocated area is not considered to be acceptably located in policy terms, and more suitable alternatives exist.

TREES

- 4.21 The site is in part affected by a Woodland Tree Preservation Order which was confirmed in March this year. The Local Planning Authority are keen to see the retention of the site, especially in view of the visual linkages between this site and other woodland areas close by providing a significant visual amenity and quality of environment in this locality.
- 4.22 An Arboricultural Assessment has been undertaken, which assess the quality and health of the group of trees. All trees within the site and surrounding the site have been assessed with none have been identified for immediate removal, and the majority having a 10 year life expectancy. There is disagreement between the Council's Arboricultural Officer and the Consultant on whether the group of trees are worthy of a woodland tree preservation order. Whatever the differences it stands as a fact that a Woodland Tree Preservation Order exists on the site and development should take account of this constraint.
- 4.23 The application is submitted in outline form and siting is not proposed, although an indicative layout is provided. Whatever the layout proposed I agree with the Arboricultural Officer that to accommodate 3,700 sq m of office development will be difficult without having a significant impact on the quality and visual appearance of the protected woodland.

4.24 S.106 CONSIDERATIONS

The Applicant has set out very clearly that if this planning application receives a favourable recommendation that they would be prepared to enter into a S.106 agreement to:

1. Pass ownership of the SSSI land north of the Bund to The District Council or to any other appropriate body in order to facilitate public access and/or for any other purposes deemed necessary.

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2. Pass ownership of that part of the bund under Morbaine's control to the District Council or the Environment Agency in order to allow the bund to be used as a public footpath.
- 4.25 The proposal requires careful consideration and to be balanced against the concerns expressed above. The land to the north is not in the SSSI but falls within the area which is earmarked for the Stour Valley Country Park, as such it would be of benefit to acquire this land for long term use of residents. Similarly the opportunity of securing the footpath, which is identified as strategic route would be beneficial, although would complete provision would require other landowners be compliant.
- 4.26 Having taken full account of the offer by the Applicant as set out above, I do not feel that it provides sufficient weight to outweigh the substantial harm that would be caused if this application in its current state were to be approved.

5.0 Conclusions and Recommendations

- 5.1 The development is considered to be located within a site which is not sequentially preferable in respect of policy context or flood risk. On the basis of the details submitted it is considered that the development would have an adverse impact on the surrounding highway network resulting in a deterioration of highway safety for pedestrians and road users. In addition insufficient information has been provided to allow adequate assessment of the development on flood risk, protected species or biodiversity grounds; as such it is likely that development will have a significant impact on these matters of extreme importance. The development is also likely to have an adverse impact on protected woodland.
- 5.2 It is therefore recommended that this application be **REFUSED** for the following reasons:
 1. The site lies within an established Floodplain. Insufficient information has been submitted to adequately characterise the site and to demonstrate that the development is appropriate in this location in respect of flood risk and does not take account of the level 2 Strategic Flood Risk Assessment (SFRA). In addition the information submitted is considered to be inadequate to demonstrate that the impacts and mitigation required as a result of the proposed development are understood and can be appropriately addressed. Inadequate demonstration has been proven by the Applicant that this is a sequentially preferable site and that no other sites within flood zone 1 are suitable, particularly given the sites allocation within the SFRA. To approve the application would be contrary to Policy NR.5 of the Adopted Wyre Forest District Council Local Plan and Government Advice in PPS25.

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2. The site lies adjacent to the Puxton Marshes SSSI. Insufficient information has been submitted to demonstrate that protected species will not be adversely affected by the proposal or that significant harm will not ensue to nationally designated area. In addition insufficient detail has been submitted to show mitigation for loss or enhancement of biodiversity within the site and the surrounding area. To approve the application would in light of these issues be contrary to Policies NC.1, NC.5 and NC.7 of the Adopted Wyre Forest District Local Plan and Government Advice in PPS9.
3. The proposed means of access to be Office Development as proposed is via Puxton Lane, a narrow roadway, and a Public Right of Way (which is not adopted highway and outside the Applicants ownership). It is considered that the proposed highway access and the surrounding highway network, particularly Puxton Lane is inadequate to accommodate the traffic associated with the development and as such vehicular and pedestrian safety will be compromised. Whilst the proposed alterations to the highway have been taken into account it is considered that the works proposed to this substandard access route are insufficient to provide the required standard and are outside the applicants' control, as such the proposal does not provide an attractive route to provide sustainable transport measures. To approve the application under these circumstances would be in direct conflict with Policies TR.9 and LR.8 of the Adopted Wyre Forest District Local Plan and Government Advice in PPG13.
4. The site lies outside an area allocated for employment use and is considered to be out of centre. The development of this out of centre site which is unallocated would undermine the Council's strategy for locating office development within town centre areas or within identified areas. The sequential approach adopted by the Applicants does not adequately demonstrate why the proposed site is preferable and others have been disregarded having taken into account all relevant aspects. The proposal if approved would be in conflict with Policies E.2 and E.10 of the Adopted Wyre Forest District Local Plan.
5. The trees on the site are protected by the Land off Puxton Lane, Kidderminster Woodland Tree Preservation Order (No.335). Although the application is submitted in outline, it is considered that the proposed 3,500 square metres of office development could not realistically be accommodated without resulting in the removal of a number of trees that provide significant visual amenity to the surrounding area especially when viewed in conjunction with other woodland areas. The loss of these trees would reduce the visual amenity of the area and be in conflict with Policy D.4 of the Adopted Wyre Forest District Local Plan.

PLANNING COMMITTEE

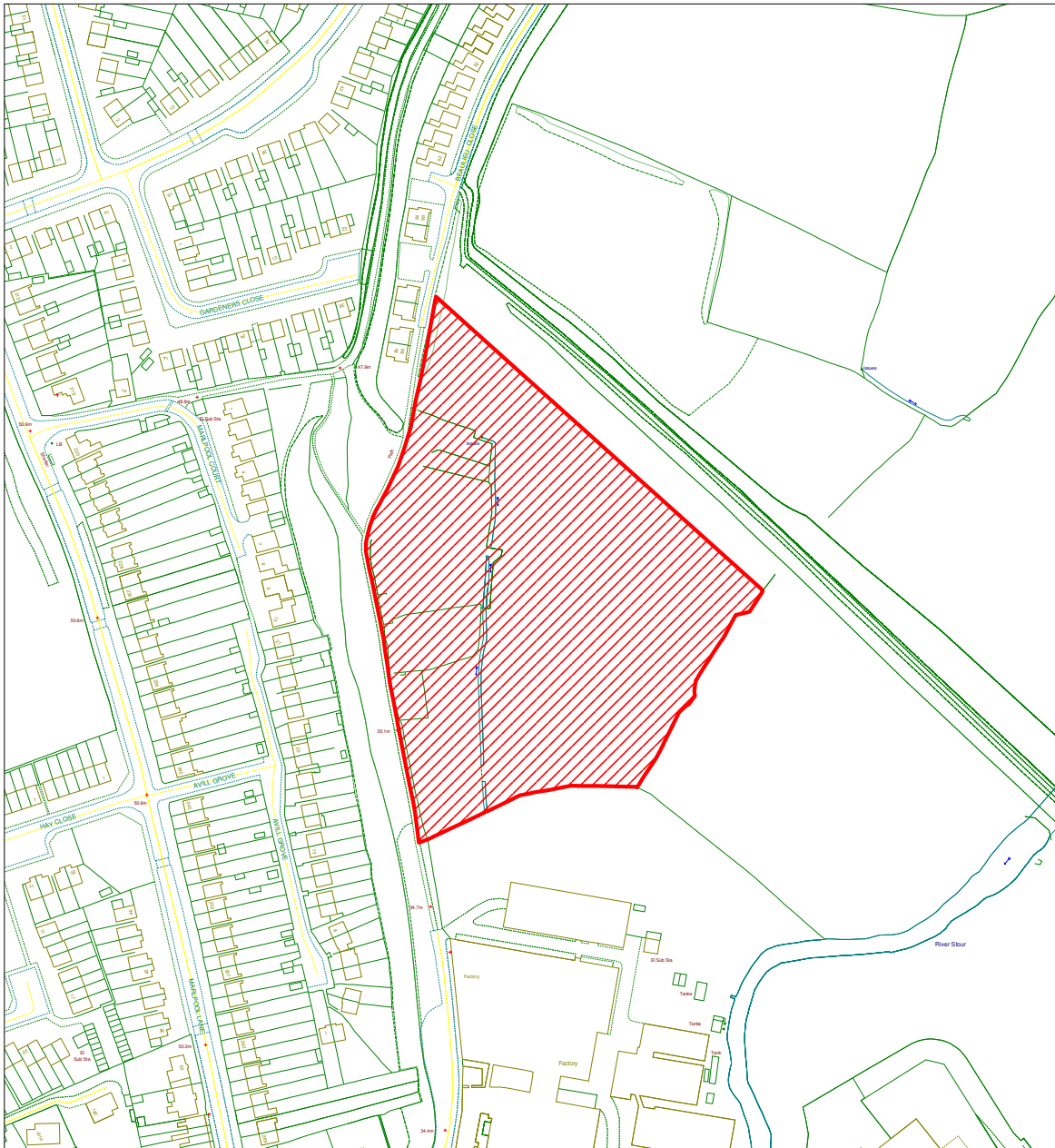
10/0064

Date:- 29 April 2010

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PLANNING AND REGULATORY SERVICES DIRECTORATE
Land at Puxton Lane
Puxton Lane
Kidderminster
DY11 5DF

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



Application Reference: 10/0071/FULL **Date Received:** 11/02/2010
Ord Sheet: 381178 271070 **Expiry Date:** 13/05/2010
Case Officer: Paul Round **Ward:** Mitton

Proposal: Substitution of house types including additional car parking and change to size of garden area

Site Address: LICHFIELD BASIN, STOURPORT-ON-SEVERN, DY139HB

Applicant: Barratt West Midlands

Summary of Policy	H.1,H.2,H.4,H.5,H.10,D.1,D.3,D.9,D.10,D.11,D.13,D.14D.15,D.16,NR.2,NR.5,NR.7,NR.10,NR.11, LB.5,CA.1, TR.6,TR.7,TR.9,TR.10,TR.17,TR.18, STC.1 (AWFDLP) SD2, CTC19, CTC20, T4 (WCSP) RR3, CF4, CF5, QE1, QE2, QE3, QE5 (WMRSS) Severn Road Development Brief; Design Quality (SPG) PPS1, PPS3, PPS5
Reason for Referral to Committee	'Major' planning application Previously considered by Committee and deferred for a site visit
Recommendation	APPROVAL

THIS APPLICATION WAS DEFERRED FROM THE 13TH APRIL 2010 PLANNING COMMITTEE MEETING FOR A MEMBERS' SITE VISIT

1.0 Site Location and Description

- 1.1 This application relates to the development known as Waters Edge surrounding Lichfield Basin. The site covers an area of 1.69 ha in size and is situated between Severn Road, Mart Lane and Lichfield Street in Stourport on Severn.
- 1.2 Planning permission was given in 2005 for 144 residential units on the site and for various associated works.
- 1.3 The site lies within the Stourport on Severn Conservation Area No.1 and the Stourport Basins area as designated under Policy STC.1 of the Local Plan.

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- 1.4 This current application seeks approval for revisions to two house types associated with the plots located close to and fronting onto Lichfield Street, and amendments to a parking area.
- 1.5 Since the application was deferred from the Planning meeting held on 13 April 2010, the Applicant's Agent has submitted an additional supporting statement including shadow diagrams.

2.0 Planning History

Various but of relevance

- 2.1 WF.1208/04 – Residential Development of 144 dwellings and associated works : Approved
- 2.2 09/0547/FULL – Re-Plan of Block A : Approved
- 2.3 09/0651/FULL – Re-Plan of Block C : Approved

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – Recommend refusal. The Town Council believes that the proposal constitutes over-development of the site and that the development does not preserve or enhance the character or appearance of the Conservation Area, and further it is believed that the development would result in loss of light previously enjoyed by properties in Lichfield Street as a statutory entitlement.
- 3.2 Conservation Officer – I have no objections to these proposals, and do not feel that they will have a detrimental impact on the quality of the scheme as a whole, nor a detrimental impact on the adjacent Listed Buildings or Conservation Areas.

Specifically, Plots TH 1-12 are a modern building type, and the alterations to the roofline and to the front elevations are in line with the contemporary design adopted throughout the site; apropos Plots TH 13-19, these are more sensitive, having frontages and side elevations facing onto Lichfield Street, and have a direct relationship with the Listed properties opposite their plots – I feel that the amendments to the design, including the removal of the bay windows at ground floor, will present a better physical and visual relationship and linkage between the two sites. Whilst the properties are increased in height in the middle, I feel that this accurately represents and reflects other traditional styles and designs throughout the area as a whole. With regards to the parking spaces, I feel that this is an opportunity to maximise the opportunity for car parking spaces, and achieve a more realistic design with minimal impact on the scheme as a whole.

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I therefore recommend approval to the scheme, with my only concerns being that the materials to be used are as in line with those originally approved for the original scheme and permission, and that the window details on TH13-19 have appropriate sections and set-backs – therefore I would request that 1:10 sections of these windows be subject to condition of any approval

3.3 British Waterways – No objections subject to note

3.4 Stourport-on-Severn Civic Society - Totally opposed to the proposal to increase the height of proposed houses adjacent to Lichfield Street to three storeys. Lichfield Street is one of the oldest streets in Stourport and contains a significant number of listed buildings. It is a very narrow street and the proposed amendment to agreed plans will create a "tunnel" effect, cutting down the natural light in the street and causing a significant deterioration to the setting of a row of grade II listed buildings.

When the plans for this development were originally agreed the architects were anxious to create attractive "vistas" across their site and emphasis was placed on 'improving' this part of Stourport and not causing any deterioration in the existing ambience. Has this 'vision' been lost in the pursuit of greater profit? I seem to remember that we were promised that buildings adjacent to Lichfield Street would be no higher than two storeys.

3.5 Neighbour/Site Notice – Four letters of objection from residents in Lichfield Street have been received. In summary they raise the following issues:

- Loss of daylight to residential properties in Lichfield Street due to three storey nature of buildings. Properties face south, so worsening the effect.
- Loss of privacy, direct overlooking into rooms
- New buildings will dominate the street and not complement the listed structures.
- Loss of privacy and light due to parking area

4.0 **Officer Comments**

4.1 The proposal incorporates changes to house types, most notably to those fronting Lichfield Street with the inner units receiving minor changes. It is also proposed to modify the existing parking area for some of the units to try and create additional parking within the site.

CHANGES TO HOUSE TYPES FRONTING LICHFIELD STREET.

4.2 Plots 13 to 15 and 16 to 19 which form two separate blocks have a close association with the street context on Lichfield Street. The area is dominated by the historic presence of listed structures, indeed the wall defining the boundary of the site onto Lichfield Street is listed in its own right.

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- 4.3 The design currently proposed, introduces two and three storey dwellings which allow the same floorspace but would provide additional garden area for the properties. The properties are designed in a Georgian style which adequately replicates the character and style of the surrounding buildings in Lichfield Street. The changes have resulted in four of the plots increasing in height and becoming 3 storeys. The additional three storey element consists of a 9m stretch directly opposite No. 3 Lichfield Street. Whilst this may appear to cause difficulties with the relationship to the existing dwellings in Lichfield Street due to the positioning of the windows of plots 16 to 19, only one causes direct overlooking to No. 3 Lichfield Street and is proposed to be obscure glazed. Whilst the separation distance is 12.3m, it is considered that due to the orientation of the units there will be no significant sunlight or daylight lost over and above that already approved. The Applicant has produced a statement study to demonstrate this consideration, and no additional light loss will occur.
- 4.4 In respect of plots 13 to 15, the end unit (plot 15) would retain its two storey presence onto Lichfield Street with the other two plots having three storey designs. It is considered that the changes to these plots would not result in a significant impact upon neighbouring properties. When taking into account the change of roof design from a hipped roof to a gable, there is a higher element facing Nos. 5 and 6 Lichfield Street. It should be noted that the originally approved scheme resulted in a 35 degree angle between the ground floor windows to Nos. 5 and 6 and the ridge of the new development. As a result of the proposed change to a gable, the proposed design would result in a 7 degree increase. It is however considered that this marginal increase will not significantly adversely affect light or dominate properties opposite, as confirmed by the shadow diagrams undertaken by the Agent.
- 4.5 Following the last meeting, the Agent has submitted the following additional comments:

"It was also felt that the built form and aesthetics of the dwellings located in the proximity and with a direct relationship to Lichfield Street were not reflective or sympathetic to the character of the existing buildings. Within the approved design Plots 13-19 are intentionally a complete contradiction to the contemporary elevational design approach of the remainder and majority of the development as a whole and have been traditionally designed. However these approved two storey blocks with ground floor projecting bay windows, steeply pitched hipped roofs with flat areas do not reflect any of the key design features of the existing buildings that are predominantly three storey with shallow pitched roofs that occasionally incorporate hips and parapet walls and simple proportioned fenestration within the elevations. The revised proposals included within the replan application include an elevational design that takes precedent from the Lichfield Street frontages resulting in a much more appropriate street frontage.

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The location of the dwellings and therefore their relationship to the existing dwellings remain as approved. However the increase of certain houses to three storey within the revised proposals raised some concerns with regard to overlooking and loss of light and privacy, in particular from Plots 17 & 18 that front Lichfield Street. Although the dwellings have been increased from 2 storey to 3 storey the approved design incorporated a steep and substantial roof pitch to these dwellings. Subsequently the overall difference in ridge height between the approved and revised proposals is considerably less than 2 metres. This proposed three storey ridge height also reflects the existing building opposite. With regard to any overlooking issues the 12.3m frontage to frontage separation distance is typical of many historical streets characteristic of this area and also acceptable in the creation of streets within new build situations following current planning guidance. Furthermore historical maps indicate that the proposed location of the dwellings is in accordance with the historical urban grain whereby a building was located in a similar position with the same, if not a reduced, separation distance from those existing buildings on the opposite side of Lichfield Street. However to further alleviate any overlooking concerns of residents to Lichfield Street and in accordance with advice from the Planning Officer two windows to Plots 17 and 18 are proposed to be obscured glazed.

It was raised at Committee that the proposals may constitute a breach of a right to light. To clarify, a right of light is specific to defined apertures in buildings. It is not an automatic right and must be acquired or granted. The infringement of an established right of light is governed by the tort of nuisance. For a nuisance to arise it must be demonstrated that the loss of light will have a material interference with the beneficial use of the premises, that the established right has been unlawfully interfered with and a personal discomfort will be suffered.

The primary measure of whether a nuisance has arisen in relation to light is whether a sufficient amount of 'adequate' light enters the room to enable reasonable or normal tasks that requires natural light to be performed, based on the current or foreseeable future use or function of the room. A right of light is therefore to physically reduce the level of light received but if a sufficient level of light remains then no nuisance or actionable injury is deemed to have arisen. An infringement of an established right to light is not something that the Local Authority will take into consideration in determining whether a Planning Application should be approved or rejected. (Extract from journal provided by Client).

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Due to the concerns raised regarding these issues a Shadow Diagram indicating the impact of both the approved and proposed schemes on the existing buildings in Lichfield Street has been prepared and submitted to Wyre Forest District Council. This indicates the shading impact of the schemes for differing times of day 9:00am, 12:00pm and 3:00pm, during differing months of the year, March, June, September and December. The Shadow Diagram shows that the approved and proposed dwellings only really impact on the existing buildings to Lichfield Street during December at 3:00pm. Therefore shadows will only really be cast during winter months whilst the sun is setting and low in the sky. Considering the proposed replan in comparison with the approved scheme, despite the increase in storey height of Plots 13, 14, 17 & 18 there is no detrimental effect to the extent of the resulting shading on the existing buildings. To certain windows of the existing façade the proposed 3 storey option is actually an improvement.

It should be noted that refusal of this scheme would not result in no development - it would just permit the previously approved scheme to be built that is considered by the Planning Officer, client and architect to be the weaker of the two options available and would result in a poorer outlook for residents of Lichfield Street”.

- 4.6 Overall it is considered that the changes to plots 13 to 19 would provide an enhancement to the design of the scheme particularly when viewed from Lichfield Street. The additional height can be accommodated without resulting in a significant loss of amenity over and above the original scheme.

CHANGES TO OTHER HOUSE TYPES

- 4.7 Plots 1 to 6, 7 to 10 and 11 to 12 which are in three separate blocks retain their contemporary style complementing the other blocks within the internal setting of the development. Changes are proposed to the following items:
- removal of dormer windows and balcony areas;
 - change to three storey rather than two storey development for Plots 11 and 12;
 - introduction of Juliette balconies; and
 - reduction in depth to increase garden areas.
- 4.8 These alterations do not radically change the form of the building and would maintain a quality visual appearance of the development. Due to the position of the plots these changes would not have any impact to residential properties in the surrounding area. As such the proposed alterations are considered acceptable.

10/0071/FULL

CHANGES TO PARKING AREA ADJACENT TO PLOTS 6 AND 7

- 4.9 The developer has found that for some of the units one car parking space for each unit is not sufficient to enable effective marketing of the properties and as such additional parking is being sought. The Agent has advised that,

“It was felt that this minimal parking would result in on-street parking with the car dominating the public realm and would be much to the detriment of the proposed street design and development of a whole and would reduce the sales potential of these units”.

In order to achieve additional spaces, the car parking area between plots 6 and 7 has been altered from 7 car parking spaces to 10 spaces. Such alterations naturally have wider implications however these have been kept to minimum and maintains 2m landscape buffer is kept to the north east and a 1m buffer to the south west. This reduction has also resulted in changes to the treatment to the boundary between the development and No. 18 Lichfield Street. The approved layout showed a 1 in 20 slope throughout the car park allowing the landscaping area to fall to the level of No.18. This is altered so provide a gentler slope to the car park with enhanced landscaping, and would result in a 0.7m retaining wall and a 1.1m fence to the boundary, providing a 1.8m screen which is usual in these circumstances. In terms of harm to the residents of No. 18 I consider that the proposed alterations will not result in significant additional harm over and above that already approved to the point where refusal could be justified.

SECTION 106 AGREEMENT

- 4.10 The original permission (WF 1208/04) was subject to a Section 106 agreement and the revised scheme (06/0490/FULL) approved in August 2006 was the subject of a Supplemental Section 106 agreement. The Section 106 agreement secured the provision of affordable housing (Blocks F and G) and also a highway contribution. The current application is subject to the Section 106 Agreements already in place. A further legal agreement is not considered necessary in this instance.

5.0 Conclusions and Recommendations

- 5.1 The proposed amendments are considered be acceptable and will not result in harm to the character of the Conservation Area or the adjacent Listed Structures, and will not prejudice the design quality of the development as a whole. The application has been considered in the context of the previous approval and in my opinion no serious adverse impact on neighbouring properties will arise.

10/0071/FULL

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples of materials)
4. G1 – (Details of windows and doors) (Plots 13-19)
5. H13 (Highway)
6. Boundary treatment
7. Landscaping
8. Obscure glazing

Reason for Approval

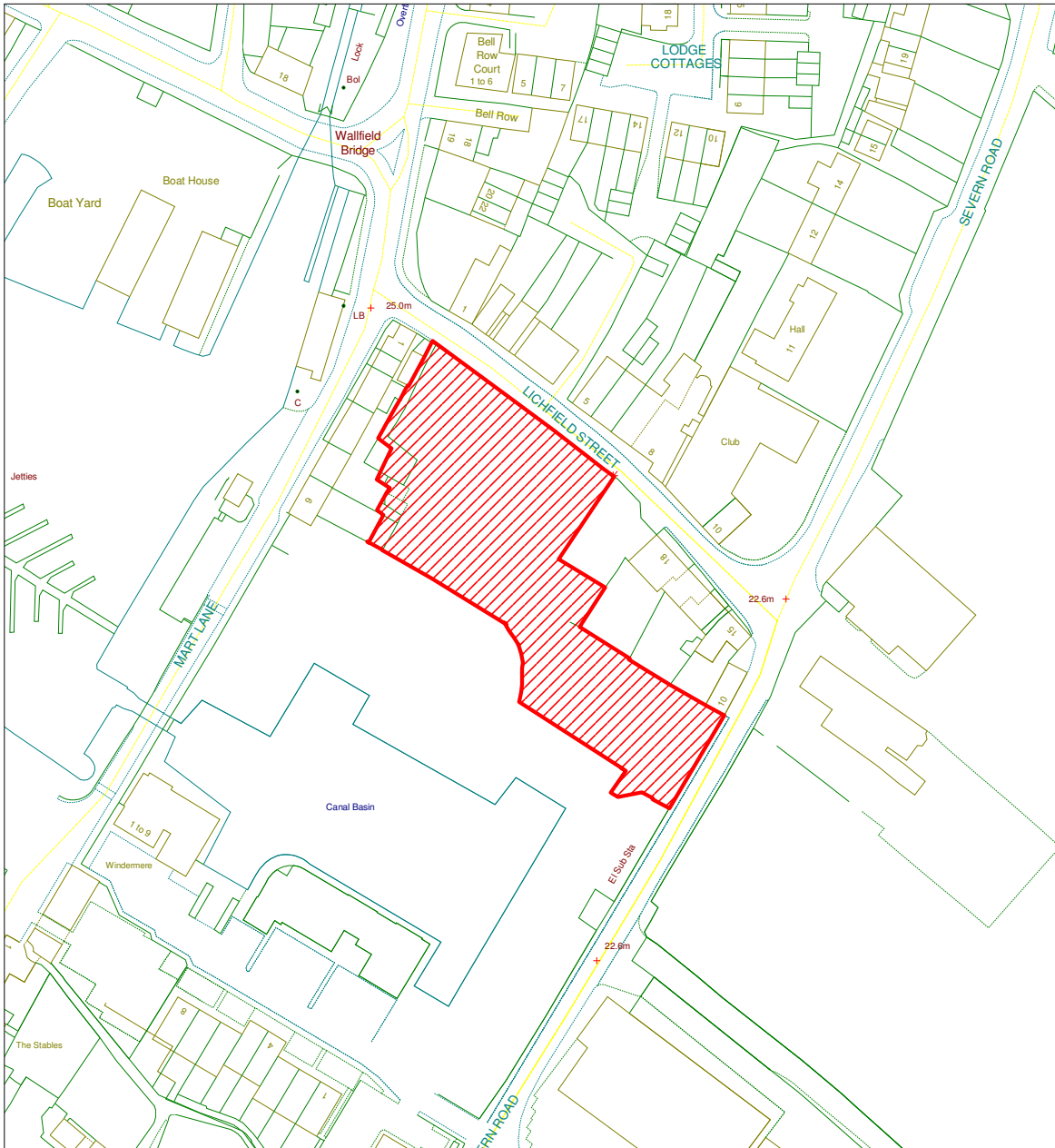
The proposed amendments are considered be acceptable and will not result in harm to the character of the conservation or the Listed Structures in the area and will not prejudice the design quality of the development as a whole. The application has been considered in the context of the previous approval and in my opinion no serious adverse impact on neighbouring properties will arise.

Date:- 29 March 2010

OS sheet:- SO8171SW

Scale:- 1:1250

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Application Reference: 10/0129/FULL	Date Received: 15/03/2010
Ord Sheet: 384624 280455	Expiry Date: 10/05/2010
Case Officer: Stuart Allum	Ward: Cookley

Proposal: Repositioning of existing manège

Site Address: THE BARN, AUSTCLIFFE ROAD, COOKLEY,
KIDDERMINSTER, DY103UP

Applicant: Mr D Boraston

Summary of Policy	GB.1, GB.2, GB.6, D.1, D.3, D.5, CA.6, TR.9, TR.17, EQ.3 (AWFDLP) SD.2, D.39, RST.1 (WCSP)
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 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 conversion of the agricultural barn to dwelling use. To the west, the site is closely bounded by existing residential properties located in Staite Drive. These dwellings are at a significantly higher level than that of the application site, and their rear gardens slope down to meet the boundary of the paddock.
- 1.3 The proposal is to establish a ‘ménage’ (an outdoor formal horse exercise area), 40 metres long x 20 metres wide. This space is shown to be enclosed by a 1.2 metre high timber post and rail fence and is intended to replace a smaller existing manège (32 metres x 14 metres) which is presently located between the proposed site and the domestic curtilage of the converted barn. The surface of the proposed manège is shown to be a mixture of reconstituted rubber and sand.

2.0 Planning History

- 2.1 09/0043/FULL – Conversion of barn to dwelling : Approved
- 2.2 09/0688/FULL – Stable Block : Approved

10/0129/FULL

3.0 Consultations and Representations

3.1 Wolverley and Cookley Parish Council – Recommend approval.

3.2 Highway Authority – Views awaited

3.3 Neighbour/Site Notice – One emailed objection received:

“The Access and Design Statement refers to the existing ménage being in very close proximity to 60 Austcliffe Road. and also to the rear of 75 Staite Drive. The proposal seeks to move the ménage further into the site away from neighbouring properties. However in doing so and replacing it with one much larger in size, (which would presumably have more frequent use than that presently taking place in the field), adjacent to the rear of our property, would transfer the activity and impact greatly on our own privacy.

A particular concern is that the size of the proposed ménage, the car parking facility and the reference to disability access and option for flood lights increases the potential for commercial use.

A significant feature of our property, which we have owned and occupied since 1988, is the view and the degree of privacy this affords and which if this application is allowed to go ahead as it is proposed is about to be greatly compromised. A commercial enterprise would impact seriously on these amenities, especially in relation to the garden during the summer months”.

4.0 Officer Comments

4.1 As this site lies within the West Midlands Green Belt, the initial consideration 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, apart from the enclosure of the ménage by low post and rail fencing and the resurfacing of the area, there are no substantive elements which would actively challenge Green Belt openness or visual amenity in the wider sense.

4.4 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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4.5 Such an assessment is clarified to some extent by the presence of an existing smaller manège facility adjacent to the application site. Subject to this area being restored to its previous status as a paddock, the transfer of the horse exercise facility to a larger enclosed area would perpetuate an existing facility, rather than creating a new situation. Also, the requirement in equestrian terms to provide horse exercise facilities is a well established principle, and is enough to satisfy the 'essential' criteria referred to above.

4.6 With reference to the objections made by the adjacent neighbouring property in Staite Drive, the points raised are considered in turn:-

POTENTIAL FOR 'COMMERCIAL USE'

4.7 There is no evidence in the submission relating to commercial use. In any event this possibility can be controlled by the imposition of a suitable 'negative condition', which is recommended.

FLOODLIGHTING

4.8 No floodlighting is proposed, but can again be prevented by the imposition of a suitable negative condition, which is recommended.

PRIVACY

4.9 It is considered that a reasonably 'low key' use of the manège limited to the applicant with no commercial element would not impinge unreasonably on the amenity or privacy of the neighbouring properties.

VIEWS

4.10 Members are advised that national planning guidance clearly advises that a perceived right to a view from a residential property or in any other circumstance, is not regarded as a 'material planning consideration'.

4.11 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, as referred to in the report.

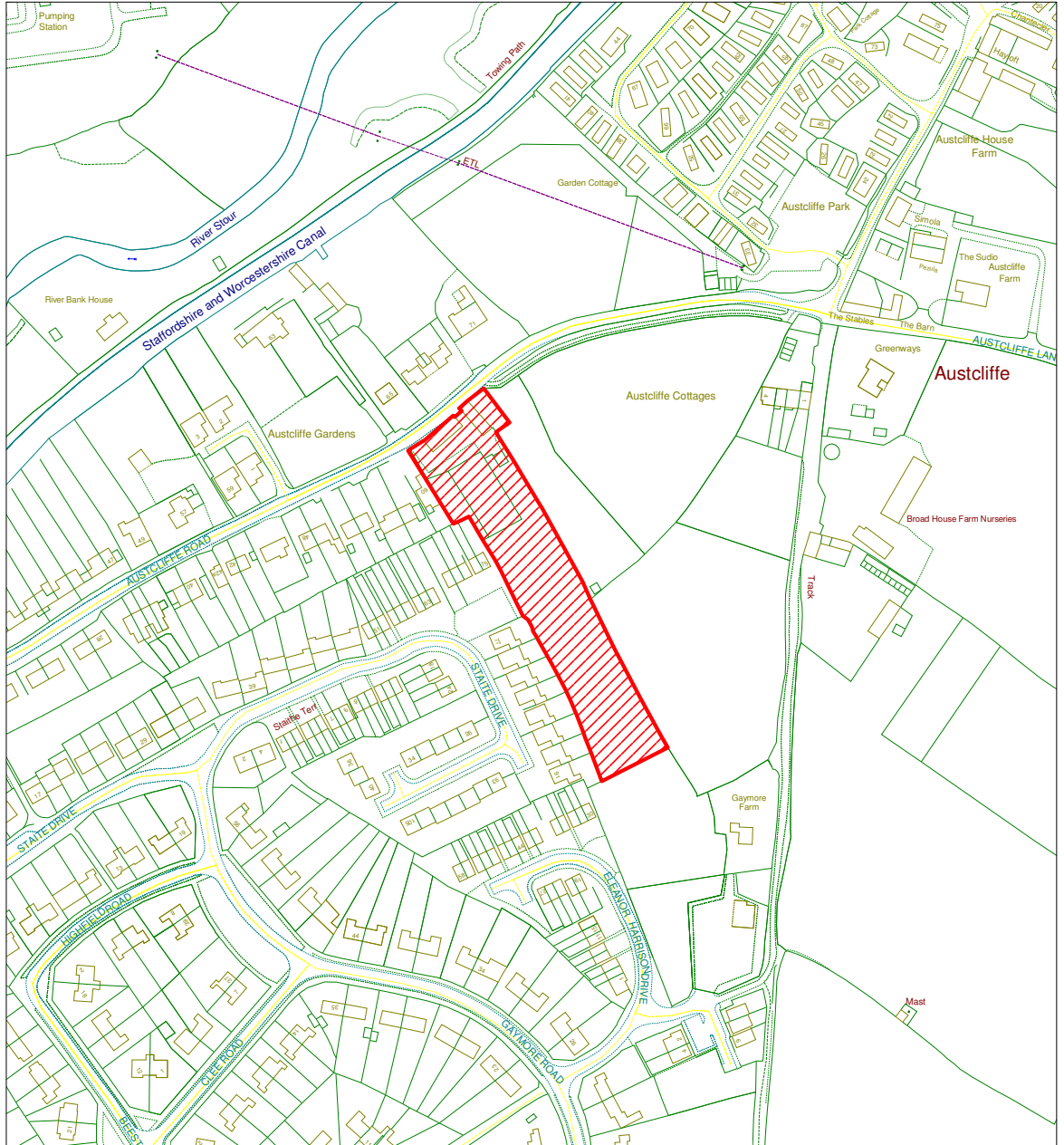
10/0129/FULL

5.2 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. Existing manège to be returned to grassed paddock within one month of completion of proposed menage.
4. No commercial use of new menage
5. No floodlighting of new menage

Reason for Approval

The proposal is considered to be appropriate development in the Green Belt on the basis that the proposed menage is sited and designed in such a way that the openness and visual amenity of the Green Belt would not be harmed. The development has also been assessed in terms of neighbour amenity given the proximity of existing adjacent residential development, and subject to the imposition of relevant conditions is considered acceptable. Accordingly, the provisions of the policies listed above are considered to have been satisfied.



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Agenda Item No. 5

Application Reference: 10/0147/FULL **Date Received:** 17/03/2010
Ord Sheet: 377671 275808 **Expiry Date:** 12/05/2010
Case Officer: Julia Mellor **Ward:** Bewdley and Arley

Proposal: Change of use of redundant agricultural building (milking parlour / barn) to form 4 no. two-bedroom residential units with associated access and parking

Site Address: GROVE FARM, DRY MILL LANE, DOWLES, BEWDLEY, DY122LQ

Applicant: Mr S Mahoney

Summary of Policy	H.2, H.9, D.1, D.5, D.10, D.11, D.13, LA.1, LA.2, RB.1, RB.2, RB.3, RB.4, RB.6, NC.6, NC.7, TR.7, TR.8, TR.9, TR.17 (AWFDLP) SD.2, D.10, T.10 (WCSP) QE.1, QE.3 (WMRSS) Adopted Design Quality SPG PPS1, PPS3, PPS7, PPG13
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 The application site is accessed off Dry Mill Lane to the north west of Bewdley town centre. The site lies within the Landscape Protection Area and forms part of an agricultural holding.
- 1.2 The building which it is proposed to convert is brick built with a tiled roof. It is reported that the building was built in 1939 for agricultural use and it was used in the 1960's as a milking parlour. It currently lies redundant. The building lies approximately 100 metres north of Dry Mill Lane.
- 1.3 The current application seeks approval for the conversion of the existing two storey building measuring approximately 18.5 metres by 6 metres to four x two bedroom properties. A parking area with space for six cars is shown on the plans.
- 1.4 The application has been supplemented by a structural report, a commentary relating to the possible business use of the building and a protected species survey (all dated 2008) and a Design and Access Statement.

10/0147/FULL

2.0 Planning History

- 2.1 08/0888/FULL – Change of use of redundant agricultural building to form 4 two-bedroom residential units: Refused 24/11/08.

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Objection to the proposal and recommend refusal. Notwithstanding the redundancy of the building for agricultural purposes and the apparent inability to gain interest for business use, the Committee wished to recommend refusal of this application on the grounds that the area lies within the Green Belt and should not be developed for residential purposes as this would set an unwelcome precedent which would then be used to justify inappropriate development elsewhere.

- 3.2 Highway Authority – Recommend that permission be refused for the following reasons:

The application does not provide the required visibility splays onto Dry Mill Lane to ensure that there is safe access and egress to the site. Notwithstanding this, the application site fails to account for access to Bewdley by pedestrians. Dry Mill Lane has no footways and is a narrow road with minimal verge space, therefore there are no facilities to ensure that pedestrians are protected along this road.

The junction of Dry Mill Lane and Baldwin Road is complicated due to the convergence of several roads in one location. The orientation of Dry Mill Lane exiting close to the give way markings results in a conflict situation which would be worsened by additional vehicle movements resulting from the development. The alternative route to the site via Hop Pole Lane is unsuitable due to narrow carriageway width and restricted forward visibility splays.

It is therefore recommended that the application be refused due to its impact on the surrounding road network and its failure to account for vulnerable road users.

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

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3.4 Crime Risk Manager – The general area in which this development is proposed is considered to be a low crime area; however the crime figures do show a level of crime for Dry Mill Lane that whilst not excessive does appear to be above the average for the area. Police records show that damage to the roof was reported in May 2004, May, October and November 2008. Two thefts have been reported at the farm but appear to be unrelated to the building that is subject to this application. As the existing building has been subject to crime, I would have thought that security would be an issue, however the Design and Access Statement makes no mention of what, if any, security measures will be taken. It would appear that the developer is just relying on the fact that the building will be occupied to deter crime, which is not sufficient. I would therefore like to see further details of what measures are to be taken to protect the rear boundaries of the houses, what physical security is being installed on the houses and what measures are being taken to ensure the security of any parked vehicles. I have spoken with the policing team for this area and they have expressed some concern regarding access to the houses. They are approached by a narrow track which leads off a narrow road.

3.5 Countryside and Conservation Officer – Unfortunately 18 months have now passed since the report submitted with this application was completed and there is a risk that bats have moved in. However, the old report does indicate that the building is in good repair and the potential for bat access in September 2008 was non-existent, however in September 2008 there was damage to the roof, and subsequently this may have allowed bat access. I feel an additional assessment of the building is needed to ensure that bats have not moved in the last 18 months. A quick look for badger at the same time would also be needed. Mitigation needs to be confirmed.

Looking at the submitted survey then the site has no significance to bats, there is no BAP habitat present on site, and the only unknown is with respect to the rest of the development area and the presence or absence of badgers. Not much mitigation for the loss of biodiversity is needed. I am happy for part of the roof void to be made available to bats. This together with the traditional fruit tree planting shown on the plan would positively enhance the biodiversity of the area.

3.6 Conservation Officer – Whilst I still have my doubts as to the genuineness of the building, in terms of design and impact on the agricultural building, I am of the opinion that these proposals are acceptable and therefore I have no objections to them.

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- 3.7 Natural England – The application site is in the vicinity of the Wyre Forest Site of Special Scientific Interest (SSSI). Based on the information provided, Natural England has no objection to the proposed development subject to the proposal being carried out in strict accordance with the details of the application. The reason for this view is that we consider that the proposal will not have a significant effect on the interest features of the SSSI. With respect to the protected species survey, Natural England has no objection to the proposed development in respect of legally protected species as we are not aware that they are likely to be adversely affected by the proposal. As the survey report is now 18 months old, steps should be taken to ensure that the results remain valid. We advise that as part of any planning approval (if granted) an update survey of the building should be carried out at an appropriate time of year, by suitably qualified ecologists and submitted to the Planning Authority prior to works beginning. The applicant should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences requires as required in Part IVB of the Circular 06/2005.
- 3.8 Worcestershire Wildlife Trust – Views awaited
- 3.9 Neighbour/Site Notice – Two objections have been received and these are summarised below:
- I have been led to believe that planning permission had been refused and it is unlikely to ever be approved
 - Increase in traffic along Dry Mill Lane, a quiet country lane mainly used by cyclists and pedestrians with no public footpaths
 - Detrimental to views of the countryside
 - Another piece of Green Belt lost for ever
 - Would this open the door for further building developments?
 - Residents say the existing building was a very run down pig barn – now looks practically ready to live in. Surely planning permission should have been sought already?
 - We believe the building has been slowly developed over the years with the motive that it would be easier to convert the building to houses and get planning permission
 - No one is aware of any problems of the building being misused. Surely the solution would be to make it secure from trespassers or even knock it down?
 - The applicant claims that the roof height was raised in 1999 and therefore no enforcement action can be taken. I am sure that the work was done no earlier than 2007

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- When I bought my house in 1994 I took the view that this building could, in the worst case scenario, become a single storey barn conversion. It could not possibly in my view become anything more than single storey. I am absolutely clear the building remained substantially in that condition until at least 2007
- I have an aerial photo dating from 2002 (given to Case Officer) which shows the building with a substantial shallower roof pitch than it currently has. That photo accurately reflects the profile of the property as it was until at least early 2007
- The raising of the roof seems both extraordinarily expensive and a very long winded process and an extraordinary volume of space to create for a project (pig production) which was abandoned without outputs
- The most recent of the letters of support is dated July 2008, some 21 months ago. Given much of the information is either irrelevant or out of date, I hope they will carry little weight
- Since the building was made secure no evidence of drug use or arson
- Not aware that there has ever been use of motorbikes on the property
- Vandalism and arson are not confined to the application premises
- The overwhelming majority of damage to the roof tiles of the building existed at or before September 2008, this is hardly recent damage
- The claim that the applicants cannot use the building for agricultural use is almost entirely substantiated by evidence provided by himself
- No reason why applicant cannot reduce his property to a single storey building and take his chances on change of use on that
- The building should be the subject of enforcement action
- The access has been widened by removal of the hedgerow
- There would be a detrimental impact on outlook and privacy to my property. The proposed windows will look directly into the main bedroom of my property
- Egress from the site will be difficult because of visibility problems
- Enforcement action has been taken previously regarding a new access from Newton Close to Dry Mill Lane

4.0 Officer Comments

- 4.1 It is considered that the more relevant policies with respect to the proposed conversion of this building are those policies concerning the re-use and adaptation of rural buildings, landscape and highway policies.

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4.2 Policy RB.1 of the Adopted Wyre Forest District Local Plan indicates that the proposed conversion is acceptable providing that it meets certain criteria. These are summarised as follows:

i) *The building is of a permanent and substantial construction, of a form, bulk and general design in keeping with its surroundings* – it is considered that the structural report together with the Design and Access Statement demonstrate that the building is stable and the proposed conversion is considered to accord with this part of the policy

ii) *The building is of a suitable size for re-use without extensions or extensive alterations or the addition of new buildings within the curtilage* – no extensions or outbuildings are proposed

iii) *The building is structurally sound, and in a condition capable of re-use without significant building works or complete reconstruction and in the case of residential proposals, the buildings are of an appropriate form for the intended use* – again, the building is structurally sound. Minimal internal alterations would be required and externally only additional roof lights are proposed. All other openings are existing.

iv) *The conversion works would have no significant detrimental effect on the fabric character, or setting of the building* – the proposed works to convert the building would be minimal and therefore there would be little impact upon the fabric, character or its setting. The Conservation Officer raises no objections.

v) *Satisfactory access arrangements can be made* – Members will note from the planning history that a previous similar application was refused in 2008 for three reasons. The first reason for refusal referred to the inadequacy of Dry Mill Lane as a result of no passing space and no pedestrian footway or other form of refuge together with the inadequate visibility for vehicles exiting the site onto Dry Mill Lane. Since the last application was refused, the existing hedge aligning Dry Mill Lane within the vicinity of the proposed access has been cut back and this has been highlighted to the Highways Officer, however his opinion of the proposed scheme remains unchanged. It is therefore considered that the current planning applications conflicts with this part of Policy RB.1.

vi) *The proposal does not lead to the dispersal of an activity, which would have an avoidable adverse impact on the local economy, or prejudice the vitality of nearby towns or villages* – no conflict.

vii) *They do not involve the conversion of domestic outbuildings* – no conflict.

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- 4.3 Policy RB.2 indicates that a proposal to convert a rural building must be accompanied by justification that a reasonable effort has been made to secure a suitable business or commercial use. The current application has been accompanied by a commentary which indicates that a business use at this location would not be commercially sound and there would be very limited demand for the property. It reports that the number of vehicle movements and the type of vehicle movements could be dangerous to local residents and cause congestion in Dry Mill Lane. Furthermore, it states that the conversion to a business use would not be sustainable as a result of the increase in general traffic movements at this rural location.
- 4.4 Policy RB.3 does not permit the conversion of rural buildings where there would be an unacceptable environmental nuisance and disturbance from nearby agricultural operations or other incompatible uses. This is not the case at the application site.
- 4.5 Policy RB.4 refers to the creation of residential curtilage for the proposed dwellings. The policy advises that such residential curtilage must not have a detrimental impact on the quality or character of the countryside or the setting of the building. If referring to the previous planning application, the second reason for refusal made reference to the proposed private amenity space to serve the dwellings. Whilst the second reason did not refer to the impact of this residential curtilage upon the quality or character of the countryside, it focused upon the inadequate and inappropriate provision for the dwellings, and as such was considered contrary to Policy D.13. Previously Officers commented that:
- “Notional areas of planting are indicated at the front of the units, with what appeared to be rear amenity/garden areas of little more than 2 metres deep to the rear of each unit. It should be noted that there are no doors located within the rear elevation of the building and as such there would be no direct access to these token areas of amenity, which would be sandwiched between the rear of the building and the significant high hedgerow immediately beyond. The quality of these areas is therefore considered entirely unsatisfactory”*
- 4.6 With respect to the current application, the Agent advises that the site has been resurveyed and it has been found that the proposed gardens are in fact larger than indicated in the previous application. This is true and Officers have measured that the depth of usable garden space ranges from between 4.1 metres to 6.1 metres in depth. Furthermore, an additional shared amenity area is shown immediately to the south of the building encompassing in excess of approximately 250 square metres. It is therefore considered that the revised plans resolve the previous reason for refusal.
- 4.7 Policy RB.5 refers to the erection of new curtilage buildings which are not permitted. The current scheme adheres to this policy.

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- 4.8 The final rural conversion Policy, RB.6, seeks to ensure that provision is made for habitation by protected species. The survey states that a roof void is proposed in the apex which could be used by bats. Confirmation that the building has continued to be sealed since the last survey, notwithstanding the damage to roof tiles has been received.
- 4.9 With regard to landscape policy, it is considered that the proposed conversion would be able to assimilate with the existing character of the countryside. Furthermore, due to the position of the building which lies at a lower level than Dry Mill Lane, it is not considered that the creation of the amenity space and parking area would be highly visible within the landscape.
- 4.10 To clarify, this part of Bewdley to the west of the river is not within the Green Belt.
- 4.11 The third and final reason for refusal of the previous application refers to the development making inadequate provision for access by all, including disabled persons, with no provision for the creation of lifetime homes. In response, the current plans have been amended to show a toilet within all four units at ground floor together with the indication of a ramp and level access again to all four units. It is therefore considered with the amendments proposed there is now no robust reason for refusing the current application on this particular point.
- 4.12 On a totally separate matter, there has been much deliberation about the history of this building. Through letters of support submitted with the application together with a conversation with the Applicant I have been informed that in 1999 the building was increased in height by seven courses of bricks added to the eaves (below the existing dentil course) and the roof was increased from 30 degrees to 40 degrees pitch which increased its overall height. Between 1999 and 2003 or 2004 the building was used for the accommodation of pigs and horses. However in 2003/04, a fire destroyed the roof and the use of the building ceased. The Applicant took the roof down and pushed in the gable ends for safety reasons with repairs undertaken to the roof in 2007. In addition, at this time some of the existing brickwork was restored and sandblasting and repointing works were undertaken.
- 4.13 It is clear however from the responses to the consultation process that some residents believe that the timing of the above series of events is flawed. However, without definitive photographic evidence showing 'before' and 'after', the matter of when the building was increased in height and by how much remains unresolved. Members are reminded that development which occurred in excess of four years ago is immune from enforcement action, whilst repair work is not considered to constitute development which requires planning permission in its own right. Officers at present do not have sufficient definitive evidence to proceed with enforcement action.

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- 4.14 The Applicant also submits that the continuing vandalism, arson and the building being used for drugs and drinking as a reason to support the proposed conversion, in order to eliminate this anti social behaviour. Again such incidents of misuse of the Applicant's land and buildings has been disputed. It is however advised that the proposed conversion of the building accords with Local Plan policy with the exception of the impact upon highways. The proposal is considered acceptable in every other respect irrespective of the disputed incidents of crime.

5.0 Conclusions and Recommendations

- 5.1 The proposed barn is considered suitable for conversion and the development is considered to largely accord with the adaptation of rural buildings and landscape and design policies. The previous reasons for refusal regarding inadequate private amenity space and the accessibility for disabled persons are considered to have been resolved. There does however remain the existing outstanding reason for refusal with regards to the access onto and the inadequacy of Dry Mill Lane.

- 5.2 I therefore recommend **REFUSAL** for the following reason:

1. Dry Mill Lane is a narrow, two-way road with minimal verge or passing space and no pedestrian footway or other form of refuge. The proposed development would result in an increase in vehicular movements along Dry Mill Lane, with insufficient provision made to ensure that adequate visibility is provided for vehicles exiting the site onto Dry Mill Lane. The proposed development is therefore considered to be detrimental to pedestrian and highway safety, contrary to Policies TR.7, TR.9 and RB.1 (v) of the Adopted Wyre Forest District Local Plan.

PLANNING COMMITTEE

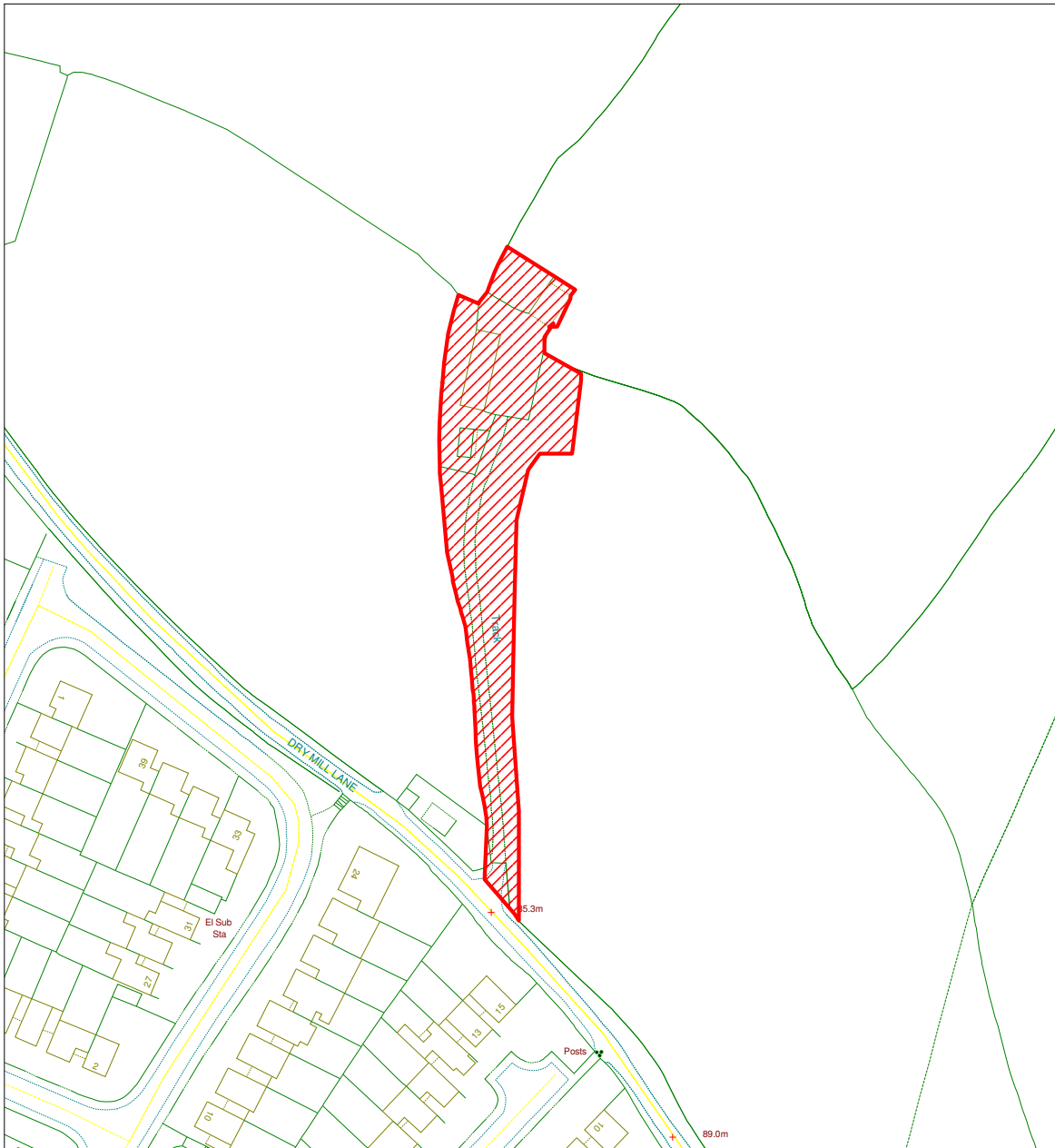
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Date:- 29 April 2010

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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
20TH MAY 2010

PART B

Application Reference:	10/0125/FULL	Date Received:	12/03/2010
Ord Sheet:	381406 272169	Expiry Date:	11/06/2010
Case Officer:	Julia Mellor	Ward:	Lickhill

Proposal: Demolition of public house and erection of 14 dwellings with associated access and parking

Site Address: NEW MANOR PUBLIC HOUSE, 76 MINSTER ROAD, STOURPORT-ON-SEVERN, DY138AP

Applicant: PUNCH TAVERNS PLC

Summary of Policy	H.2, H.5, H.10, D.1, D.3, D.4, D.7, D.9, D.10, D.11, D13, D.15, NR.8, NR.9, NR.11, NR.12, CY.2, LB.1, LR.2, IMP.1, CY.4 (AWFDLP) SD.2, SD.3, D.5, T.1, IMP.1 (WCSP) CF.2, CF.3 (WMRSS) Design Quality (Supplementary Planning Guidance) SPD – Planning Obligations PPS1, PPS3, PPG13
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

- 1.1 The application site which is rectangular in shape lies at the junction of Minster Road and Manor Road in Stourport on Severn. The site currently accommodates the New Manor Public House, its associated 49 space car park and curtilage, and has a frontage to Minster Road of approximately 74 metres. The site has an area of approximately 0.36 hectares.
- 1.2 The New Manor Public House is now vacant and ceased trading on 16 July 2009.

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1.3 The application seeks consent for a total of 14 units comprising one detached dwelling, a pair of semi-detached dwellings, two groups of terraces and one apartment. Eight of the proposed properties would be 3 bedroom with the remaining 6 two bedroom.

1.4 The application has been submitted together with a design and access statement and a tree survey.

2.0 Planning History (or relevance)

2.1 WF/0862/03/O – Residential Development : Withdrawn

3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – Awaiting comments

3.2 Highway Authority – Recommend that the permission be deferred for the following reasons:

- (i) The application does not provide car parking provision in accordance with Worcestershire County Council's parking standards. Garages are not considered to be car parking spaces, therefore plots 5, 6, 7 and 8 are one car parking space below the required provision.
- (ii) Two spaces are allocated for visitors one of which is allocated as a disabled person space. This provision is unnecessary and utilises space which is necessary for residents parking. Visitor parking is accepted on the carriageway.
- (iii) Whilst it is noted that cycle spaces have the ability to be provided in the plots the 3 bedroom units require 4 spaces and the 2 bedroom units 2 spaces. These all must be sheltered and secure. Therefore the applicant should indicate these as it may have impact on amenity space or plot layout.

(Officer comment – a response regarding the amended plans will be reported on the update sheet).

3.3 Worcestershire County Council (Education) – If the development goes ahead there will be a need for a contribution towards local education facilities in accordance with your Supplementary Planning Document on Planning Obligations for education facilities.

3.4 Severn Trent Water – No objections subject to condition.

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- 3.5 Conservation Officer – (*Original comments*) – whilst the general design of these proposals are acceptable I do have some concern over the detail of the scheme, in particular with regard to the overhang or substantial lack of, of the roofing on all properties. I would expect to see an overhang on gables and to main elevations on all roofs of around 200mm giving some depth to the elevations and definition to the roofs and walls. If this can be incorporated I will support the application, including the demolition of the locally listed building subject to conditions on all facing materials; positions, colours, styles and materials of all flues, vents and other associated pipework; and details of walls and external doors.

(*Subsequent comments*) - Following the receipt of additional drawings. I am happy with the amendments and note that the eaves on the buildings have been increased substantially giving a better shadow line and more relief to the buildings. Furthermore, I am also of the opinion that the details submitted with regards to windows, doors, eaves details and chimneys are all acceptable. As such, I am of the view that these proposals are of a high enough quality to replace the existing building, and would relate to the terraces opposite, and will still present a key gateway along this stretch of road. I therefore recommend approval subject to all facing materials to be approved prior to the commencement of works on site.

- 3.6 Arboricultural Officer – The site for the proposed development has 11 individual trees, two groups of trees and four sections of the hedge within the development boundary. There are also a number of shrubs on the site and two trees located on nearby properties. None of the trees on the site have been given a BS5837 retention classification of A in the Arboricultural Consultants report which I would support. The highest quality trees are the old pollarded London Planes in the centre of the site. None of the trees on the site are worthy of a Tree Preservation Order, however the planes, hedges and small number of other trees have been highlighted for retention as part of the development, which I would be in support of. The existing hedging will help to screen the new development and there are plans to supplement this with additional hedge planting, which I am also in favour of. However, I would like to see more trees planted on the site especially within the rear gardens of plots 1 to 8. I have no objection to the proposed development and the loss of the majority of the trees on site; however I would like to see conditions for tree retention and protection of all trees identified within the submitted Arboricultural Reports, which include adhering to the Method Statement of Tree Protection measures within the report. I would also like to see a proposed tree planting plan, which should highlight suitable trees that can be planted within the gardens of the proposed dwellings.

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3.7 Community and Partnership Services – Awaiting comments

3.8 Crime Risk Manager – Awaiting comments

3.9 Policy and Regeneration Section – Awaiting comments

3.10 Countryside and Conservation Officer – Awaiting comments

3.11 Neighbour/Site Notice – No representations received

4.0 Officer Comments

4.1 It is considered that the relevant material considerations relate to the following topics:

- Proposed land use and the loss of the public house
- Proposed design and loss of locally listed building
- Impact upon trees
- Ecology
- Highway issues
- Planning obligations

PROPOSED USE OF LAND AND LOSS OF PUBLIC HOUSE

4.2 With respect to these issues there are two Adopted Local Plan policies which are particularly relevant to the proposed scheme. First, the application site is defined under Policy H.2 as an area where development for housing is acceptable providing that the site comprises previously developed land. In this case it does and therefore the proposed use complies with the policy. There is also however, Policy CY.2 which seeks to retain a community facility, such as a public house where there is a clear need. In response, the Agents on behalf of the applicants have acknowledged that the pub was closed by Punch Taverns in July 2009 as it had seen a significant downturn in trade. The pub had seen an 81% drop in drink sales in the previous three years. Hence it is accepted that the pub was not widely used by local residents. In addition the agent advises that the pub suffered because of strong local competition from other drinking establishments within walking distance including the Liberty Sports Bar, The Rising Sun, The Outback and The Black Star within the town centre together with The Brinton Arms and The Bird in Hand which are located further away. It is therefore considered that there is no clear need for the pub which has been closed for nearly a year, and consequently the proposed loss of the public house conforms to Policy CY.2.

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PROPOSED DESIGN AND IMPACT UPON LOCALLY LISTED BUILDING

- 4.3 The existing layout of the site shows the Public House set back approximately 13 metres from the site frontage surrounded by extensive hard standing with open grounds to the rear. The proposed scheme shows that 13 of the 14 proposed properties would align the site boundary to Minster Road and Manor Road with the properties set back to provide front gardens of between 4.5 and 6 metres in depth. The siting and the design of the plots have been carefully considered in order to reflect the character of surrounding developments. In summary:
- Plot 1 to the south is detached and its design, massing and scale will fit comfortably with No. 77a Minster Road which lies adjacent to the southern boundary;
 - Plots 2 to 6 are a terrace of 5 houses positioned and designed to replicate a terrace of Victorian properties on the opposite side of Minster Road;
 - Plots 7 and 8 form a pair of semi detached properties which address the focal corner point of the site at the junction of Minster Road and Manor Road; and
 - Plots 9 to 13 front Manor Road and are more simple in form and design again to replicate the design of the properties opposite.
- 4.4 All of the properties are proposed to be two storeys in height and the proposed layout would provide a continuous active frontage to Minster Road and Manor Road.
- 4.5 Unit No. 14 is proposed to be located within the centre of the site and its proposed form comprises a single block with the apartment lying at first floor above car ports to Plots 5 to 8 below. Again the overall height of the block will be two storeys.
- 4.6 According to Policy H.5 of the Adopted Local Plan a site which lies within 300 metres of a bus stop on a high frequency bus corridor should normally achieve a density of 40 dwellings per hectare. The current scheme proposes 39 dwellings per hectare, however this is considered acceptable as the proposed layout respects the character of the surrounding areas. Furthermore the scheme would not have any undue impact upon surrounding neighbours in terms of loss of outlook or privacy.
- 4.7 The New Manor Public House is locally listed with its listing description acknowledging that it is a mid-twentieth century building constructed prior to the second world war included on the local list for its location and position in the streetscene as much for its social usage and architectural detailing.

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- 4.8 According to Policy LB.1 a locally listed should only be replaced by a scheme which offers the same quality of design. Referring back to the Conservation Officer's comments additional plans have been received which provide large scale detail of the proposed windows, doors, eaves and chimneys. The proposed overall layout, design and details of these architectural features are such that the Conservation Officer is satisfied that the proposed scheme meets Policy requirements.

IMPACT UPON TREES

- 4.9 The submitted tree survey indicates that the site accommodates 20 individual trees and 10 groups of different sizes. Of note of the 5 London Planes sited to the rear of the existing public house which are notable due to their height which ranges from 18 to 19 metres. Also of note is the existing hedgerow which fronts Minster Road. The plans submitted indicate the retention of the hedgerow together with the London Planes and 8 trees to the rear of the site adjacent to the boundary with the rear gardens to properties fronting North Road.
- 4.10 The Arboricultural Officer considers that the trees proposed to be retained is sufficient and allows additional planting within the private amenity spaces to the plots.

ECOLOGY

- 4.11 In view of the demolition of the existing building a bat survey has been requested and is anticipated prior to committee.

HIGHWAY ISSUES

- 4.12 A parking area containing a total of 18 spaces located towards the rear of the site. In addition parking for Plots 9 to 13 which front Manor Road is shown in front of the dwellings. In response to the Highways Officers comments revised plans have been received showing:
- i) garages for plots 5 to 8 changed to car ports. In contrast to garages, car ports are accepted as car parking spaces under the County Council's revised parking standards which were adopted by the County Council as recently as February 2010; and
 - ii) indicative positions of sheds to accommodate secure cycle storage within each rear garden.

Highways officers' response to these revised plans will be reported on the update sheet.

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PLANNING OBLIGATIONS

4.13 According to the Council’s Supplementary Planning Document on Planning Obligations the following contributions are considered to be directly related to the proposed development, fair and reasonable in terms of scale and necessary to make the development acceptable in planning terms.

Planning Obligation	Contribution Required
Affordable Housing	Not required as below 15 unit threshold
Open Space	£9,324.48
Biodiversity	Enhancement to be achieved on site
Sustainable Transport	Application site located on high frequency bus route contribution not required
Education Provision	£28,694.00
Public Realm	Enhancement to be achieved on site

5.0 Conclusions and Recommendations

5.1 It is considered that the proposed use of the land is appropriate whilst the layout and design submitted would provide an attractive development to front this part of Minster Road. Careful consideration of the individual design characteristics are such that it is considered the proposed frontage development is of a quality which is sufficient to mitigate for the loss of the locally listed public house. The potential impact upon neighbours has been assessed and it is considered that there would be no significant harm.

5.2 It is therefore recommended that **delegated APPROVAL** be given subject to:

- i. no objections to the revised plans submitted with respect to parking provision and no objections regarding the submitted bat survey;
- ii. the signing of a **Section 106 Agreement** with contributions towards education provision and off site open space, and
- iii. 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)
 - 5. B13 (Levels details)

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6. C2 (Retention of existing trees)
7. C3 (Tree protection during construction)
8. C6 (Landscaping – small scheme)
9. C8 (Landscape implementation)
- 10.C9 (Hedge protection)
- 11.E2 (Foul and surface water)
- 12.H13 (Access, turning and parking)
- 13.H27 (Parking of site operatives)
- 14.Details of cycle storage

Note

SN2 (Section 106 Agreement)

Reason for Approval

The proposed use of the land for housing accords with Policy whilst the proposed design of the dwellings, the impact upon trees, ecology and highway safety is considered satisfactory. The impact upon neighbours has also been carefully assessed and it is considered that there would not be any significant harm. For these reasons the proposed scheme is considered to conform with national and Adopted Local Plan Policy and the associated supplementary planning documents.

5.3 Should the Section 106 not be signed before 11 June 2010 then delegated authority to REFUSE the application for the following reason:

- 1) The applicant has failed to secure a contribution towards education provision and off site open space in accordance with the Supplementary Planning Document – Planning Obligations (2007). Without this agreement it is considered that the proposed development fails to accord with Policies CY.4 and LR.2 of the Adopted Wyre Forest District Local Plan together with the aims of the Supplementary Planning Document – Planning Obligations (2007).

Agenda Item No. 5

Application Reference: 10/0135/FULL **Date Received:** 15/03/2010
Ord Sheet: 381256 270047 **Expiry Date:** 14/06/2010
Case Officer: Paul Round **Ward:** Bewdley and Arley

Proposal: Variation of condition 1 of Planning Permission WF/0021/95 to change closing period to 7th January - 7th February each year

Site Address: STOURPORT CARAVAN PARK, REDSTONE LANE,
STOURPORT-ON-SEVERN, DY130HZ

Applicant: Mr S Robson

Summary of Policy	TM6, NC2, NR5 (AWFDLP) RST14 (WCSP) PA10 (WMRSS) PPS1, Good Practice Guide on Planning for Tourism
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Stourport Caravan Park has been in existence for over 20 years being located off Redstone Lane to the south of Stourport-on-Severn Town Centre.
- 1.2 It is allocated as a Holiday Caravan Park within the Adopted Wyre Forest District Local Plan with part of the site falling within Flood Zones 2 and 3 and the Redstone Local Nature Reserve (The Bogs) Special Wildlife Site.
- 1.3 The application seeks to vary the "closed" period from 1st January – 1st February to 7th January – 7th February, annually.

2.0 Planning History

- 2.1 WF.0643/87 – Change of use for holiday static caravan site : Refused
- 2.2 WF.1153/87 - Change of use for holiday static caravan site : Approved
- 2.3 WF.0318/89 – Office, workshop and shop : Approved
- 2.4 WF.1178/89 – Mobile Home for Site Manager : Approved
- 2.5 WF.0945/93 – Storage Building : Approved

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- 2.6 WF.0021/95 – Variation of condition controlling occupation of caravans :
Approved

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – No objection and recommend approval
- 3.2 Environment Health – No adverse comments
- 3.3 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 This is a relatively straight forward application seeking for movement of the start and end of the closed period by 7 days.
- 4.2 The site operates as a holiday site and planning permission exists by virtue of Planning Permission WF.0021/95 allowing occupation for 11 months of the year between the 1st February and the 31st December each year. Unfortunately this time-frame provides difficulties for the owners in ensuring compliance, especially when trying to ensure that occupants vacate on the 1st of January directly after New Years Eve. As such it is now proposed to move the close period by 7 days to allow a reasonable time period after the festive celebrations to vacate the site, whilst still maintaining the month closure.
- 4.3 The proposal is considered acceptable, as the proposed condition is still enforceable and maintains the clear break in occupation to ensure that permanent occupation is not established in this area. Whilst it is permissible for the Local Planning Authority to consider the imposition of new conditions should it feel the need, on this occasion through negotiations with the Applicant similar conditions are proposed to those that are already imposed on the site.
- 4.3 Although the site falls with Flood Zones 2 and 3 and the Redstone Local Nature Reserve (The Bogs) Special Wildlife Site due to the nature of the application it is clear that there will be no additional harm caused to these interests.

5.0 Conclusions and Recommendations

- 5.1 The proposal is acceptable and maintains the 11 month occupancy of the site as originally intended. There are no other issues that will be adversely affected by this proposal.

10/0135/FULL

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

1. The caravans sited within the red line on the approved plans shall not be occupied at any time during 7th January to 7th February inclusive, with the exception of the Manager's Caravan highlighted blue, during which the park shall be closed except for access for maintenance requirements or park owners and staff.

Reason

To preclude the use of the site as permanent residential accommodation and to comply with Policies H.9, TM.6, NC.5 and NR.5 of the Adopted Wyre Forest District Local Plan as the site lies outside an allocated area and within an area liable for flooding and the Redstone Local Nature Reserve (The Bogs) Special Wildlife Site

2. The use of the caravan site shall be for holiday purposes only.

Reason

To preclude the use of the site as permanent residential accommodation and to comply with Policies H.9, TM.6, NC.5 and NR.5 of the Adopted Wyre Forest District Local Plan as the site lies outside an allocated area and within an area liable for flooding and the Redstone Local Nature Reserve (The Bogs) Special Wildlife Site

Reason for Approval

The variation of condition is acceptable as it maintains the 11 month holiday occupancy of the site and ensure the site is not established as permanent residential accommodation in order to comply with Policies H.9, TM.6, NC.5 and NR.5 of the Adopted Wyre Forest District Local Plan as the site lies outside an allocated area and within an area liable for flooding and the Redstone Local Nature Reserve (The Bogs) Special Wildlife Site

Agenda Item No. 5

Application Reference: 10/0149/FULL **Date Received:** 18/03/2010
Ord Sheet: 384832 275051 **Expiry Date:** 13/05/2010
Case Officer: Stuart Allum **Ward:** Blakedown and Chaddesley

Proposal: Two storey side extension

Site Address: CAPTAINS, BROMSGROVE ROAD, STONE,
KIDDERMINSTER, DY104AJ

Applicant: Mr R Gillespie

Summary of Policy	GB.1, GB.2, GB.6, D.1, D.3, D.4, D.5, D.6, D.7, D.10, D.11, D.17, LA.6, NR.9, LR.8, TR.9 (AWFDLP) SD.2, D.39 (WCSP)
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 'Captains' is a large detached dwelling located on the south eastern fringes of the Kidderminster urban area, but just within the West Midlands Green Belt.
- 1.2 The site is flanked on its northern and western boundaries by dwellings situated in Kittiwake Drive and Cardinal Drive on the Spennells housing development.
- 1.3 One tree on the western boundary of the site is protected by the 'blanket' Spennells Tree Preservation Order. This tree is not in close proximity to the proposed development. All other trees within the curtilage of the application site are not formally protected.
- 1.4 Access to the highway is gained via a long driveway eastwards towards the A448 Kidderminster-Bromsgrove Road. A public footpath runs along the northern boundary of the site linking Kittiwake Drive with the A448.

2.0 Planning History

- 2.1 WF.457/04 – Certificate of Lawfulness for an existing use; internal and external storage facilities : Part Approved, Part Refused 27.7.94

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- 2.2 WF.1165/04 – Certificate of Lawfulness; storage of caravans : Approved
7.2.05
- 2.3 WF.362/05 – Storage of additional caravans (increase number from 15 to 30)
: Refused 8.6.05
- 2.4 06/0559/TREE – Reduce crown of Oak tree (boundary of 37 Kittiwake Drive) :
Approved 8.8.06
- 2.5 06/1142/FULL – Erection of extensions to provide integrated annex for elderly
relatives, conservatory with extension to rear gables : Approved 8.1.07
- 2.6 08/0040/CERTP – Construction of ancillary buildings within the grounds :
Refused 11.2.08
- 2.7 08/0391/CERTP – Certificate of lawfulness for a proposed use or
development; construction of ancillary buildings within the grounds : Approved
11.1.08
- 2.8 09/0616/FULL – Use of land for the storage of a maximum of 52 touring
caravans : Refused 27/10/09

3.0 Consultations and Representations

- 3.1 Stone Parish Council – Objection to the proposal and recommend refusal;
*“The proposed extension is very large and would, therefore, have a
detrimental effect on the local area”.*
- 3.2 Highway Authority – Views awaited
- 3.3 Ramblers Association – No objections subject to note
- 3.4 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 Extensions to dwellings in the Green Belt must not result in disproportionate
additions over and above the size of the original dwelling. In this case the
host property is a sizeable property.

10/0149/FULL

- 4.2 The submitted scheme on this occasion is a variation to the planning permission granted previously in January 2007 (06/1142/FULL) for extensions which have been partly implemented on site. However, since that time, the personal circumstances of the Applicant have changed, such that the previously stated need to create ancillary accommodation for 'dependant relatives' is no longer necessary. This has prompted the redesigned extensions which now form the basis of this application. The redesigned two storey side extension takes these matters into consideration and partly occupies the footprint of the previously approved scheme to such an extent as to obviate the potential need for a separate legal agreement to prevent the completion of the originally approved extensions in addition to the revised proposal. The latest proposals are such that both schemes cannot be implemented.
- 4.3 Overall, the volume and design of the alternative extension is directly comparable to that which was previously approved in 2007, and its impact upon the visual integrity of the original building would be no greater than before. The revised scheme is considered to be acceptable and appropriate and would succeed in preserving Green Belt openness and visual amenity. and responds to the comments made by Stone Parish Council.
- 4.4 The objections raised by Stone Parish Council, which relate to the size of the extension, are acknowledged. However, given that this latest proposal effectively amends a previously approved scheme, and that the floorspace to be created compares favourably with that previously approved, in the absence of any other material considerations, the proposed development is considered to be acceptable and its approval justified.
- 4.5 With 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 development in that context. No potential breach has been identified, most particularly as the proposed extension is on the side of the building furthest away from the nearest neighbouring properties.
- 4.6 There is no evidence of harm to other interests of acknowledged importance, though a note is recommended reminding the Applicant of his responsibilities relative to the adjacent public footpath.

10/0149/FULL

5.0 Conclusions and Recommendations

5.1 This proposal meets the requirements of the appropriate policies and other guidance. Therefore, 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. B3 (Matching materials)
4. Western boundary hedgerow retention

Note

Public footpath

Reason for Approval

The proposal is considered to be appropriate development in the Green Belt because the size, scale and design of the extension are proportionate and visually sympathetic to the form, size and architectural characteristics of the original, partly extended building. Neither the openness/visual amenity of the Green Belt, nor the amenity/privacy of the neighbouring properties would be seriously harmed by the proposal. For these reasons the proposal is considered to be in accordance with the above mentioned policies of the Adopted Wyre Forest District Local Plan.

Application Reference: 10/0162/TREE	Date Received: 26/03/2010
Ord Sheet: 379722 276128	Expiry Date: 21/05/2010
Case Officer: Alvan Kingston	Ward: Wribbenhall

Proposal: Fell one horse chestnut

Site Address: 29 ANTON CLOSE, BEWDLEY, DY121HX

Applicant: Mr Alan Dunne

Summary of Policy	D.3, D.4 (AWFDLP)
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The tree is situated in the rear garden of 29 Anton Close, which is part of a residential estate on the outskirts of Bewdley. The tree, the subject of this application, and other trees are located around the estate were once part of the grounds for Warstone House.

2.0 Planning History

2.1 None

3.0 Consultations and Representations

3.1 Bewdley Town Council – Objection received; *“When this development was contemplated and then approved there was at least an understanding if not a condition imposed in the consent that this and other trees on the site would remain in place following completion of the development. This should override whether or not the tree is to be included in any new Tree Preservation Order for the area and whether or not the tree is either a good or merely average specimen. The tree still contributes to the residential amenity and should be retained”.*

3.2 Ward Members – No representations received

10/0162/TREE

4.0 Officer Comments

- 4.1 The proposed work is to fell a poor quality Horse Chestnut (*Aesculus hippocastanum*) which is growing within the small rear garden of 29 Anton Close.
- 4.2 The tree is one-sided, has a poor relationship with the applicant's dwelling and also properties surrounding it, and will not be included within the proposed new Tree Preservation Order that is due to be confirmed.
- 4.3 Whilst understanding the concerns set out in Bewdley Town Council's objection, it is felt that there are a number of issues which require consideration, as set out in Paragraphs 4.4 to 4.7 below.
- 4.4 The Tree Preservation Order on this site was made in 1966 and was made using an Area classification. This means that all trees on the site at that time would be included within the Order. Such an approach was common practice until the early 1990s. Since then, Area Orders have become a last resort and old Area Orders, throughout the District, have started to be resurveyed, revoked and new Orders made.
- 4.5 In 1966 the area within which the application site is located was part of the grounds of Warstone House and there were no real pressures on the trees. Some 44 years on and the condition and suitability of some of the trees on the site have changed dramatically. The landscaped grounds were sold for development and a substantial sized residential development now occupies the land with the trees now located within private gardens and the subject of substantial pressures from owners and neighbours who, for perhaps understandable reasons, wish to remove some of the trees.
- 4.6 Notwithstanding the above, if a tree is of good quality and has a high amenity value, then the owner of the tree should adapt to that tree within their garden, as it was indeed there when the occupier purchased the property. However where a tree is a poor quality specimen, with little amenity value, and is dominating the occupiers of either the host or neighbouring property, then the best course of action is to allow the tree to be felled and, where possible, replaced. It is considered that the tree, the subject of this application, fits into this category.
- 4.7 It is therefore recommended that the applicant is allowed to fell the tree in this case and replace it with a suitably sized replacement tree that will enhance the garden and local area.

10/0162/TREE

5.0 Conclusions and Recommendations

5.1 It is recommended that the application 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 - Replacement Tree <the first planting season> <*Prunus sargentii*> <14 to 16> <As close to the original as possible>.

Schedule of Works

Only the following works shall take place:

Fell one Horse Chestnut (*Aesculus hippocastanum*)

Application Reference: 10/0174/TREE **Date Received:** 29/03/2010
Ord Sheet: 379633 275991 **Expiry Date:** 24/05/2010
Case Officer: Alvan Kingston **Ward:** Wribbenhall

Proposal: Fell horse chestnut tree

Site Address: 14 THRELFALL DRIVE, BEWDLEY, DY121HU

Applicant: Mrs Donna Thompson

Summary of Policy	D.3, D.4 (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 tree within this application is situated within the rear garden of 14 Threlfall Drive, Bewdley. The tree was once part of the grounds of Walstone House, however they are now located within small gardens, on a relatively new housing estate.

2.0 Planning History

2.1 None.

3.0 Consultations and Representations

3.1 Bewdley Town Council – Awaiting representations

3.2 Ward Members – Awaiting representations

4.0 Officer Comments

4.1 The proposed work is to fell a Horse Chestnut (*Aesculus hippocastanum*) that is growing in the rear garden of 14 Threlfall Drive, Bewdley.

4.2 The chestnut is a poor specimen that has been topped in the past and has a moderate sized pruning wound that will decay in the future. It is close to number 12 and the applicants dwelling and if allowed to continue to grow, will dominate the area.

10/0174/TREE

- 4.3 The chestnut will not be included within the new Tree Preservation Order and I therefore feel that allowing it to be removed and replaced would be a good course of action.

5.0 Conclusions and Recommendations

- 5.1 It is recommended that the works are **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 – (Replacement Tree) <the first planting season> <Sorbus torminalis> <12 to 14> <As close to the original as possible>.

Schedule of Works

Only the following works shall take place:

Fell one Horse Chestnut (*Aesculus hippocastanum*).

Agenda Item No. 5

Application Reference: 10/0180/FULL **Date Received:** 30/03/2010
Ord Sheet: 388207 278478 **Expiry Date:** 29/06/2010
Case Officer: Paul Wrigglesworth **Ward:** Blakedown and Chaddesley

Proposal: Erection of new sports pavilion (demolition of existing pavilion) to provide changing facilities and ancillary accommodation for cricket, football and tennis clubs together with social space for players and spectators. Demolition of tennis club building

Site Address: CHURCHILL & BLAKEDOWN SPORTS FIELD, BIRMINGHAM ROAD, BLAKEDOWN, KIDDERMINSTER, DY103JN

Applicant: Ms Freda Griffiths

Summary of Policy	D1, D3, D5, D9, D10, D11, D19, NR3, GB1, GB2, GB6, TR9, TR17, LR9, LR10, LR.1 (AWFDLP) CTC6, D39 (WCSP) PA10, QE3, QE6 (WMRSS) PPS1, PPG2, PPS7, PPG17
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The existing sports fields and tennis courts, together with the pavilion, tennis club building and storage building, are located to the rear of Blakedown Primary School. Access to a car park located close to the pavilion is gained from the A456 Birmingham Rd via a track which runs adjacent to the northern boundary of the school.
- 1.2 It is proposed to demolish the existing pavilion and tennis club building and replace these with a new building which will contain changing facilities, a functions area (including outside terraces) together with a communal space and meeting room. An existing garage/storage building will be retained and refurbished.
- 1.3 The development lies within the Green Belt.

2.0 Planning History

- 2.1 08/0871/FULL - Erection of new sports pavilion, demolition of existing timber pavilion, garage and tennis club building : Approved 25.11.08

10/0180/FULL

3.0 Consultations and Representations

- 3.1 Churchill and Blakedown Parish Council – No objection to the proposal
- 3.2 Highway Authority – No objection
- 3.3 Severn Trent Water - No objection subject to condition
- 3.4 Countryside and Conservation Officer – Requests bat survey
- 3.5 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 The existing pavilion is in a state of total disrepair and the application proposes the erection of a modern pavilion building that is approximately twice the size of the existing.
- 4.2 Planning permission was granted for a new replacement sports pavilion in November 2008 (Reference 08/0871/FULL). Like the current application that application also included the demolition of the existing pavilion and tennis club building. The principle of such a development has previously been considered and found to be acceptable. The current application differs in two main respects; the design of the pavilion has radically changed and secondly the current application now involves the retention of an existing garage building.
- 4.3 The main issues are considered under the following headings.

GREEN BELT
- 4.4 The existing permission is still extant and the proposed pavilion is in the same position as the previous approval and a little smaller in size. There have also been no changes in policy in the interim period or any changes to the proposed use of the building that warrants reconsideration or a change in stance with respect to the new application. In these circumstance the Green Belt arguments have already been rehearsed and the previous conclusions are just as relevant to the current application and can be restated by declaring that after considering the deficiencies of the current buildings and the significant benefits that will arise to the sports clubs, the adjacent school and the community of Blakedown at large together with the fact that the current buildings are completely incapable of being used by disabled people these material factors clearly outweigh any harm that may arise to the Green Belt and that very special circumstances have been demonstrated to ensure that the application is acceptable within a Green Belt area.

10/0180/FULL

DESIGN/VISUAL AMENITY

- 4.5 The proposed pavilion is modern in design with a mono pitched roof and coloured vinyl cladding for the side and rear walls and aluminium cladding for the recessed front wall below a roof overhang designed to cover the front terrace. The design of the building is attractive and compares favourably with that previously approved. It represents a substantial visual improvement when compared with the existing buildings which are to be demolished.

EFFECT ON NEIGHBOURING PROPERTY

- 4.6 The buildings have no physical impact on any nearby residential property. The closest dwelling house to the pavilion is approximately 100 metres away and the closest garden about 36 metres away. At these distances it is reasonable to conclude that there should be no significant impact from noise and general disturbance.

TRAFFIC GENERATION

- 4.7 The traffic is generated principally by the existing sports activities and the increase in traffic arising from the community uses of the building is not likely to be significant. The Highway Authority has no objection to the development.

ECOLOGY

- 4.8 A bat survey has been requested by the Council's Countryside and Conservation Officer. At the time of the Committee report's preparation, the indication is that this should be available by the date of the Committee meeting.

OTHER ISSUES

- 4.9 The Council's Supplementary Planning Document on Planning Obligations does not require any contributions for a building of this size or nature.

5.0 Conclusions and Recommendations

- 5.1 This is an attractively designed and much needed modern building which will considerably improve the sporting facilities in Blakedown Village. The need for the building and its benefit to the community clearly outweighs any harm to the Green Belt. Very special circumstances exist which enables such a building to consider favourably and ensures that the proposal complies with Green Belt policy.

10/0180/FULL

5.2 I recommended **delegated** authority to **APPROVE** subject to a satisfactory bat survey being received, and the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. The building to be used primarily in association with existing sporting activities on the adjoining pitches
4. Phasing of development to ensure that the tennis club building is demolished after completion of pavilion
5. Materials to comply with details described and colours of cladding to be agreed
6. Sustainable drainage condition
7. Any bat related mitigation measures

Reason for Approval

This application has been carefully considered in terms of Green Belt Policy. The factors which exist in terms of the need for improved consolidated facilities to serve the existing sports fields and tennis courts together with the ability for the pavilion to be used by the adjacent school is considered to outweigh any harm arising to the Green Belt in terms of inappropriateness and visual harm and are thus judged to amount to very special circumstances. The application has also been considered with regards to design, visual amenity, the effect on neighbouring property, ecology and traffic related matters and judged to be acceptable and in accordance with the Development Plan.

Application Reference: 10/9005/NMA	Date Received: 06/04/2010
Ord Sheet: 381834 273265	Expiry Date: 04/05/2010
Case Officer: Paul Round	Ward: Lickhill

Proposal: Non-Material Amendments to Planning Permission
08/0097/REGS3 (Changes to building design and landscaping)

Site Address: LAND ADJACENT TO MINSTER ROAD AND, FIRS
INDUSTRIAL ESTATE, KIDDERMINSTER, DY117QN

Applicant: DIGNITY FUNERALS

Summary of Policy	D1, D3, D5, D11, NR1, NR6, NR8, NR9, LA1, GB1, GB2, GB6, CA1, NC2, NC3, NC6, TR9, TR17, CY6, AG1 (AWFDLP) CTC1, CTC7, CTC12, CTC20, D39, T1, T16 (WCSP) UR4, QE3, QE6, QE7, T1 (WMRSS)
Reason for Referral to Committee	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The site forms a 10.465 hectare (25.9 acre) agricultural land which lies on the Minster Road between the Firs Industrial Estate and Stourport on Severn Pistol and Rifle Club. To the east of the site runs the Staffordshire and Worcestershire Canal and beyond the River Stour. The site is fairly level falling away on extreme south west corner and sharply on the east down to the Staffordshire and Worcestershire Canal.

1.2 The site has the following allocations within the Local Plan:

- Green Belt (Policy GB1, GB2 & GB6)
- Proposed Cemetery Site (Policy CY6)
- Part of the Site falls with a Special Wildlife Site (Policy NC2)
- Part of the Site falls with the Canal Conservation Area (Policy CA1)

1.3 Approval was given in July 2008 for the use of land for a cemetery, along with a chapel/crematorium building and maintenance building.

10/9005/NMA

2.0 Planning History

2.1 08/0097/REGS 3 - Change of use of land to create new cemetery site with associated chapel & crematorium building, maintenance building, landscaping works & highway alterations : Approved 28.7.08

3.0 Consultations and Representations

3.1 No consultations undertaken

4.0 Officer Comments

4.1 The District Council has been anxious to make progress with this project since planning approval was given in 2008. Following the award of the operator's contract to Dignity Funerals, the project team has looked at various changes to tailor the approved scheme to meet the operational requirements of Dignity Funerals. As such a number of minor changes are proposed to the building and to the landscaping scheme

4.2 The amendments proposed are as follows:

- Consolidation and slight increase (approx. 3%) in size of Chapel/ Crematorium Building
- Altered position and form of crematory chimney
- Provision of Louvers
- Provision of roof lights
- Increase of clearstory glazing at eaves level
- Minor alterations to fenestration
- Provision of crematory at ground floor level rather than subterranean
- Minor alterations to roof of maintenance building
- Change of route of maintenance driveway
- Increase of parking from 57 to 70
- Change to landscape design including new ponds and footbridge
- 12 Parking spaces to be interspersed along the tree lined boulevard for use by visitors to the graveyard.
- Provision of turning facility at end of boulevard
- Removal of some internal roadways
- Increase of covered area around circular pool

4.3 Although there a number of changes, individually and collectively they amount to alterations that are not material in the context of the overall scheme, retaining, if not enhancing, the proposed overall design concept and the visual presence of the buildings and their surroundings. The changes are considered to be acceptable and do not alter any key considerations taken at the time of the original application.

10/9005/NMA

5.0 Conclusions and Recommendations

- 5.1 The amendments are considered to be acceptable, being minor changes to the originally approved scheme. As such is considered that these changes can be dealt with under the non-material amendment process.
- 5.2 It is therefore recommended that **APPROVAL** be given to the amendments and that they can be considered as non-material amendments to planning permission granted by virtue of application 09/0097/REGS3. The conditions imposed at the time of the original approval will still apply