

## EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

10/08/2010

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WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**10<sup>TH</sup> AUGUST 2010**

**PART A**

**Application Reference:** 10/0262/FULL      **Date Received:** 07/05/2010  
**Ord Sheet:** 382787 276447      **Expiry Date:** 02/07/2010  
**Case Officer:** Emma Anning      **Ward:** Sutton Park

**Proposal:** Change of use from Licensed Premises to Flats (1 x 2 bed and 3 x 1 bed flats in addition to existing licensee's flat)

**Site Address:** UNITY INN, 142 PARK STREET, KIDDERMINSTER, DY116TR

**Applicant:** Mr Surrinder Kalirai

<b>Summary of Policy</b>	H.2 D.1 D.3 D.10 D.11 D.13 TR.9 TR.17 CY.2 (AWFDLP) CTC.21 D.16 (WCSP) PPS 3
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

THIS APPLICATION WAS DEFERRED FROM THE 13 JULY 2010 PLANNING COMMITTEE MEETING AT THE DEVELOPMENT MANAGER'S REQUEST

**1.0 Site Location and Description**

- 1.1 The application site is a former public house which sits on the corner of Park Street and Plimsoll Street in Kidderminster. The site is allocated as being suitable for residential development in the Adopted Wyre Forest District Local Plan.
- 1.2 It is proposed to convert the existing property into a building totalling five self contained flats.

**2.0 Planning History**

- 2.1 None relevant

10/0262/FULL

### **3.0 Consultations and Representations**

- 3.1 Highway Authority – No objection subject to conditions
- 3.2 British Waterways – No comments to make
- 3.3 Environmental Health – No adverse comments to make
- 3.4 Severn Trent Water Ltd. – No objection subject to inclusion of a drainage condition on any approval.
- 3.5 Neighbour/Site Notice : one letter of objection and a petition containing fifteen signatories have been received.

The main points raised are summarised below:

- The proposal would make the ongoing problem of antisocial behaviour worse. Existing problems with drugs, drinking, fighting and vandalism, we strongly agree are due to the majority of houses being privately rented and there seems to be no-one who wants to be responsible for these people. If the houses were rented by a housing association there are people you can complain to, who will try to sort out these situations.
- These residents are given private rented flats as no housing association will have them. Park Street is already overpopulated by these people who are making decent hard working peoples' lives a misery. The long standing residents should have a right to carry on their lives without all of this hassle.
- Parking is a major issue. Due to the Odell Centre being in use during the week there are always disabled people being dropped off or picked up, with the addition of more residential cars this would make it even more hazardous. Also what type of resident would be in situ, we have recently had lead being stolen off property which has been reported to the police. This street is reasonably quiet and I wish it to stay that way. I would also like to know why the owner of the property is not securing the gates as I have caught several people entering the property when it is clearly empty.

### **4.0 Officer Comments**

- 4.1 Permission is sought to convert this former public house to provide one two-bed flat and three one-bed flats in addition to the existing three-bed licensees flat. The majority of the alterations proposed are internal only, with the exception of the insertion of two high level obscure glazed windows, one at the first floor and one on the ground floor on the rear elevation; the insertion of four new windows to the front elevation and one new doorway; the glazing of two existing first floor and two ground floor windows to make them obscure and the bricking up of one existing ground floor window. Parking for three cars (one to be suitable for a wheelchair user) is proposed in an area to the side/rear of the property fronting Plimsoll Street which currently houses a storage building which would be demolished.

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- 4.2 The site is identified in the Adopted Wyre Forest District Local Plan as being suitable for residential development. In addition, despite being a former community facility it is acknowledged that the viability of the premises as a public house has limited potential. As detailed in the accompanying Design and Access Statement, the building, in this location, would lend itself well to conversion to residential use. Having not received any objections from local residents based on the loss of the community facility and in considering the viability argument put forward by the agent, I am satisfied that there is no clear need for the retention of the public house and that its loss is acceptable and in accordance with Policy CY.2 of the Adopted Wyre Forest District Local Plan. The principle of the development proposed is therefore acceptable; what remains to be considered are matters of design, impact on amenity and highway safety.
- 4.3 As detailed above the vast majority of alterations proposed are internal and would not materially affect the external appearance of the building. The alterations proposed to the fenestration of the building would match those of the existing building and therefore would harmonise with the characteristics of the host property in accordance with the requirement of Policy D.1. The alterations would not result in the creation of an incongruous feature on this building which could be considered harmful to the existing streetscene.
- 4.4 The property has no private amenity space as such, save the space identified as the proposed parking area mentioned above. The building is built hard against the boundary with the neighbouring property, a terraced dwelling with a modest private garden to the rear. The existing building has several ground and first floor windows which directly overlook this amenity area.
- 4.5 The application, in its original form proposed to retain some of the existing window openings on the rear elevation facing across this area, however concern was raised by local residents that, following the conversion of this property, this would lead to an unacceptable degree of overlooking for neighbouring residents. Accordingly the Officers have advised the agent that suitable alterations to the original submission would be required. The agent has revised the plans to ensure that there would be no overlooking of neighbouring properties. The revised plans show that any windows to the rear elevation which would serve a habitable room would be high level non-opening obscure glazed. This would allow natural light into the building but would prevent any direct overlooking. Similarly, any existing windows which would serve stairwells or corridors would be obscure glazed also. Officers are now satisfied that these revisions would significantly reduce the potential for overlooking compared to that which currently exists and would have occurred, based upon the original plans. It is considered that the alterations now result in a positive gain in terms of amenity for neighbours, in particular any persons occupying 141 Park Street. The proposal would therefore not cause harm to neighbour amenity.

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- 4.6 As detailed above there would be no designated amenity space, either private or communal, for residents of these properties. Whilst this is not an ideal situation it is accepted that the form of the existing building would preclude the opportunity to provide any amenity space. In accepting the lack of designated amenity space it should be recognised that the proposed properties would be within 500 m of Brintons Park and is within walking distance of the town centre and the public amenity offer there. It is therefore considered that adequate amenity provision is available locally for future occupiers of these properties.
- 4.7 Based on the parking standards as set out in the Adopted Wyre Forest District Local Plan the required parking provision on this site would be six car parking spaces. The proposed plan shows only three, a shortfall of three spaces. An objection letter has raised concern that the proposal may lead to parking problems. Lengthy pre-application discussions between the applicant's agent and the Worcestershire County Council Highways Officer took place prior to this application being submitted and a detailed reasoned justification has been provided by the agent to justify the adequacy of the provision proposed. This has been considered by the Highways Officer as part of the consultation process who has commented as detailed above. Based on the consultation feedback given I am satisfied that no harm to highway safety would arise as a result of this proposal and that, due to the location of the development proposed within close proximity of the amenities of the town centre, the level of car parking provision identified is acceptable. Secure cycle parking would be provided under the existing low roof to the rear of the property which also provides cover for the access stair. The proposal would therefore comply with Policies TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan.
- 4.8 Concern has been raised that the dwellings proposed are to be occupied by private renters and it is suggested that this may lead to an increase in antisocial behaviour. These matters cannot be treated as material planning considerations when determining this application as they relate to private business matters. Any concerns regarding potential or resulting problems should be dealt with through the appropriate channels, such as the police.
- 4.9 No Section 106 contributions are required as part of this application due to the fact that the net increase in new units is 4 dwellings. As set out in the Planning Obligations SPD, S106 contributions are only sought where five or more new dwellings are proposed.

10/0262/FULL

## 5.0 Conclusions and Recommendations

- 5.1 The proposal accords with the relevant policies of the Adopted Local Plan as listed and, as such, it is recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. B3 (Finishing materials to match)
  4. Existing entrance shall be set back 2 metres from the rear of the adjoining footway
  5. Construction of vehicular access
  6. Driveway and/or vehicular turning area shall be consolidated, surfaced and drained
  7. An area shall be laid out within the curtilage of the property for the parking of 3 cars
  8. Secure parking for 8 cycles to comply with the Council's standards shall be provided
  9. Means of drainage
  10. Obscure glazed windows

### Notes

- A Private apparatus within the highway
- B Alteration of highway to provide new or amend vehicle crossover
- C No drainage to discharge to highway
- D Temporary direction signs to housing developments

### Reason for Approval

The proposed conversion of this former public house to flats is considered to be acceptable development in this locality which would harmonise with the residential nature of the area. The proposal would not cause harm to the amenity of neighbours nor give rise to a situation which would be detrimental to highway safety. The proposal therefore complies with the policies listed above.

PLANNING COMMITTEE

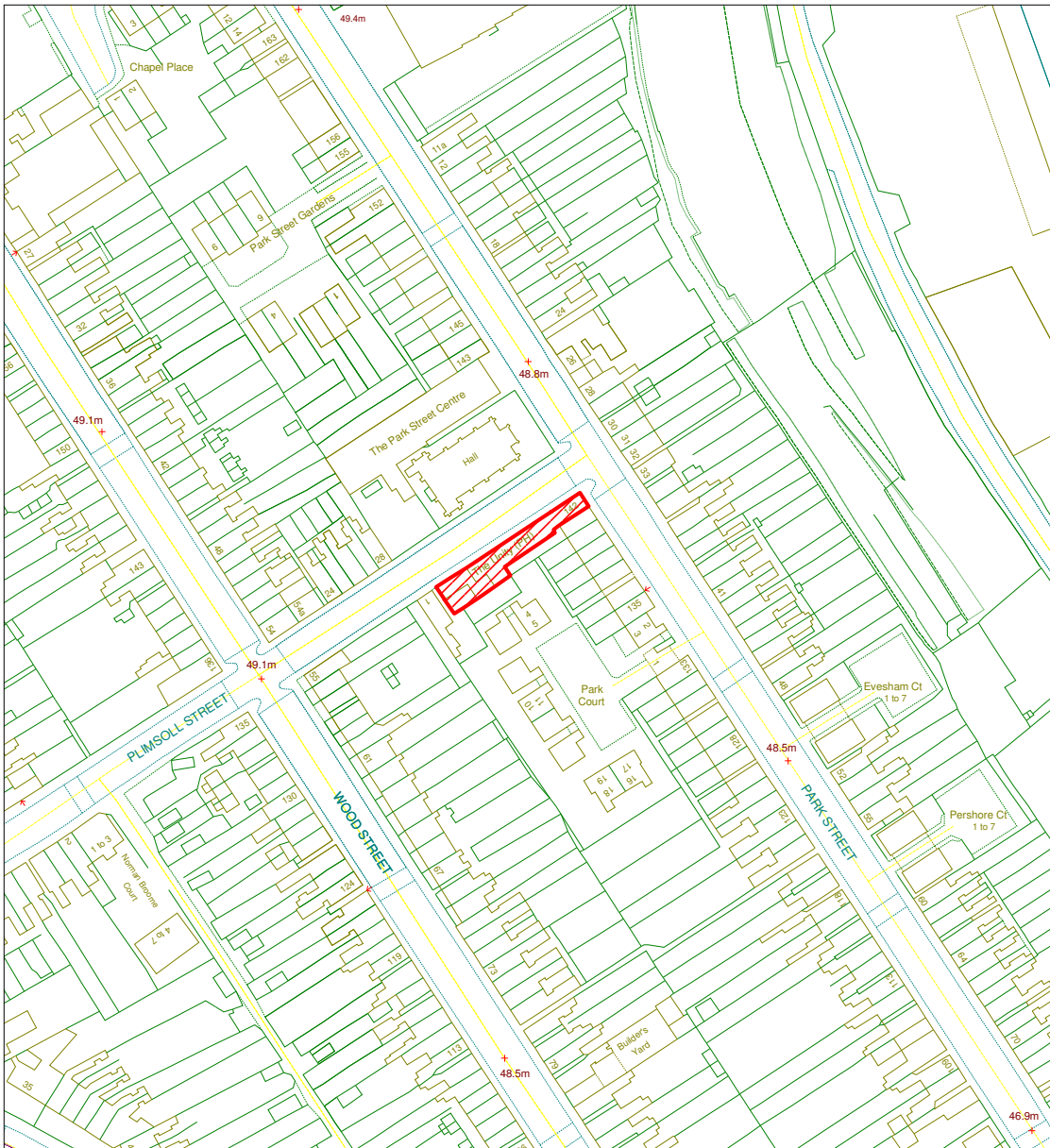
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## Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

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Kidderminster DY11 6TR



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**Application Reference:** 10/0301/FULL      **Date Received:** 24/05/2010  
**Ord Sheet:** 373620 273024      **Expiry Date:** 19/07/2010  
**Case Officer:** Stuart Allum      **Ward:** Rock

**Proposal:** Change of use of agricultural land to use for caravan storage on 340 m<sup>2</sup> of redundant land adjacent to farm buildings. This allows the expansion of existing storage facility (WF/0946/91 & WF/0964/01) from 25 to 38 caravans

**Site Address:** GORST HILL FARM, ROCK, KIDDERMINSTER, DY149YJ

**Applicant:** Mr David Nott

<b>Summary of Policy</b>	AG.8, LR.8, LA.1, LA.2, D.1, D.3, D.5, D.10, D.11, TR.9 (AWFDLP) CTC.1, CTC.2, RST.3 (WCSP)
<b>Reason for Referral to Committee</b>	Councillor request for application to be considered by Committee
<b>Recommendation</b>	<b>REFUSAL</b>

THIS APPLICATION WAS DEFERRED FROM THE 13 JULY 2010 PLANNING COMMITTEE MEETING AT THE DEVELOPMENT MANAGER'S REQUEST

## **1.0 Site Location and Description**

- 1.1 Gorst Hill Farm is located in elevated open countryside, within the Landscape Protection Area to the north of the village of Rock. The proposed caravan storage sites lie adjacent to the complex of buildings and structures at the farm, which already accommodates some caravan storage following previous approvals.
- 1.2 A public footpath bisects the site, which is also close to a neighbouring detached dwelling and Treatus Farm.
- 1.3 The vehicular access is adjacent to a 90° bend in the lane between Pound Bank and Callow Hill.
- 1.4 The proposal is to create three additional areas for caravan storage within the environs of the farmyard. These areas are of 156m<sup>2</sup> (6 caravans) – Area A; 133 m<sup>2</sup> (5 caravans) – Area B; and, and 50 m<sup>2</sup> (2 caravans) – Area C. This would increase the total capacity from the existing approved caravans 25 to 38 caravans,



10/0301/FULL

## **2.0 Planning History**

- 2.1 WF/0884/95 - Change of use of agricultural building for caravan storage : Approved
- 2.2 WF/094/01 - Change of use of part of farmyard to external storage of caravans : Approved
- 2.3 WF/1339/04 - Change of use of part of farmyard to area for outside storage of caravans : Withdrawn 1/2/05
- 2.4 09/0870/FULL - Change of use of agricultural land to use for external caravan storage : Refused 23/3/10

## **3.0 Consultations and Representations**

- 3.1 Rock Parish Council – No objection to the proposal, and recommend approval.
- 3.2 Highway Authority - Recommends refusal in the interests of highway safety. The nature of the application will see an increase in slow manoeuvring vehicles turning onto and off the A456. The additional movements will compromise highway safety on a route which experiences high speeds.
- 3.3 Worcestershire County Council Public Path Orders Officer – No objections subject to note.
- 3.4 Ramblers Association - Rock Footpath 669 runs between areas A and B that are proposed for caravan storage. We note Mr Nott's comments regarding FP 69 (re-numbered 669 in the last Definitive Map revision) but would point out that level of usage of a footpath is not relevant to the application. It is a Public Highway and thus should be available for use at any time.

We wish however to be as reasonable as possible given that this a working farm and Mr Nott has a living to make; we note also that he has stated that there will be no new gates or fences built to obstruct the footpath. We would like this to be a condition of planning permission should it be granted.

Further, we would also ask that FP 669 be adequately way-marked through the property as condition of planning permission being granted

Because the footpath runs through the centre of the site the applicant should also be advised that he may not obstruct the footpath, either during construction or afterwards, or divert the footpath and that the granting of planning permission does not give him any such authorisation. This would include the possible creation of new gates or fences.

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Should the above conditions be acceptable to the Planning Committee or yourself then we would have no objection to the application.

**3.5 Neighbour/Site Notice – one ‘observation’ response received:**

It would appear that the proposal is similar to that of the previous application, 09/0870/FULL, and as such my comments are the same. Please take into consideration my previous comments when determining this current application.

I would like to suggest that the imposition of access constraints, along public highways, might be at odds to the criteria of Circular 11/95 (especially the ability to enforce – through detection of a contravention).

Original comments repeated thus:-

No objection in principle to the proposal and support farm diversification in line with PPS7, though any further intensification could result in a scale of activity detrimental to the rural setting. However, there appear to be discrepancies in the submission regarding the number of additional caravans. The supporting statement indicates between 13 and 15 yet the drawing only shows 13. This needs clarification and potentially an upper limit of numbers controlled by a planning condition.

- Clarification also needed on where the displaced farm machinery storage will be located as I would be concerned if it were closer to any adjoining dwellinghouse.
- The supporting statement assumes no significant impact upon local highway traffic, as the existing caravan storage facility only has a few caravan movements each week. This is obviously very ambiguous and unless controlled by a planning condition, could alter without due consideration by the Local Planning Authority.
- The site plan indicates access to the farmyard via a designated route. I would request that consideration is given to controlling the access route via a planning condition.

**4.0 Officer Comments**

- 4.1 Proposals involving aspects of farm diversification can be feasible provided that they do not have a detrimental effect on the environment, re-use existing buildings wherever possible (in appropriate cases) and do not conflict with other policies in the Local Plan.

10/0301/FULL

4.2 This current application is essentially identical to the scheme refused under planning application reference 09/0870/FULL in March 2010. The only change is a slight reduction in the size of the storage areas being applied for. However, the increase in numbers remains the same, from the present 25 caravans to the proposed total of 38 (i.e. an increase of 13 – which represents a 50% increase). This recent application was refused for two reasons, firstly the harm to the landscape and secondly, highway safety.

4.3 This proposal also has a close association with previous applications on this site for caravan storage, particularly the original consent for external storage, granted in 2001. That planning permission allowed a maximum of 25 caravans to be stored either internally in an existing agricultural building, or externally on a patch of land adjacent to the sites being considered in this latest application.

4.4 The approval was granted on condition that the total number of caravans on the site did not exceed 25, the reason given being:

*‘To ensure proper control of the storage facility in the interests of the visual amenity of the Landscape Protection Area and the safe use of the highway network.’*

4.5 This approval was followed up in 2004 by an application for caravan storage (total site increase from 25 to 45 on the same areas of land as those being currently considered), but this was withdrawn on officer advice following concern about the visibility of this new site in the context of the local landscape.

4.6 The applicant has now submitted a supplementary statement in support of this application, as follows:

*“The proposal is for only a small expansion of an existing business using existing but redundant storage areas within the farmyard area. The refusal of permission dated 23 March 2010 refers to the proposal as ‘harmful to the landscape’ but the proposal does not involve any landscape changes and is out of sight.*

*Also, I feel that the second reason for refusal, concerning road traffic, is over cautious considering the very small changes to traffic flows involved. Implementing such a strict limit on traffic at the Royal Forester will prevent any future development of rural businesses in the area of Bliss Gate, Gorst Hill, Rock and Heightington.*

10/0301/FULL

*Farm profits from food production are currently very low and are likely to get worse when the EU reduces subsidies to farming as part of the CAP Reform 2013. The caravan storage enterprise helps to ensure viability of Gorst Hill Farm without the need for government funding. Caravan storage provides a service to caravan owners, encouraging them to holiday in the UK rather than going abroad, thus supporting the UK tourist industry. All committee members are welcome to visit the site and see the visual screening and access route for themselves."*

- 4.7 These comments are noted, but the imperative to ensure that any rural economic development is in scale with, and environmentally appropriate to its surroundings, is considered to take precedence. This principle is expressed both in Adopted policies and the recent update of PPS4 (2009).
- 4.8 There is photographic evidence on the 2004 file which shows the extent and density of planting around the areas now proposed for caravan storage. This is particularly evident in views from the highway access facing south, towards the ridge, where the conifer screen of Leylandii trees has both thickened and increased in height in the past six years or so.
- 4.9 The aforementioned growth of the trees is noted, but the original concern about landscape impact, which was instrumental in the use of the planning condition in 2001, remains significant, even allowing for the growth of the conifer trees in the intervening years. These trees may have been capable of offering some screening of the caravans in 2004, but the planning officer at that time was clearly sufficiently concerned about this aspect of the submission to recommend that the application be withdrawn. Again, the growth of the trees has not significantly changed the situation to such an extent that the original numbers limit of 25 could be recommended for revision upwards, as is now being proposed.
- 4.10 Such a view is reinforced by the inappropriateness of retaining 'screening trees' by planning conditions. Circular 11/95 'Use of Conditions in Planning Permissions' makes it clear at paragraph 51 that the long term protection of trees should be secured by Tree Preservation Orders rather than by condition, a situation which would be highly unlikely in this case given the tree species involved (i.e. Leylandii trees). The long-term retention of these trees in reasonable condition would therefore be untenable and any deterioration in their condition and screening effectiveness would be impossible to control. The principle of this approach is also supported by the comments of an appeal inspector in a similar, recent case at Captains, Bromsgrove Road, Stone when he stated that:  
*'The fact that the caravans might be hidden from view in the future provides little justification to store additional caravans in this location'.* Such concerns are considered to outweigh the perceived economic benefits of the proposal.

10/0301/FULL

- 4.11 With regard to issues of amenity and privacy, the rights enjoyed by the neighbouring property 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.
- 4.12 Regarding highway matters, Worcestershire County Council, as Highway Authority, has made its position clear with a repeat of the previous recommendation for refusal. The applicant has verbally advised Officers that in many cases, existing caravans on the site are stored there for most of the year and that they are perhaps only taken off site (and subsequently returned) once or twice a year, depending upon the owners. Whilst acknowledging this claim, Officers do not consider that there is any reasonable way to enforce such storage arrangements, an opinion shared by the Highway Authority. In addition, the Highway Authority's recommendation to refuse the application is made in the knowledge that the route taken by vehicles towing caravans to and from the site would be impossible to enforce, even though the applicant issues his own instructions on this matter (Forester's access).

## 5.0 Conclusions and Recommendations

- 5.1 This proposal fails to meet the requirements of the appropriate policies and other available guidance.
- 5.2 It is therefore recommended that this application be **REFUSED** for the following reasons:
1. As a facility for the expansion of an existing farm diversification enterprise (caravan storage) the proposal, despite the provision of Leylandii tree screening, would be incompatible with, and harmful to, the undulating landscape quality of the local area, which is designated as a Landscape Protection Area in the Local Plan. Such concerns are considered to outweigh the perceived economic benefits of the proposal and, as such, the development would be contrary to Policies AG.8, D.3, D.5, LA.1 and LA.2 of the Adopted Wyre Forest District Local Plan, Policies CTC1 and CTC2 of the Worcestershire County Structure Plan, and PPS4 and PPS7.
  2. The nature of the proposal, if approved, would create an increase in the number of slow manoeuvring vehicles turning onto and off the A456; these additional movements would compromise highway safety on a route that experiences high speeds and is contrary to Policy TR.9 of the Adopted Wyre Forest District Local Plan.

PLANNING COMMITTEE

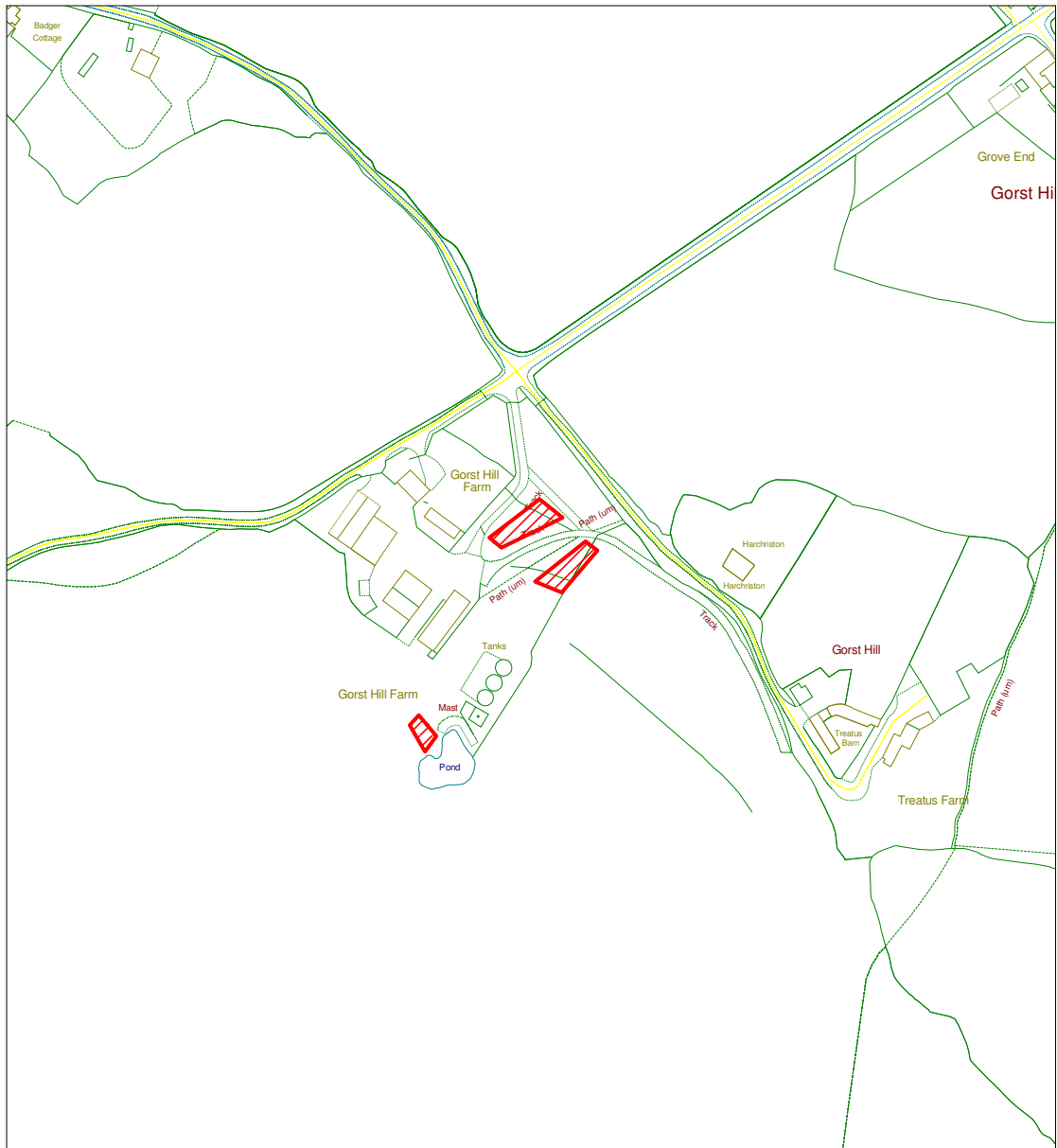
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**Wyre Forest District Council**

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**Application Reference:** 10/0364/FULL      **Date Received:** 18/06/2010  
**Ord Sheet:** 382246 277915      **Expiry Date:** 13/08/2010  
**Case Officer:** Paul Wrigglesworth      **Ward:** Franche

**Proposal:** Re-Application for lapsed planning permission for residential development, comprising a pair of semi detached houses with garaging facilities

**Site Address:** LAND BETWEEN, 51 & 59 BEECHFIELD DRIVE,  
 KIDDERMINSTER, DY115HL

**Applicant:** Billingham & Kite

<b>Summary of Policy</b>	H.2, H.6, D.1, D.3, D.10, D.11, NR.8, NR.9, TR.9, TR.17 (AWFDLP) PPS1, PPS3
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee Planning application represents departure from the Development Plan.
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The site measures approximately 600 square metres and is located on the western side of Beechfield Drive on the Marlpool Gardens residential estate. No. 51 Beechfield Drive is a semi-detached house with a two-storey extension on the side of the house adjacent to the application site. That property is the last two-storey house in Beechfield Drive when travelling in a northerly direction, the remainder of the properties in the cul-de-sac being bungalows. No. 59 on the other side of the application site is a semi-detached bungalow. There are semi-detached bungalows opposite and to the rear of the site is a detached house fronting Marlpool Lane.
- 1.2 The area is allocated for residential purposes in the Adopted Wyre Forest District Local Plan.

**2.0 Planning History**

- 2.1 06/0480/FULL - Erection of two detached houses with linked garages : Approved 22 June 2006.
- 2.2 10/0277/FULL - Erection of two detached houses linked by garages : Withdrawn 16 June 2010.

10/0364/FULL

### 3.0 Consultations and Representations

3.1 Highway Authority – No objection subject to conditions (verbal)

3.2 Severn Trent Water – No objection subject to condition and Note

3.3 Neighbour/Site Notice – Three letters of objection:

#### Letter 1

Strongly oppose these plans and would like to speak at Committee:

- *To build houses where the rest of the cul-de-sac are bungalows would not be in keeping with the existing properties;*
- *Being tall the buildings would be an intrusion of privacy;*
- *Houses would be family homes – resulting in 2 or more cars with only one car that can be accommodated on the drive which would mean one or more cars parked in the road and as the road is very narrow it would make it very difficult for emergency vehicles to get past.*

#### Letter 2

*Concerns about the development next door to our property:*

- *The blocking of natural light to the side of our bungalow;*
- *Both kitchen and front doors face this side and all we will see is a brick wall overlooking us;*
- *Our bathroom window is also on this side apart from making this room dark - windows in the proposed development would look into our bathroom, we feel this is an infringement on our privacy;*
- *We think that our view would be cut down when reversing out of our drive*
- *Both the garage and house would tower over us;*
- *As our road is all bungalows (which is the main reason for moving here) we feel this proposed development is out of character for this road.*

#### Letter 3

- *My elderly mother lives in cul de sac – built for elderly people who have mostly moved there to enjoy their retirement years;*
- *Two plots of land belonged to adjoining gardens from Marlpool Lane – when properties were built owners of these plots didn't wish to sell for building purposes – in recent years plots have been bought by builders and one plot further up the road has planning permission for bungalows. When my mother bought her bungalow the plot directly opposite was supposedly assigned for another set of semi- detached bungalows to complete the row.*



10/0364/FULL

*Now permission is sought for two detached four bedroom family homes. My mother is very distraught by this prospect as the road is quite narrow – she enjoys the peace and quiet in the neighbourhood and is afraid that the building proposed will be very high and will look down on her bungalow – also if they are family homes this will mean children playing out or the prospect of lots more traffic and parking congestion outside her home – already an issue with cars parked outside her bungalow from residents living in the house on the approach to the road – this makes it very difficult to reverse out of her drive;*

- *She feels as an elderly resident in the street that her opinion will count for nothing. She would very much like to see the plot of ground used for two semi detached bungalows as this would be in keeping with the rest of the road. She is very much opposed to the plans and would like you to take into account the views of the elderly residents who will be directly affected by the decision made – those living directly opposite the site;*
- *She has lived alone in her bungalow since my father passed away at the early age of 66 years. I feel very sad for a woman of 87 years to have the last years of her life disrupted and made unhappy because of the greed of builders who seem to push up houses on every bit of land regardless of residents who have lived there for many years.*

In addition to the neighbour representatives as set out above, further comments have also been received from the applicant's planning consultant which, for completeness, are set out as follows:

*The applicant invites the Council to the view that planning permission should be granted. This view is arrived at having regard to two considerations.*

*The first relates to the physical relationship with surrounding property. Planning permission has been granted previously for two storey development identical to the present application. There have been no changes in the nearby buildings either as they were, or, in the case of 51 Beechfield Road, as a result of planning permission which took full account of the previous planning permission for the site. Thus there are no material changes that need to be taken into account from this perspective, and it is well established that where renewal of a planning application is proposed where circumstances are unchanged a fresh permission should be issued.*

*The second issue relates to the force to be attached to Policy H2 of the Local Plan. When applied to the original application in 2006 the permission was granted as the site was then defined as previously developed land, and thus met the necessary criteria for permitting development under policy H2 at that time. Due to changes in Government policy, set out in changes to PPS 3 in June this year, the site no longer is classed as previously developed land.*

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*In considering the weight to be attached to Policy H2 it is considered that account needs to be taken of the fact that as originally conceived it served as a control mechanism to ensure that the housing allocations for the Council's area were not exceeded in accordance with the then applicable Regional Spatial Strategy. H2 related to housing targets for the period ending in 2011. The Regional Spatial Strategy has also very recently been abolished. In this context the control mechanism embodied within H2 has only a limited period to run, and there is no Regional policy to replace that which originally applied, and gave rise to, Policy H2.*

*In the absence of Regional Spatial Strategy the main policy document for dealing with housing land now is PPS3. Key points of this are to ensure provision of five years supply of housing land to meet local needs. These measure, from Government forecasts of new households, about 2000 dwellings over for the next five years. PPS 3 also requires efficient use of land in urban areas close to facilities which reduce dependence on public transport and reduce the need for greenfield development.*

*It is considered that the application now proposed 'ticks all the right boxes' in relation to PPS 3. The applicants are very anxious to press on rapidly with developing the site, which will very quickly assist in generating local employment. Completion is likely after expiry of the end date of land allocations in the Local Plan, which has an end date of April 2011. For this reason the view is invited that the proper test of the principle of housing development is conformity with PPS 3 rather than tests in H2 related to a soon to expire period of housing land allocations.*

*Having regard to the foregoing the Committee are invited to approve the application.*

#### **4.0 Officer Comments**

- 4.1 It is proposed to erect a pair of three bedroom semi-detached houses on a plot of land between a house and a bungalow. An attached garage incorporating a pitched roof is shown to be erected for each of the proposed dwellings. The submitted plans are identical to the plans approved by the Council on 22 June 2006 (Council reference 06/0480/FULL) but that permission has now expired.
- 4.2 When an application is submitted for renewal of permission the application should generally be approved unless there is a material change in planning policy or circumstances on the ground.
- 4.3 The application was approved under the same planning policies contained in the Adopted Wyre Forest District Local Plan that prevail today. In determining planning applications, no real weight is being given yet to the Core Strategy but there is in any event no significant shift in policy with regard to dealing with infill sites such as this.

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- 4.4 The main change since the previous application was approved relates to Government advice in that the definition of previously developed land now no longer includes gardens. At the time of the last application, it was noted in the Committee report that other than a landscaping strip of approximately 78 square metres the land formed part of the former rear garden of 78 Marlpool Lane and by implication it could be said to be previously developed land. With the change in definition the whole of the site now cannot be said to be previously developed land. However, at the last Committee Meeting (under reference number 10/0287) an application relating to a similar sized site in Beechfield Drive and submitted by the same applicant was granted planning permission as a minor departure from the Local Plan following consideration of the same issue relating to previously developed land. In the case of both sites when viewed on the ground they are obvious building plots representing fairly unsightly gaps in the otherwise built-up frontage and they do not in my view constitute the typical 'garden grabbing' scenario that the change in definition is primarily seeking to avoid.
- 4.5 The main changes in circumstances on the ground since the last application relates to the fact that an extension immediately adjacent to the site has been carried out at 51 Beechfield Drive. However, it should be noted that this extension was approved prior to the granting of planning permission for the pair of semi-detached houses; no breach of the 45 degree code arises since the existing side facing window is not the only window serving that habitable room and no objections have been received from that property. The other material changes in terms of the situation of the site involve the erection of a detached house at the rear fronting Marlpool Lane and the conversion of a garage at No. 59 Beechfield Drive into a utility room, neither of which are considered to be particularly significant.
- 4.6 Regarding the question raised by neighbours as to whether the site should be developed with bungalows rather than houses, there is no doubt that bungalows would sit comfortably on the site as there is a bungalow adjacent on the one side (the first of many) and bungalows opposite. However, there is no strong argument that dictates that the site should only be appropriate for bungalows since the pair of houses proposed will continue the row of houses on the one side of the site and the separation distance across the road from the dwellings to the existing bungalows is approximately 25.5 metres which is easily an acceptable distance. The relationship between the proposed houses and the bungalow adjacent is also considered to be acceptable in terms of neighbouring amenity as the side windows of that bungalow are either to non-habitable rooms or do not constitute principal windows and the visual juxtaposition would be similar to the relationship with the house on the other side of the site if bungalows had been proposed rather than houses.

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- 4.7 The design of the dwelling houses now proposed has already been accepted when permission was previously granted and the following extract from the report to Committee in 2006 (Application 06/0480) states:

“Policy D.3 of the Adopted Local Plan requires development proposals to clearly relate to the appearance and character of the surrounding townscape so as to complement the surrounding buildings and spaces. This is echoed in the Adopted Design Quality SPG, which says infill development should be designed to be sensitive and responsive to existing street patterns and characteristics of the surrounding area. The design of the dwellings has been amended so they reflect the character of the simple architecture that is present on this street and are considered to be acceptable and in accordance with Local Plan policy.”

- 4.8 The Highway Authority has been consulted and no objections are raised to the application subject to conditions. One of the conditions proposed would ensure that two car parking spaces are created for each dwelling at the front of the property (i.e. three car parking spaces each if the garage is counted). This would allay some of the fears of residents concerned about on street car parking.

## 5.0 Conclusions and Recommendations

- 5.1 This application constitutes an ‘in principle’ minor departure from the Local Plan because it is technically contrary to Policy H2 which requires residential development to be undertaken on previously developed land. However, and irrespective of the argument put forward by the applicant’s planning consultant (see above) this is an obvious building plot and there is a design imperative to complete the street scene in a satisfactory manner, which in my view outweighs the harm of non-compliance with Policy H2.
- 5.2 The application is recommended for **APPROVAL** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. B1 (Samples/details of materials)
  4. B13 (Level details)
  5. B11 (Details of enclosure)
  6. J9 (Open plan frontages)
  7. J7 (Windows: obscure glazing)
  8. Visibility splays
  9. F3 (Protection of noise sensitive development from existing noise)
  10. Vehicular access construction
  11. (Driveway gradient)
  12. Parking - 2 spaces in addition to garage
  13. Cycle parking
  14. Severn Trent Water

10/0364/FULL

Notes

- A SN12 (Neighbours' rights)
- B HN4 (No Laying of private apparatus)
- C HN5 (Alterations of highway to provide new or amend vehicle crossover).
- D Severn Trent Water

Reason for Approval

Notwithstanding the non-previously developed nature of the land it is considered that the design and layout of the dwellings would positively contribute to the character of the street scene to a degree that outweighs the harm that would be caused by lack of conformity to Policy H.2 (i). The impact of the proposed dwellings upon the neighbouring properties has been carefully assessed and it is considered that there will be no serious impact on their amenity. The scheme would not have an adverse impact in terms of highway safety and adequate car parking can be provided for each dwelling. For these reasons, the proposal is considered to be in accordance with the above policies of the Adopted Wyre Forest District Local Plan (2004).

PLANNING COMMITTEE

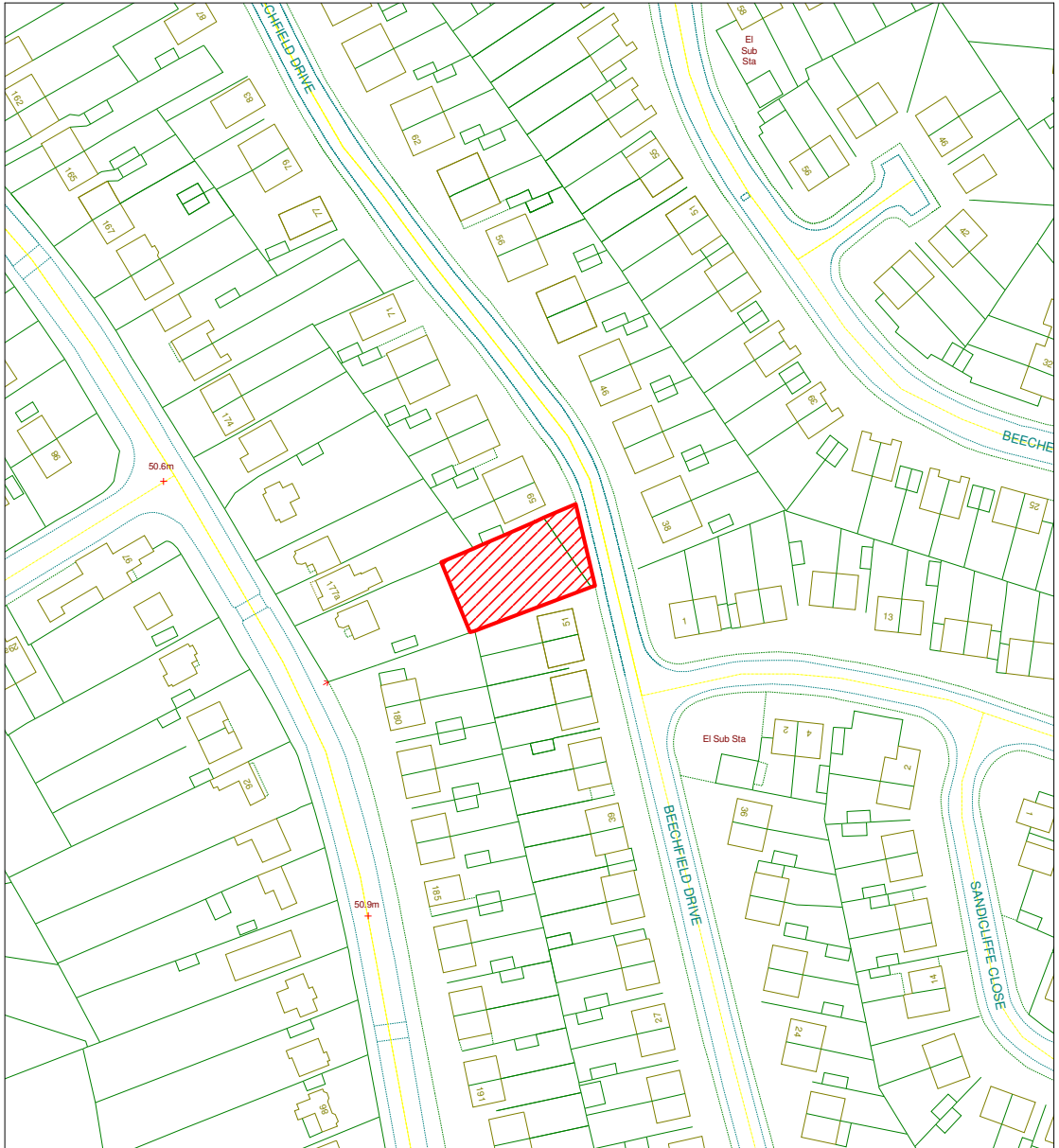
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Date:- 26 July 2010

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**Wyre Forest District Council**

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Land between 51 & 59**

**Beechfield Drive**

**Kidderminster DY11 5HL**

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



**Application Reference:** 10/0374/FULL & 10/0377/CAC      **Date Received:** 25/06/2010  
**Ord Sheet:** 378044 275045      **Expiry Date:** 20/08/2010  
**Case Officer:** Paul Round      **Ward:** Bewdley and Arley

**Proposal:** Demolition of single dwelling and a block of six garages;Erection of five dwellings and five parking spaces

**Site Address:** 18 WYRE HILL, BEWDLEY, DY122UE

**Applicant:** Mr M Shellie

<b>Summary of Policy</b>	H.2, D.1, D.3, D.4, D.10, D.11, NR.1, NR.8, NR.9, LB.1, LB.5, CA.1, CA.2, CA.5, AR.2, AR.3, TR.9, TR.17 (AWFDLP) CTC.17, CTC.19, CTC.20, D.5 (WCSP) Bewdley Conservation Area Character Appraisal Design Quality SPG PPS1, PPS3(2010), PPS5
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

- 1.1 No. 18 Wyre Hill is a detached property built between 1900-1920 situated on Wyre Hill to the east of Bewdley Town Centre. Within the site are six flat roof lock up garages that were approved in 1962 and 1964 that are set back from the front of the property. To the front of the garages is a grass verge containing 4 Birch trees that are protected by a Tree Preservation Order. Residential properties bound the site on all three sides, with the Old Town Hall a Grade II Listed Building to the east of the site. Within the boundary of the Old Town Hall is a Walnut tree that is also covered by a Tree Preservation Order.
- 1.2 The site is on the edge of Bewdley Conservation Area. 18 Wyre Hill, whilst in the Conservation Area, is not included within the Local List or included as an important building within the Bewdley Conservation Area Character Appraisal. The site is allocated for residential purposes within the Adopted Wyre Forest District Local Plan.
- 1.3 The proposal seeks for the demolition of the existing dwelling and lock up garages and construction of five terraced properties.

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## **2.0 Planning History**

- 2.1 BB.131/62 – Four lock up garages : Approved
- 2.2 BB.87/64 – Two lock up garages : Approved
- 2.3 08/904/TPO – Fell four Birch Trees : Approved
- 2.4 10/0040/FULL – Erection of five dwellings and garaging : Withdrawn
- 2.5 10/0041/CAC– Demolition of existing dwelling : Withdrawn

## **3.0 Consultations and Representations**

- 3.1 Bewdley Town Council – Views awaited
- 3.2 Highway Authority – No objections subject to conditions
- 3.3 Conservation Officer – In terms of the Conservation Area, this property sits near to the edge and, in its current appearance, helps to create a good boundary between the modern development to one side, and the historic element of Wyre Hill to the other. However, together with the modern bungalow to the south, it does present a difference to this end of the Conservation Area. To this end, I would consider that the building would be one of neutral impact on the Conservation Area, which is supported by the Conservation Area Appraisal, where the building is not noted as being of any interest or street-scape, relevant to the character and appearance of the Conservation Area.

With regards to the replacement proposals, I am of the view that these would sit well within the Conservation Area, and would present a harmonious end-stop to the Conservation Area, together with the Old Town Hall, and would sit well as neighbours to this property.

I therefore recommend approval on both applications with the following conditions:

- that both approvals are tied together, with no Conservation Area Consent granted until sufficient evidence that the proposed development will go ahead, usually given through evidence that a contract for the development has been let;
- all facing materials are approved, to include a 1m x 1m panel of brickwork, indicating the mortar colour, mix, strike, brick size and type, and also including roofing materials, rainwater goods,
- that 1:10 sections and profiles of all windows and external doors be submitted and approved;
- that details of the roof-lights be submitted, to include sizes;



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- that the position, style, type and material of all svps, flues and other associated external pipe-work be submitted and approved;

3.4 Worcestershire County Council Historic Environment and Archaeology Service – I have recently received the archaeological evaluation report for the above site and have the following comments to make.

While no significant medieval deposits were encountered, the discovery of a post medieval town rubbish pit has the potential to help illuminate our understanding of this often under represented period of the town's growth. Therefore as a condition of planning consent a programme of archaeological work aimed at further investigating the material within the dump will be required.

In this instance it is believed, *on current evidence*, that the site is not of such significance to warrant 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 Statement 5 – Planning for the Historic Environment Policy HE12.

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".

3.5 Bewdley Civic Society - The revised plans submitted to replace those included with the application are certainly a considerable improvement as they now show the car parking to the front and not the rear of the proposed new dwellings.

It is noted that the 3 three centre dwellings only show 1 car space each and that the second floor bedroom has been re-designated as a study and the description of the dwellings changed to 2 bedroom, presumably to permit the single car space per dwelling. As these dwellings have the same floor area there is surely a high likelihood that the study will in fact be used as a third bedroom and that occupiers will require two car spaces. On such narrow terraced properties it would be unfortunate if in the future the remaining part of the front gardens are lost to additional car parking and therefore conditions should be included to limit that possibility. Alternately, and it is the comment I made in regard to the earlier withdrawn application, that by reducing the number of dwellings to 4 and increasing the plot width would give much greater scope for achieving more attractive front gardens as well as accommodating car parking spaces.

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- 3.6 Arboricultural Officer – I have no objection to the above application as no trees with any amenity value will be lost as a result of the development.

The Silver Birch trees at the front of the property have already got permission for their removal, with the condition that 3 cherry trees are planted as replacements, which the proposed development is still adhering too.

- 3.7 Neighbour/Site Notice : 20 letters of objection have been received which raise the following issues -

- The design of the properties will not reflect the surrounding area
- Wyre Hill are important areas that need to be preserved and identified within the Character Appraisal
- Loss of building and re-development will not do anything for the conservation area.
- The loss of the building will remove an Edwardian Building that provides evidence of Bewdley's historical progression
- The property was built by Joseph Oakes a councillor and mayor of Bewdley who lived in the Old Town Hall.
- Too many properties on the site, overdevelopment
- There is no reason to demolish the property which is structurally sound.
- Additional surface water will add to flooding.
- Properties are 2½ stories high and do not reflect the surrounding two storey dwellings.
- Loss of privacy from rear windows, especially as properties in Park Lane are lower than the site.
- The development of back gardens is unacceptable, the scheme takes a substantial amount of existing garden; this is garden grabbing.
- Lack of parking for residents in Wyre Hill results in substantial on-street parking and congestion, additional houses will make this worse.

#### **4.0 Officer Comments**

- 4.1 This application for residential development requires sensitive consideration due to the historic nature of the site, falling to be determined on the principle of development and matters of detail.

- 4.2 In respect of the principle of development there are two distinct elements for consideration, i.e.

- that of the demolition of buildings in the Conservation Area and
- the normal consideration of use of residential land.

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#### DEMOLITION IN CONSERVATION AREAS

- 4.3 The demolition of buildings in Conservation Areas is controlled by statute ensuring that conservation area consent is obtained prior to the total demolition of any structure over a certain size.
- 4.4 Policy CA.2 of the adopted Local Plan sets out the key criteria for consideration of demolition in Conservation Area. The policy is replicated below:

*Proposals for the demolition of a building or structure in a Conservation Area will not be permitted unless it is clearly demonstrated that*

- i) it has no recognised interest in itself or by association, and no value to the character or appearance of the Conservation Area;*
- ii) its demolition or replacement would benefit the character or appearance of the Conservation Area; **and***
- iii) they include detailed and appropriate proposals for redevelopment, together with clear evidence such redevelopment will proceed; **or***
- iv) it is wholly beyond repair and they include detailed and appropriate proposals for redevelopment, together with clear evidence the redevelopment will proceed.*

- 4.5 Whilst a number of respondents have highlighted the importance of the building within the Conservation Area, it is clear that its importance has been considered previously by the Council's Consultants and Officers who in 2002 and 2008 did not include the building within the Conservation Area Appraisal as an "other building of interest" or deemed it worthy of inclusion on the local list. An historic buildings appraisal has been carried out on behalf of the applicants that concludes "that the building was certainly of early 20th century date and has been substantially altered internally during the course of the same century. Two of its original sash windows may survive, although even these are likely to be replacements. There are no surviving internal features that would have made further recording of the building worthwhile. The building was clearly associated with a prosperous, early 20th century Bewdley man. However, it is not believed that this alone makes it worthy of preservation or further recording." In addition it should be noted that the Conservation Officer and Bewdley Civic Society have not raised objections to the demolition of the building or provided evidence of its importance. Members are advised that evidence has been submitted supporting the claim that the house was built for Joseph Oakes, a former mayor of Bewdley and resident of the Old Town Hall in 1903. However, this is not considered by the Conservation Officer to add weight to its retention. Notwithstanding this evidence, the Conservation Officer evaluates the building has having a neutral impact, and is not worthy of retention.

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- 4.6 In respect of the demolition of the garages, these were built in the 1960's and have no value to the Conservation Area. In fact they could be regarded as having a negative impact on the visual appearance of the Conservation Area. No interested parties have raised objection to the removal of the garages on heritage grounds.
- 4.7 PPS5 – Planning for the Historic Environment (2010) endorses a proportional approach to the evidential base dependent on the importance of the heritage assets. It is considered that the applicants have provided sufficient evidence to support the application in line with these guidelines. When taking account of the evidence available and considering the site as a whole, it is Officers' opinion that the site is of no significant importance as to warrant preservation in its current state. Further, it is considered that the opportunity to provide an improved street frontage is one that will provide a positive enhancement to the visual appearance of the Conservation Area in this location. The details of the redevelopment proposals will be discussed later in the report.
- 4.8 I am satisfied that in respect of the considerations of criteria i), ii) and iii) of Policy CA.2 that demolition of the structures can be allowed provided that appropriate re-development scheme is submitted. As such the principle of development of this site in the Conservation Area is acceptable.

#### DEVELOPING ON RESIDENTIAL LAND

- 4.9 Members will be aware of the Adopted Wyre Forest District Local Plan Policy H.2 which requires all residential development to be constructed on previously developed land. They will also be aware of the Government's recent changes to PPS3 to restrict 'garden grabbing' allowing Local Authorities to decide for themselves the best locations and types of development in their area. The re-classification of garden land as being non-previously developed land is a material consideration when determining planning applications. The definition in PPS3 is clear that previously developed land "*...is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure*", but excludes, in respect of this case, "*...land in built-up areas such as private residential gardens,...which, although it may feature paths...and other buildings, has not been previously developed.*"
- 4.10 The site has two distinct areas, i.e. the property and associated garden area and the lock up garages and associated forecourt. On the basis of the definition set out above, the garages and forecourt which are separate to the domestic curtilage fall within the definition of previously developed land. In respect of the dwelling, whilst the site of the house would fall within the definition, the garden areas do not. As such the totality of the site provides an area of previously developed land that has the potential to be developed.

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4.11 The proposal demonstrates that the proposed footprint of the new dwellings will be situated on the identified previously developed areas. It should be noted that a small proportion of the footprint of plot 4 falls within the gap between the garages and the dwelling and plot 5 extends beyond the rear footprint of the principal part of No.18, however these are considered to be minor deviations. Taking the site as a whole and taking account of the proposed footprint, Officers are satisfied that the proposal is acceptable in principle having taken account of Policy H.2 and advice in PPS3.

4.12 Having regard to the details of the proposal, consideration falls under the following headings:

- Design of dwellings
- Streetscene and visual appearance
- Impact on Listed Building
- Impact on neighbouring properties
- Highway and parking
- Trees
- Other issues

#### DESIGN AND LAYOUT OF DWELLINGS

4.13 The design of the properties is important as it bridges the gap between the modern bungalow at No.17 and the Listed Old Town Hall. Care has been given to provide a solution that prides modern development in a way that does not detract from the surrounding area.

4.14 The buildings layout is staggered which ensures the end properties are set back from the existing adjacent dwellings. The design of the properties takes architectural features from the surrounding area to influence the overall design solution. The proposed design has positively responded to the requirements of this site and has been provided in a way that Officers consider enhances the site and the area. The design is supported by the Conservation Officer and Bewdley Civic Society.

4.15 The dwellings are provided with ample rear gardens, the shortest being 24m in length. Parking is provided to the front in conjunction with a hard and soft landscaping scheme.

#### STREETSCENE AND VISUAL APPEARANCE

4.16 The staggered layout of the dwellings results in a smooth transition within the streetscene. It is evident that by setting plot 5 further back than the existing dwelling at No.18 that the Listed Building at the Old Town Hall will become more prominent than is at present. It is also provides enhancement through the removal of existing flat roof garages. Parking is provided to the front, an approach that is found elsewhere within the immediate vicinity. The resulting development is considered to provide a positive enhancement to the site and to the Conservation Area as a whole.

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#### IMPACT ON LISTED BUILDING

- 4.17 Advice has been taken from the Conservation Officer in respect of the impact upon the adjacent Listed Building. The resulting relationship is not considered to be unacceptable. This is borne out by the development proposals, that position plot 5 on the same line as the existing property and being of a lesser height. On the basis that the development is not any nearer to the Listed Building and that is not as deep I would concur with the Conservation Officer that the proposal will not result adverse harm to the listed building.

#### IMPACT ON NEIGHBOURING PROPERTIES

- 4.18 The properties that need to be considered most carefully is that of 17 Wyre Hill and the Old Town Hall. Properties in Park Lane are not considered to be affected due to the length of back gardens. Properties in Wyre Hill and Forest Close will be unaffected due the separation distances and orientation.
- 4.19 In respect of No. 19 Plot 1 is set approximately 3.2m (at the midpoint) away from the boundary. It is set back from the front of No.17 by approximately 2m and projects past the rear by the same amount. From the positioning of the dwelling it is clear that limited impact will occur from any loss of light to habitable rooms or the garden area of this property.
- 4.20 The Old Town Hall is a residential property that involves a bed and breakfast business. As stated above the proposed plot 5 will be positioned in the same line as the existing property, although set further back. The gable of the Old Town Hall is blank apart from one small bathroom window. To the side boundary a substantial outbuilding exists. Although the access will be more intensively used, only a driveway exists to the side of the building which replicates the current situation. There will be additional noise, but this is not considered to adversely impact on amenity.
- 4.21 It is concluded that neighbouring amenity will not be affected by this proposal.

#### HIGHWAY AND PARKING

- 4.22 The access to serve the units will utilise the existing access providing parking via a shared parking area. Parking spaces are provided a ratio of 1 space for the two bed properties and 2 spaces for the three bedroom properties providing a total of 7 spaces for the development. Sufficient depth is provided to enable the parking spaces to be landscaped to the front. The Highway Authority is satisfied that the access, parking and turning facilities shown are acceptable. Concern has been raised over the congestion of on-street parking within Wyre Hill. Whilst there is a great deal of sympathy with this situation, the proposed development provides sufficient parking in accordance with the adopted standards.

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#### TREES

- 4.23 It will be noted that the four Birch trees that are protected by a Tree Preservation Order are shown to be removed. The trees have been inappropriately pruned in the past which has resulted in poor crown structures and significant decay. Consent was given in December 2008 to remove the trees and replace with three Wild Cherry trees (*prunus avium*). The proposed landscaping scheme allows for the replacement trees in accordance with the consent. The adjacent Walnut tree which is also protected will not be affected by the proposal. On this basis the Arboricultural Officer is satisfied with the proposal.

#### OTHER ISSUES

- 4.24 The site has been the subject of an Archaeological survey which concludes "... that no medieval remains survive at 18 Wyre Hill, due probably to truncation of the site. However, the site's reuse as a rubbish dump for the 18th and 19th century town gives it potential for throwing light on this period of Bewdley's history. There may also be the chance of recovering some industrial remains as a piece of kiln furniture was also found". On the basis of this evaluation the County Archaeologist has accepted that the site is not worthy of preservation but requests that conditions are placed on any permission to further monitor the site.
- 4.25 Issues of surface water and drainage are matters that can be dealt with by way of conditions.

### 5.0 Conclusions and Recommendations

- 5.1 Whilst the site is adjacent to a Grade II Listed Building and situated within Bewdley Conservation Area it is considered that demolition and re-development of this site will not adversely affect the character or appearance of these heritage assets and will provide a positive enhancement to visual amenities of the surrounding area. The proposed properties will be situated on land that is considered to be previously developed and are of a design that reflects the local vernacular and is acceptable in the context of this historic area. Neighbouring properties will not be adversely affected by the proposals due to their positioning and the separation distances involved. Access and parking provision is provided within the curtilage of the site in accordance with adopted standards.
- 5.2 It is therefore recommended that application **10/0374/FULL** be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. B1 (Samples/details of materials)
  4. B2 (Sample brick panel)
  5. B8 (Mortar details)
  6. B9 (Details of windows and doors)

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7. B10 (Window details)
8. B11 (Details of enclosure)
9. Finished Floor Levels as approved plan
10. C3 (Tree protection during construction)
11. C8 (Landscape implementation)
12. C14 (Landscape maintenance) for 10 years
13. E2 (Foul and surface water)
14. E3 (Soakaway test)
15. F5 (Construction of noise attenuation)
16. Details of protection of Listed Building during demolition and construction work
17. Access closure – use of site - vehicular
18. J1 (Removal of permitted development rights)
19. J8 (No further windows) Plots 1, 4 and 5
20. J9 (Open plan frontages)
21. G10 (Contract for redevelopment required)
22. No demolition 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.

Notes

- A SN12 (Neighbours' rights)
- B SN1 (Removal of permitted development rights)
- C SN13 (Landscaping/planting works)
- D HN5 (Alteration of highway to provide new or amend vehicle crossover)

5.3 It is therefore also recommended that application **10/0377/CAC** be **APPROVED** subject to the following conditions:

1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved plans)
3. No demolition until programme of implementation of 10/0374/FULL has been approved
4. Contract for redevelopment required)
5. Demolition of property only in conjunction with development approved under reference 10/0374/FULL
6. No demolition 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 Local Planning Authority.



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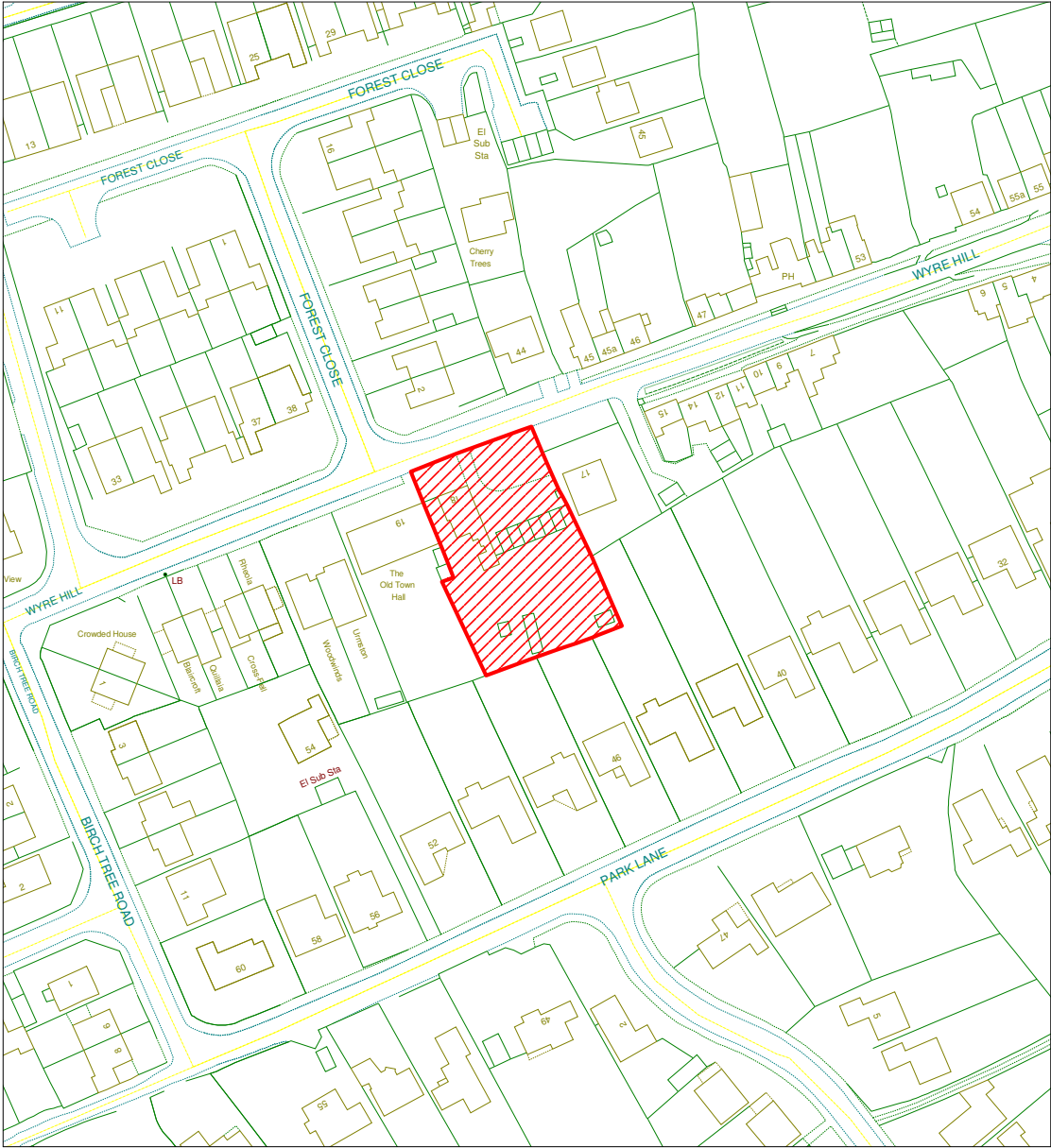
Reason for Approval

Whilst the site is adjacent to a Grade II Listed Building and situated within Bewdley Conservation Area, it is felt that demolition and re-development of this site will not adversely affect the character or appearance of these heritage assets and will provide a positive enhancement to visual amenities of the surrounding area. The proposed properties will be situated on land that is considered to be previously developed and are of a design that reflects the local vernacular and is acceptable in the context of this historic area. Neighbouring properties will not be adversely affected by the proposals due to their positioning and the separation distances involved. Access and parking provision is provided within the curtilage of the site in accordance with adopted standards. The proposals are thus in accordance with the policies listed above.

PLANNING COMMITTEE

10/0374 & 10/0377

Date:- 26 July 2010 OS sheet:- SO7875SW Scale:- 1:1250  
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**Wyre Forest District Council**

PLANNING AND REGULATORY SERVICES DIRECTORATE

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DY12 2UE**

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



<b>Application Reference:</b>	10/9016/NMA	<b>Date Received:</b>	28/06/2010
<b>Ord Sheet:</b>	381403 275851	<b>Expiry Date:</b>	26/07/2010
<b>Case Officer:</b>	Paul Round	<b>Ward:</b>	Sutton Park

**Proposal:** Change in size, position and appearance of dwelling; and change to layout of parking areas

**Site Address:** LAND TO REAR OF, 134 SUTTON PARK ROAD,  
KIDDERMINSTER, DY116JQ  
NOW KNOWN AS 77A GREATFIELD ROAD

**Applicant:** N & A Developments Ltd

<b>Summary of Policy</b>	H2, D1, D3, D4, D10, D13, TR9, TR17, NR1 (AWFDLP) D3, D11, T1 (WCSP) Design Quality SPG PPS1, PPS3
<b>Reason for Referral to Committee</b>	Development Manager considers that application should be considered by Committee Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 This application relates to a newly built property now known as 77A Greatfield Road, created through the use of a rear portion of garden land from 134 Sutton Park Road.
- 1.2 The property is a detached bungalow position at the head of the cul-de-sac at the west end of Greatfield Road. The property has been fully completed and is now occupied.
- 1.3 The application seeks for amendments to the approved scheme in order to regularise the 'as built' situation.

**2.0 Planning History**

- 2.1 WF/0584/93 – Four dwellings : Refused
- 2.2 06/0404/FULL – Detached dormer bungalow : Withdrawn
- 2.1 06/0795/FULL – Detached House : Refused
- 2.2 06/1279/FULL – Detached Bungalow : Approved

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### 3.0 Consultations and Representations

- 3.1 Neighbours : 1 letter received - Our initial objections were about parking, congestion and safety. These concerns still stand as they were never addressed and the builder disregarded the proposed plans and built the property simply how he wanted to. The tandem parking space was abandoned in favour of building the bungalow bigger than agreed and creating parking all across the front of the building. It is very upsetting and distressing to the residents to see the builder's total lack of regard for our views and feelings. We find it very arrogant to ignore the plans, build however he liked and then apply to keep these changes. Surely plans and regulations are there to be adhered to and not ignored at the builder's whim?

One letter of received from Hillcrest Residents Association setting out the history of the site and wishing to ensure that all conditions have been met.

### 4.0 Officer Comments

- 4.1 Some Members will recall consideration of this application back in February 2007, when planning permission was granted for a detached bungalow on the site.
- 4.2 The building works have now been completed and the dwelling is now occupied. Officers were made aware during the construction works of apparent discrepancies between the approved plan and what was built on site. This application, although belatedly, seeks to regularise the changes through the non-material amendments procedure introduced by the Government.
- 4.3 The changes relate to the size of bungalow, its position, external appearance and parking areas. Each of these aspects is dealt with in turn.
- 4.4 For ease in comparing the size of the bungalow against what was approved the following table has been produced.

	Size of Approval	Size as Built	% increase
Side Elevations	13m	13.4m	+3%
Front & Rear Elevations	8.6m	8.95m	+4%
Front & Rear Projecting Gables	4m	4.2m	+5%

All dimensions given are approximate

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- 4.5 It is clear to see that an increase in the size of the property has occurred on a average of about 4% over and above the original approval. Whilst this is not ideal on a tight site, the impact of this change is considered to be negligible in terms of the visual amenities of the surrounding area. The changes have impacted on the positioning of the dwelling in respect of distances to boundaries which is discussed in more detail below. Based on the visual aspects of the increase in size the amendments are considered acceptable.
- 4.6 In respect of positioning, the following table has been produced to aid consideration of this point.

	Approval	As Built	% increase/ decrease
Distance to Rear Fence (from rear Gable)	6.5m	5.6m	-10%
Distance to front of site (from kitchen window)	6.4m	6.9m	+7%
Distance to boundary with 135 Sutton Park Road	1m	0.9m	-10%
Distance to boundary with 133 Sutton Park Road	2.5m	2.3m (The application under consideration shows this as being altered to 2.5m )	-8%

All dimensions given are approximate

- 4.7 The re-positioning of the bungalow has resulted in a reduced depth of garden albeit still within the typical garden provision for this type of property, and increased front garden depth. These changes have minimal impact on the way the property sits within the streetscene.
- 4.8 It will also be noted that the dwelling has been sited 10cm closer to the boundary with 135 Sutton Park Road, again whilst this is unfortunate it would be impossible to argue that this change has caused significant harm to the neighbouring properties rear garden over and above the previously approved layout.
- 4.9 In respect of the boundary with 133 Sutton Park Road, the distance to the boundary had been reduced. This reduction has occurred due to the erection of a new boundary fence within the application site reducing the width of site, and making it impossible to park vehicles in the allocated space. As a result of discussions with the Applicant, this application shows the removal of a 10m portion of this fence to allow a width of 2.5m be achieved and provide parking facilities for two vehicles as was originally intended. The Applicant's advice that these works will be carried before this matter is considered by Members.

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- 4.10 On the basis of the points raise above in respect of the positioning of the dwelling, providing the changes as noted above have occurred it is considered the alterations are not harmful enough to warrant resistance.
- 4.11 For clarity and completeness, Members are also advised that external changes have also taken place and are listed below:
- Removal of chimney
  - Removal of header details to windows and doors
  - Removal of timber boarding to north side elevation
  - Alteration to decked area to front (due to line of diverted sewer)
  - Increase in hardstanding area to front
  - Movement of side gate/fence closer to front elevation.
- 4.12 These changes are considered to be relatively minor in the scope of the application and do not diminish from the originally approved design. The movement of the side gate still allows sufficient length to enable the requisite number of cars to be provided within the site.
- 4.13 Officers have a great deal of sympathy with the neighbours of this site as what they saw approved did not reach fruition. The perception of the builder as flouting the planning system is evident in the comments presented. However, the changes have to be assessed on their merits and as discussed above Officers consider that they do not alter the acceptability of the scheme in planning terms. The concerns originally expressed were considered by the original application and do not form part of the consideration of this application.
- 4.14 In respect of conditions originally imposed, the following works have been achieved:
- Level access provided to the rear
  - Driveway provided to the side
  - Footway and dropped kerb provided to front
  - Sewer diverted and approved by Severn Trent Water Ltd.
- 4.15 Subject to the driveway width being 2.5m, all conditions have now been satisfactorily met.

## **5.0 Conclusions and Recommendations**

- 5.1 The property as built does differ from that as originally approved but not to a significant scale and do not result in harm that would have resulted in the original application being recommended for refusal. The changes are considered to acceptable under the non-material amendments regime.

10/9016/NMA

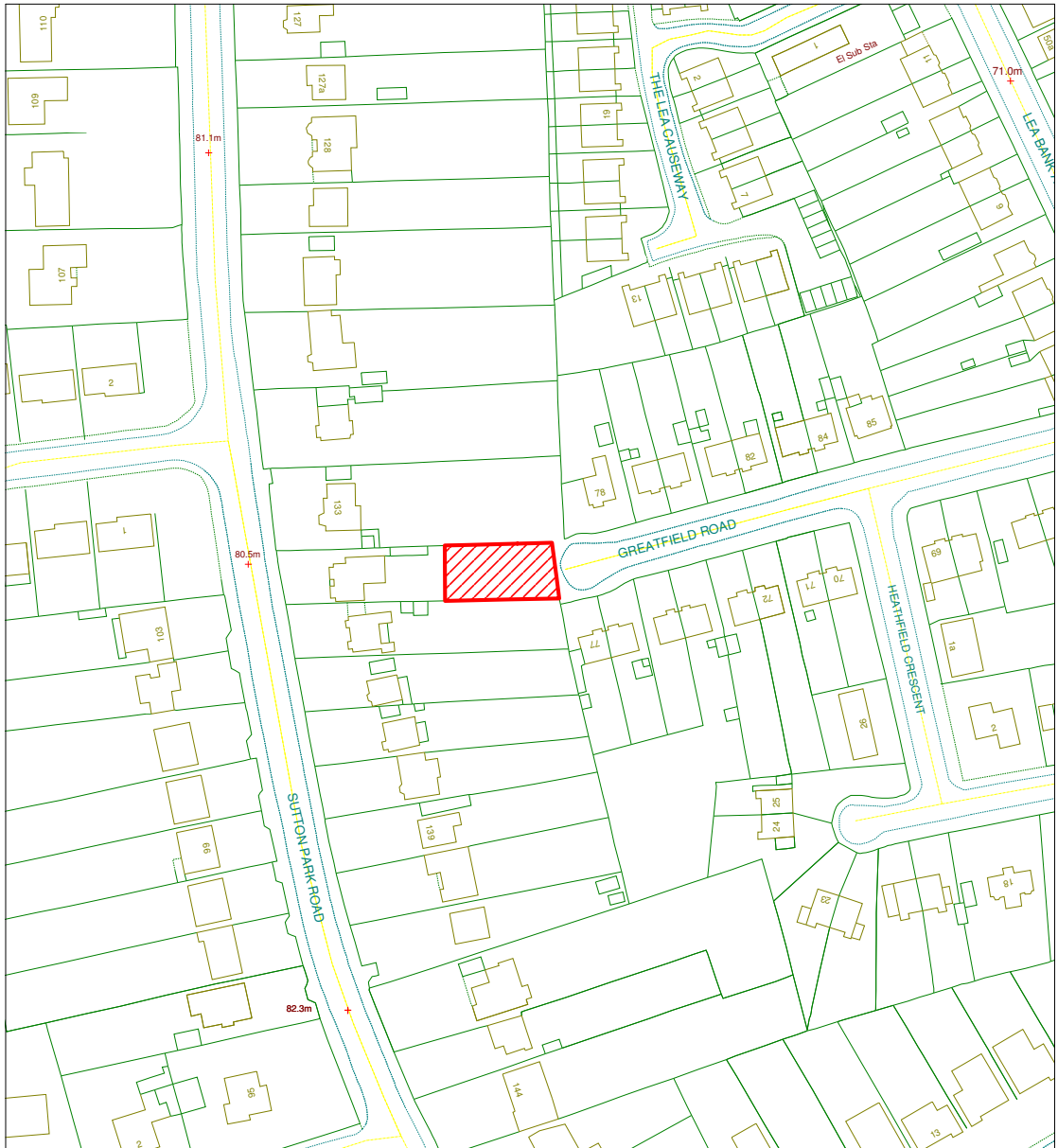
- 5.2 It is therefore recommend that **APPROVAL** be given to the amendments and that they can be considered as non-material amendments to planning permission 06/1279/FULL. The conditions of the original approval will still apply.

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**Wyre Forest District Council**

PLANNING AND REGULATORY SERVICES DIRECTORATE

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WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**10<sup>TH</sup> AUGUST 2010**

**PART B**

<b>Application Reference:</b>	10/0311/FULL	<b>Date Received:</b>	27/05/2010
<b>Ord Sheet:</b>	380541 271554	<b>Expiry Date:</b>	22/07/2010
<b>Case Officer:</b>	Stuart Allum	<b>Ward:</b>	Mitton

**Proposal:** Two storey extensions and modernisation to 5 Hafren Way, to replace poor quality single storey additions. Detached garage to front of house following removal of existing garage

**Site Address:** 5 HAFREN WAY, STOURPORT-ON-SEVERN, DY138SJ

**Applicant:** Mr Paul Mitchell

<b>Summary of Policy</b>	D.1, D.3, D.17, GB.6, LA.1, LA.2, LA.3, TR.9, TR.17 (AWFDLP) Design Quality SPG PPS1
<b>Reason for Referral to Committee</b>	Development Manager considers that application should be considered by Committee
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 No. 5 Hafren Way is a detached dwelling located within a residentially allocated area to the west of Stourport on Severn town centre.
- 1.2 The dwelling is set well back from Hafren Way, an unadopted highway, and forms part of a low density residential development of detached dwellings which bound the Green Belt and the Landscape Protection Area to the rear within the Severn Valley.
- 1.3 In terms of volume, the building appears to be in substantially original condition. The only previous extensions on record are ground floor extensions to the kitchen/lounge, and a car port.

**2.0 Planning History**

- 2.1 SU.234/70 – Proposed car port
- 2.2 SU.144/73 – Extension to kitchen and lounge

10/0311/FULL

### **3.0 Consultations and Representations**

- 3.1 Stourport-on-Severn Town Council – No objections to the proposal and recommend approval.
- 3.2 Highway Authority – No objections
- 3.3 Neighbour/Site Notice – No representations received

### **4.0 Officer Comments**

- 4.1 Policy D.17 of the Adopted Wyre Forest District Local Plan makes it clear that proposals involving the extension or alteration to an existing residential property, including curtilage buildings and previous extensions must:-
  - i) be in scale and in keeping with the form, materials, architectural characteristics and detailing of the original building;
  - ii) be subservient to and no overwhelm the original building, which should retain its visual dominance
  - iii) harmonise with the existing landscape or townscape and not create incongruous features, and;
  - iv) not have a serious adverse effect on the amenity of neighbouring residents or occupiers.
- 4.2 In this case, the form and design of the two storey side extension, particularly when viewed from the front, would be unable to meet the strict criteria of paragraphs i) and ii) of Policy D.17.
- 4.3 This situation is exacerbated by a proposed prominent central projecting gable feature on the front elevation which precludes the possibility of the original building retaining its visual dominance.
- 4.4 Whilst being strictly contrary to Policy D.17, there may be occasions when the individual circumstances and setting of an extensions proposal might outweigh the policy harm.
- 4.5 The scheme has been designed to subsume some existing ground floor flat roofed extensions, which is a benefit and provides a symmetrical appearance rather than the existing fragmented look of the dwelling when viewed from Hafren Way would be replaced by a well balanced and much more aesthetically pleasing front elevation.

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- 4.6 The dwelling is also set within a group of individually designed detached properties, which would not be adversely affected by any 'terracing effect' which might be the case in more visually constrained residential environments. Neither the visual amenity of the Green Belt or the quality of the Landscape Protection Area within the Severn Valley would be compromised by the proposal.
- 4.7 Also, the creation of a detached double garage, to replace the existing attached structure, is appropriate to the residential surroundings. This part of the development would result in the loss of one small fruit tree which has no public amenity value.
- 4.8 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 proposal in that context. No potential breach has been identified, a response which also applies to the relevant planning policy due to the material circumstances particular to this case.

## 5.0 Conclusions and Recommendations

- 5.1 This proposal is presented in a form which is capable of being determined contrary to the adopted policy and other guidance.
- 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. B6 (External details – approved plan)

### Reason for Approval

The proposed extensions and detached garage are considered to be of such scale and design that they would complement the residential setting, a situation which outweighs their visual dominance in relation to the original building. The impact of the extensions and detached garage on neighbouring properties has been carefully assessed and it is considered that no undue loss of amenity or privacy would occur as a result of the development. Accordingly, the proposal is considered to represent a justifiable variation from the policies listed above.

**Application Reference:** 10/0321/OUTL      **Date Received:** 03/06/2010  
**Ord Sheet:** 380349 272308      **Expiry Date:** 02/09/2010  
**Case Officer:** Paul Round      **Ward:** Lickhill

**Proposal:** Outline Application for Residential Development of up to 150 dwellings (Following demolition of existing buildings). Formation of new road access with associated highway, infrastructure and landscaping works. (Extension of time limit for implementation of previously approved application 07/0469/OUTL)

**Site Address:** MORGANITE ADVANCED CERAMICS, BEWDLEY ROAD, STOURPORT-ON-SEVERN, DY138QR

**Applicant:** MORGANITE ADVANCED CERAMICS

<b>Summary of Policy</b>	H2, H4, H5, H10, E1, E2, D1, D3, D4, D6, D7, D9, D10, D11, D13, D16, D19, NR2, NR7, NR10, NR11, TR9, TR17, TR18, NC5, NC6, NC7, LR2, LR3, CY4, (AWDFLP) SD2, SD3, SD4, SD5, SD6, SD7, CTC5, D3-D11, D19, D23, T1 (WCSP) PPS1, PPS3, PPS4, PPS9
<b>Reason for Referral to Committee</b>	'Major' planning application Departure from Development Plan
<b>Recommendation</b>	<b>DELEGATED APPROVAL subject to Section 106 Agreement</b>

## 1.0 Site Location and Description

- 1.1 This application relates to part of an industrial site currently occupied by Morgan Advanced Ceramics Limited which is located on the southern side of Bewdley Road, opposite the junction with Burlish Close in Stourport on Severn. To the north west of the site is the former Collins & Aikman site which has been let to a recycling company. Residential properties are located on the opposite side of Bewdley Road and to the east. There are also residential properties on Lower Lickhill Road which are located at a lower level than the application site.
- 1.2 This application relates to an area of land, 3.4 hectares in size which fronts the highway. It also includes some land where there are currently existing buildings used in connection with Morgan Advanced Ceramics (MAC).
- 1.3 There are a number of mature trees mainly within the frontage of the site, however they are not the subject of a Tree Preservation Order. There is also a hedgerow along the roadside boundary.

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- 1.4 The site is within an area identified in the adopted Local Plan for Employment Use. This land allocation also includes the adjoining former Collins & Aikman premises. The existing playing fields which are outside the application site, are owned by the applicant and are within an area identified as Urban Open Space (Playing Fields) in the Local Plan.
- 1.5 The proposal is for the renewal of an outline permission for the erection of up to 150 dwellings together with the associated highway and landscaping works. The proposal also includes the creation of a new single access off Bewdley Road to replace the existing access arrangements into the site. The only detail to be considered at this stage is access. Details of appearance, layout, scale and landscaping are all reserved for future consideration. Consideration is to be given for varying the imposed conditions in respect of noise.
- 1.6 An Environmental Impact Assessment screening opinion was sought in June 2010, where the Local Planning Authority confirmed that whilst the development fell within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999, an Environmental Impact Assessment was not required.

## **2.0 Planning History**

- 2.1 There have been numerous applications relating to alterations to the existing complex of factory buildings. The most recent was granted in 2004: WF 143/04 - Full: New industrial building for Use Class B2 uses and additional parking : Approved
- 2.2 07/0469/OUTL - Outline application for residential development of up to 150 dwellings (following demolition of existing buildings), formation of new road access with associated highway, infrastructure and landscaping works : Approved: (Reserved Matters to be submitted by 9<sup>th</sup> October 2010)
- 2.3 07/0522/FULL - Demolition of part existing factory, erection of storage building, reclad north eastern elevation together with minor alterations to internal road layout : Approved

## **3.0 Consultations and Representations**

- 3.1 Stourport-on-Severn Town Council – Views awaited
- 3.2 Highway Authority – No objection subject to conditions and highway contribution of £98,000 towards traffic light improvements
- 3.3 Environment Agency – No objections. Would wish to replicate condition imposed previously
- 3.4 Severn Trent Water – No objections subject to conditions

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- 3.5 Worcestershire Wildlife Trust – No objections
- 3.6 Crime Risk Advisor – Detailed comments about layout
- 3.7 Neighbour/Site Notice : 3 letters of objection received raising the following issues -

This proposal given the current trends to family and vehicle ownership approximates to another 300 or 400 residents and about 300 vehicles using the current entrance to Morganite. This leads directly onto Bewdley Road. The traffic lights at Burlish Crossing and at the end of Bewdley Road (meeting the Kidderminster Road) are already at breaking point. I foresee that this will lead to even longer delays for people crossing both of those junctions. The town is virtually gridlocked at peak times now. Further residential proposals can only exacerbate the problems and on these grounds I object to this proposal. The proposals currently under review within the town (Basin, TESCO development, Steatite and Morganite) could if all go ahead produce another two thousand people and cars in the area. It's about time that some consideration is given to the current problems within the town rather than adding to the misery of those that endure it now.

I would like to object to this application on the grounds that the local roads infrastructure is not adequate to support any major development such as this. I currently have to spend at least 20-30 minutes every evening driving into Stourport - this application has the potential of adding 150-300 extra cars onto the local roads.

After living behind the applicant for two years, the air pollution makes me and my wife unsure that they are working for the best interests of the community and wildlife. I will be requesting an enquiry in to the fumes/pollution we regularly breathe in from the site (every week minimum).

#### **4.0 Officer Comments**

- 4.1 The application seeks to renew the extant permission given in 2007. At that time despite the industrially allocated nature of the site great weight was given to the business case and economic re-development of the manufacturing element of the site. The need for the development in respect of the business case remains the same. The outline planning permission is extant and this application seeks permission for a further three years in which to submit reserved matters permissions.
- 4.2 It falls to consider whether circumstances have changed since the grant of planning permission in 2007.

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#### PLANNING POLICY

- 4.3 Since 2007 there have been changes in the policy framework, as some Local Structure Plan policies have been lost, the Regional Spatial Strategy has been removed, revisions have taken place to PPS3 in respect of the definition of previously developed land and minimum densities and PPS4 published dealing with economic development. These changes have not changed the main principles for the accepting this proposal, in fact the publication of PPS4 – Planning for Sustainable Economic Growth, could be viewed to strengthen the Applicant's case. This site has also been taken into account as part of the Council's submission on the core strategy.

#### STATUTORY CONSULTEES

- 4.4 The application has been re-considered by all statutory consultees who do not raise any new issues and have in the main replicated recommended conditions in line with the 2007 consent. As such I am satisfied that in respect of ground contamination, highways, drainage and sewage that the proposed development continues to be acceptable.

#### NOISE

- 4.5 One of the key considerations on the previous application was that of the acceptability of residential development in close proximity to a manufacturing site that creates a substantial degree of noise. It was concluded previously that mitigation measures could be provided within the retained Morgan site and a unilateral undertaking was entered into to ensure that such works would be carried out.
- 4.6 Conditions were also placed on the outline planning permission in respect of noise, these are replicated below:

- (5) The plans and particulars of the reserved matters shall show apartment blocks running parallel with the boundary to the Morgan Advanced Ceramics Limited retained factory site with no habitable room windows facing the retained factory, known as Morgan Advanced Ceramics Limited.
- (7) Notwithstanding the details shown in the Acoustic Report by Environ UK Limited (dated April 2007), prior to the submission of any reserved matters application pursuant to this outline permission, a Noise Management Strategy Report shall be submitted to and approved in writing by the Local Planning Authority.

The Noise Management Strategy Report shall include Noise Contours taking into account the existing noise climate and shall include:

- a) Noise Contours following completion of specific noise mitigation measures being implemented on plant and machinery used in connection with the activities at the retained adjoining factory unit, namely Morgan Ceramics Limited.

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The Noise Management Strategy Report shall also identify a scheme of noise mitigation measures considered necessary for the adjoining factory unit (Morgan Ceramics Limited) and any internal or external measures to be incorporated into the residential layout of the development hereby permitted in order to meet the World Health organisation community noise recommendations. Those identified measures shall be provided in accordance with the approved details, prior to any of the residential units hereby permitted being occupied and shall thereafter be retained.

- 4.7 As part of the application the Applicant has requested that condition 5 be varied so that the site is not encumbered with apartments thereby leaving the market to decide the types of dwellings The Applicant has re-assessed the noise generation of the site and commission a further noise report to justify the renewal application and the changes to the condition 5, acknowledging that a single aspect barrier of dwellings still needs to be provided. The Principal Pollution Control Officer has assessed the noise report and whilst not in total agreement with some of the conclusions is satisfied that subject to conditions being imposed in order to mitigate noise levels on the retained Morgan site to ensure that the World Health Organisation guidelines on noise can be met that there is no reason why the outline planning permission cannot be renewed. It is therefore recommend that the condition is varied removing the reference to “apartment block” and replacing with “row of dwellings”. This approach will also be taken into account with other conditions where apartments are specifically referred to. The other conditions remain unaltered.

**SECTION 106 AGREEMENT AND UNILATERAL UNDERTAKING**

- 4.8 The original outline planning permission included a requirement to enter into a S.106 and Unilateral Undertaking. The Applicant has agreed to again enter into these agreements the details of which are set out below:

<u>S106 Requirement</u>	<u>Offered Provision</u>	<u>Required by SPD</u>
<b>Affordable Housing</b>	(30%) to be provided on site 60 rented, 40% shared ownership Size of affordable units: 60% 2 beds 30% 3 beds 10% 4 beds	✓
<b>Open Space / Children’s Play Space</b>	Off site contribution to be used towards Memorial Park and strategic play/open space in Stourport on Severn (to be split 50:50 with Wyre Forest and Town Council) £103,000 – equivalent of NEAP, or £61,800 – equivalent of LEAP (depending on final child bed spaces) Landscaping and amenity space within site to be provided and maintained	✓



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<b>Highway Works</b>	£98,000 towards traffic signals at junction of Minster Road/Worcester Street.	
<b>Biodiversity</b>	No contribution required. Retention of trees and hedgerow, SUDS drainage including swales and additional landscaping to be provided on site to enhance biodiversity	✓
<b>Education Facilities</b>	Up to £200-250,000 towards Educational Facilities – depending on final number and size of dwellings	✓
<b>Public Realm</b>	No contribution required. To be achieved on site through layout design, landscaping, surface treatment and lighting	✓
<b>Noise</b>	Rights for MAC to carry out mitigation measures on land to be developed for housing	

<u>Unilateral Undertaking Requirement</u>	<u>Offered Provision</u>	
<b>Noise Survey &amp; Mitigation measures</b>	To be undertaken prior to submission of reserved matters and mitigation measures to be implemented prior to occupation of any of the residential units	
<b>Landscaping/ Environmental Enhancement of footpath link to Memorial Park</b>	Landscaping and environmental enhancement works to cost of £7,000 to be carried out and thereafter maintained	
<b>Programme of Works</b>	Programme of works for reinvestment of monies received from sale of residential site, into remaining MAC business on site	

**OTHER ISSUES**

- 4.9 There are no other materially different issues that have arisen since the consideration and subsequent approval of the 2007 application.
- 4.10 As the application is a departure from local plan designation the matter was previously referred to the Secretary of State. Since 2007 the Government have cancelled previous advice and issued the Town and Country Planning (Consultation) (England) Direction 2009. This direction makes it clear that there is no longer a requirement to refer the application to the Secretary of State.

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#### NEIGHBOURS COMMENTS

- 4.11 Neighbours comments are limited to issues over congestion and noise related concerns. Highway issues were considered at 2007. The Highway Authority conclude that there are no changes to the circumstances in respect of highway matters which would warrant different consideration from the previous highway conditions. Noise issues have been addressed previously in this report. Existing alleged noise and smell issues are not a matter for consideration as part of this application.

### 5.0 Conclusions and Recommendations

- 5.1 There has been no material change in policy or circumstances to restrict the grant of a further outline planning permission. Changes to the conditions in respect of apartments has been considered and judged as not to prejudice the permission or result in difficulties in mitigating against the noise of the retained factory.
- 5.2 In view of the unique business case put forward by the Applicant, the reasons given in this report and in consideration of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998, it is recommended that **delegated** authority be given to **APPROVE** this planning application subject to:
- a. the signing of a **Section 106 Agreement** to secure the following:
    - 30% affordable housing (60% rented, 40% shared ownership), mix of sizes
    - off-site contribution towards Open Space/Strategic play provision (equivalent of capital cost of NEAP or LEAP)
    - financial contribution of £98,000 towards improving traffic light signals at the junction of Minster Road with Worcester Street
    - provision and maintenance of on site amenity space and landscaped areas
    - education contribution of either £139,000 or £180,200 depending on whether open space/strategic play contribution is for LEAP/NEAP
    - rights for mitigation measures to be carried out on land retained by MAC
  - b. the signing of a **Unilateral Agreement** to secure the following:
    - Noise survey and mitigation scheme
    - Landscaping and environmental enhancement of footpath link
    - Programme of works

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- c. the following conditions:
1. A1 (Standard outline)
  2. A2 (Standard outline – reserved matters)
  3. A3 (Submission of reserved matters)
  4. A4 (Reserved matters only); height of the dwellings
  5. A5 (Scope of outline permission); provision of continuous block of dwellings
  6. A11 (Approved plans)
  7. Noise management strategy to be submitted
  8. B1 (Samples/details of materials)
  9. B2 (Sample brick panel)
  10. B9 (Details of windows and doors)
  11. Ecology Report
  12. B15 (Bat boxes)
  13. C2 (Retention of existing trees)
  14. C3 (Tree protection during construction)
  15. C5 (Hand digging near trees)
  16. C7 (Landscaping – large scheme)
  17. B11 (Details of enclosure)
  18. C13 (Landscape management plan)
  19. C8 (Landscape implementation)
  20. C9 (Hedge protection)
  21. F5 (Construction site noise/vibration)
  22. Highways – Visibility splays
  23. Highways – Closure of access
  24. Highways – Access turning and parking
  25. Highways – Highway improvements and offsite works
  26. Construction hours
  27. E2 (Foul and surface water)
  28. Environment Agency – Surface water run off
  29. Environment Agency – Contaminated land
  30. Environment Agency – Contaminated land method statement
  31. Environment Agency – No surface water drainage into ground
  32. Environment Agency – No Piling or penetrative foundation designs

Notes

- |   |  |
|---|--|
| A | SN2 (Section 106 Agreement)                            |
| B | SN3 (Protection of species)                            |
| C | HN6 (Notice to County Council regarding highway works) |
| D | HN7 (Engineering details to be submitted)              |
| E | HN8 (County Council to adopt roadworks)                |
| F | HN12 (Site affected by improvement line)               |
| G | HN16 (Highway lighting requirement – sky glow)         |
| H | HN20 (Common land rights)                              |
| I | Environment Agency – Contaminated waste                |
| J | Environment Agency – Licence requirements              |

10/0321/OUTL

Reason for Approval

Although the site is allocated for employment use in the Local Plan, it is considered that there are material considerations in this case which outweigh the provisions of the Local Plan. The proposed access details are considered acceptable. Based on the illustrative layout contained with the submitted Master Plan Officers are satisfied that the site can accommodate up to 150 residential units without having an adverse impact on neighbouring properties, the character of the area or trees of amenity value within the site. The impact of the residential development on highway safety has been carefully considered however it is concluded that there would be no undue harm caused by the proposal.

Issues relating to affordable housing, highway safety, open space/play provision, contamination, flood risk and biodiversity enhancement can be satisfactorily dealt with by conditions or through a section 106 agreement. The detailed design will also be the subject of further consideration at reserved matters stage. The issues relating to control of noise from the remaining industrial activities, the provision of the environmental enhancement works and the programme of works to the existing factory can be secured through a separate unilateral agreement with the applicant.

<b>Application Reference:</b>	10/0363/FULL	<b>Date Received:</b>	16/06/2010
<b>Ord Sheet:</b>	382432 274990	<b>Expiry Date:</b>	11/08/2010
<b>Case Officer:</b>	Paul Round	<b>Ward:</b>	Oldington and Foley Park

**Proposal:** Change of use from light industrial use (Class B1c) to D2 leisure (for usage as a gymnasium school)

**Site Address:** UNIT 1, 4 LISLE AVENUE, KIDDERMINSTER, DY117DL

**Applicant:** MRS L HODGES

<b>Summary of Policy</b>	E.2, TR.9, TR.17 (AWFDLP) SD.6, D.25, RST.1 (WCSP) PPS1, PPS4, PPG17
<b>Reason for Referral to Committee</b>	Development Manager considers that application should be considered by Committee
<b>Recommendation</b>	<b>APPROVAL</b>

### **1.0 Site Location and Description**

- 1.1 The site consists of a 504 sq.m. (5,425 sq. ft.) industrial unit located at the beginning of Lisle Avenue situated to the south west of Kidderminster Town Centre and north of the Severn Valley Railway line.
- 1.2 The site is allocated within the Adopted Wyre Forest District Local Plan for industrial purposes.
- 1.3 The application proposes a change of use from its current industrial use to use as a D2 leisure use to allow the unit to be used by Wyre Forest Gymnastics School.

### **2.0 Planning History**

- 2.1 None of relevance

### **3.0 Consultations and Representations**

- 3.1 Highway Authority – No objections and recommend approval
- 3.2 Cultural Services Manager – From a sports development perspective we are fully supportive of the gymnastics club and their desire to improve their facilities. The work they do is really valuable for the local community and many children and young people have benefited from being part of this club.

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- 3.3 Community Development Officer - This is a long established club in Wyre Forest with a long history of providing first class gymnastic opportunities. To develop in a new centre is imperative so the club can develop and make provision for the future. The location would seem ideal from a user point of view. It is very accessible for children travelling from all areas of the district (Bewdley/Stourport/Kidderminster) and within easy walking distance of our most deprived wards. Our Sports Development Officers would be working with the club on coach and player development etc and we are supporting them in trying to access external funding.
- 3.4 Neighbour/Site Notice : one comment received from Disability Action Wyre Forest – No mention of disabled parking. Ensure level or ramped access.

#### **4.0 Officer Comments**

- 4.1 The site lies within an established industrial area. Policy E.2 OF THE Local Plan dictates that in such areas uses should fall within industrial use classes of B1 (light industrial and offices), B2 (general industrial) and B8 (warehousing). Other uses for vehicle sales and maintenance are also acceptable.
- 4.2 Members will be aware of the general provisions of S.54A of the Planning Act 1990 (as amended) and the equivalent S.38 of the Planning and Compulsory Purchase Act 2004 which require determinations to be made in accordance with the development plan unless material considerations indicate otherwise. In this particular case it is Officers' opinion that there are material circumstances that weigh heavily in favour of the proposal, despite the above mentioned policy designation.
- 4.3 The new PPS4 – Planning for Sustainable Economic Growth, published in December 2009, requires a positive and constructive approach be given to applications for economic development. The proposed development would fall into this category of development.
- 4.4 Whilst it is evident that ideally leisure development needs to be located within Town Centre locations, consideration needs to be given to locational requirements of the facility. At present Wyre Forest Gymnastics School utilise the hall at Baxter College and have been searching for their own premises for over 10 years over, with a range of locations within and adjoining the Wyre Forest boundary having previously been considered. The unit at Lisle Avenue has the advantage of being located so as to serve the three towns within the District and rural areas and meets their locational requirements.
- 4.5 The location is also considered to be sustainable being on a high frequency bus corridor, cycle route and easily accessible by private vehicles. Local services exist a short distance from the site along the Stourport Road. It is also easily accessible on foot from the housing estates within the Oldington and Foley Park Ward.

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- 4.6 The unit provides the shape and size required to enable the School to operate to its full potential with the opportunity to expand in the future, allow developing of gymnasts at a national level; and, provide high quality facilities for use by local Schools.
- 4.7 Parking is to be provided to the front and rear of the premises. A total of 20 spaces are proposed with disabled spaces situated adjacent to the rear doors, which provide level access to the unit. The Highway Authority is satisfied that the number of spaces and the surrounding road network are appropriate to the use of the unit.
- 4.8 In respect of the unit itself, it is located at the beginning of the industrial estate and is located opposite residential properties. It is situated as part of a range of units that include Samurai Judo Club, Flowers of Kidderminster and UVA Europe (Sunbeds etc). The unit has its own individual frontage and presence which appears separated from the rest of the Industrial Estate. It is clear that the use of the unit as a Gymnastic School would be preferable given its relationship with residential properties rather than a potentially noisy industrial use, and taking into account the surrounding uses it is clear that this run of buildings are separated from the normal industrial uses that are found elsewhere on the estate.
- 4.9 Having taken all aspects of this application into account including the responses from the Cultural Services Manager and Community Development Officer, it is considered that there are sufficient material circumstances to weigh against the general policy presumption against such a development in this area and, as such, favourable consideration of this proposal is justified. Due to the special nature of these circumstances it is recommended that the permission is granted specific to the use a Gymnasium and not an open D2 (leisure) use, as this could allow other unsuitable uses such as night club, go kart track or cinema to occupy the unit in the future.

## **5.0 Conclusions and Recommendations**

- 5.1 Notwithstanding the designation of the site for industrial purposes it is considered that the use of the building for a Gymnasium is acceptable and, in view of material circumstances in this case, there is sufficient weight to enable the application to succeed. Whilst being strictly contrary to Policy E.2 the parking and access provision is in accordance Policies TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan.

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5.2 It is therefore recommended that this application be **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. J16 (Restrictions of Use) - Use only as Gymnasium
4. The development hereby permitted shall not be brought into use until the parking facilities shown on the approved plan have been provided and demarcated to the satisfaction of the Local Planning Authority and shall thereafter be retained and kept available at all times.
5. The use of amplified sound equipment shall only take place between the hours of 09:00 and 21:00 in any one day.

Notes

- A SN5 (No advertisements)
- B This application relates to Change of Use only and does not permit any external alterations to the building which may require separate planning permission.

Reason for Approval

Notwithstanding the designation of the site for industrial purposes it is considered that the use of the building for a Gymnasium is acceptable and in view of material circumstances in this case there is sufficient weight to enable the application to succeed. Whilst being strictly contrary to Policy E.2 the parking and access provision is in accordance Policies TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan



**Application Reference:** 10/0375/FULL      **Date Received:** 25/06/2010  
**Ord Sheet:** 376985 274698      **Expiry Date:** 20/08/2010  
**Case Officer:** Emma Anning      **Ward:** Bewdley and Arley

**Proposal:** Proposed change of use of land for the provision of 20 additional touring caravan pitches

**Site Address:** DODDINGTREE, CLEOBURY ROAD, BEWDLEY, DY122QL

**Applicant:** Mr J Hopley

<b>Summary of Policy</b>	LA.1, LA.2, LA.6, NC.2, NC.5-6, AG.1, AG.8, LR.8, TM.1, TM.7, TR.9, TR.17, D.1, D.3, D.4, D.5, NR.1, NR.6, NR.8, NR.9, NR.11, NR.12 (AWFDLP) SD.2 CTC.1, CTC.4, CTC.5, CTC.7, CTC.12, CTC.13-15, RST.1 RST.3, RST.14, RST.19 (WCSP) PPS 1, PPS 7, PPS 9
<b>Reason for Referral to Committee</b>	Major planning application
<b>Recommendation</b>	<b>REFUSAL</b>

## **1.0 Site Location and Description**

- 1.1 The application site is rectangular in shape, measuring approximately 150 metres by 45 metres. It is located within a wider area know as Hopley's Farm which lies within the Landscape Protection Area and the Area of Great Landscape Value.
- 1.2 The Farm lies north of, and is accessed off, the B4190, approximately 2 km west of Bewdley town centre.
- 1.3 Hopley's Farm already accommodates the following, which have gradually evolved since the 1980's:
- a farm shop;
  - a tea room with separate toilet block;
  - fishing pool
  - a rally field; and
  - camping and caravanning fields including a site licence for 5 caravans
  - field for the provision of 15 touring caravans
- 1.4 The current proposal seeks consent to expand the current activities on site by providing an additional 20 touring caravan spaces on the field which already has consent for 15 touring caravans.

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## **2.0 Planning History**

- 2.1 WF.243/90 - Extension to existing farm shop : Approved 22/05/90
- 2.2 WF.668/92 - Existing irrigation to pool to be used for coarse fishing :  
Approved 10/11/92
- 2.3 WF.296/96 - Change of use of existing pack house building as a tea room  
during fruit picking season only : 16/07/96
- 2.4 WF.105/97 - Construction of portaloo toilet building as a tea room from 1 April  
to 31 October : Approved 25/03/97
- 2.5 WF.663/05 - Variations of conditions of WF.105/97 to allow the opening of the  
tea room and toilets for year round use to serve the shop, touring caravan  
site, fishing pool and fruit picking : Approved 16/09/05
- 2.6 06/0390/FULL - Toilet and Shower block : Approved 31/05/06
- 2.7 07/0143/FULL - Change of use of land for the provision of fifteen touring  
caravan pitches : Approved on appeal by Inspector 14/04/08
- 2.8 10/0133/FULL - Toilet and shower block for caravan and camping site –  
Approved : 10/05/10
- 2.9 10/0410/FULL - Toilet and shower block for caravan and camping site  
(re-submission of approved application 10/0133/FULL) : Current application

## **3.0 Consultations and Representations**

- 3.1 Bewdley Town Council – No comments received
- 3.2 Highway Authority – Recommends that the permission be refused for the  
following reasons:-
  - (i) The proposed point of access has severely restricted visibility, it is noted  
that number of slow moving vehicles will increase the likelihood of an  
accident occurring. It is therefore recommended that this application be  
refused in the interests of road safety, as there is insufficient visibility  
that would result in a slow moving vehicle exiting without being able to  
adequately see other vehicles, which may result in a vehicle-to-vehicle  
collision.
  - (ii) I am aware of the Planning Inspectors decision under application  
07/0743, however this application represents a further increase in trip  
generation to an access which has substandard visibility and the  
gradient does not assist in accessing the highway. The applicant does  
not propose measures to bring the access up to acceptable levels to  
justify the intensification of use therefore the increased movement at this  
access will adversely impact on Highway Safety.

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- 3.3 Countryside and Conservation Officer - There is no biodiversity to be found on this site, the application hence causes no harm and has the added benefit of some hedge planting.
- 3.4 Neighbour/Site Notice : one neighbour letter received. The comments made were as follows:
- a) Comments as per 2007 application should be noted.
  - b) There has been a noticeable increase in noise.
  - c) Neighbour objections noted in 2007 are listed in the officer's report as follows:
    - No need for another caravan site - Bewdley has more than its fair share.
    - This is the thin end of the wedge, could look like Hillcroft caravan park (>150 units).
    - It is Area of Great Landscape Value – we struggle to defend its status.
    - The adjacent meadow is SSSI.
    - Noise disturbance from caravanners.
    - Litter.
    - Traffic hazard onto main road.
    - Light pollution.
    - Land already unsightly.
- 3.5 Policy and Regeneration - No comments received.
- 3.6 Environmental Health - In relation to the expansion of the caravan site, I have no adverse objections to make.

#### **4.0 Officer Comments**

- 4.1 As stated previously the site contains a number of uses, including a shop and tea room, a five caravan site licence, and furthermore notably a consent for the siting of 15 touring caravan pitches in the fields. .
- 4.2 The application proposes the provision of an additional 20 touring pitches. The pitches would be divided between 2 fields described as the west and east field. The fields are divided by an existing driveway. The east field currently accommodates 11 no. pitches consisting of a plateau which is below the level of the road. This field is well contained by existing fencing and hedging before it falls away towards the valley which lies to the north. Its appearance has already been altered by the presence of touring pitches and the play equipment on the play area; it does not have the appearance of an agricultural field. It is proposed to add a further three pitches to this field. Similarly, following approval in 2008 for the provision of 15 touring caravans in total, the west field, which currently provides the additional four pitches, is proposed to be expanded significantly to provide 21 pitches in total (ie. an additional 17 pitches in the west field). This field presently is more open in character, less self-contained and less cluttered in appearance.

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- 4.3 In assessing this application the comments made by the Inspector, which relate to the 2007 application, carry significant weight. In determining the appeal application, the inspector considered the main issues to be:
- The effect of the proposal on the appearance and open character of the landscape; and
  - The effect of the proposal on highway safety having regard to the position and design of the site access/exit and the nature of the vehicles involved.

- 4.4 As well as the above matters, the principal of the development, the impact on biodiversity and the impact on amenity of neighbours are considered in turn below:

#### PRINCIPLE OF DEVELOPMENT

- 4.5 The key policy considerations here are Policies TM.1 and TM.7 of the Adopted Wyre Forest District Local Plan which allow for tourism development provided that the development would be appropriate to and in keeping with the nature and character of the local community, they are environmentally acceptable, they do not adversely affect areas of landscape and that any travel needs generated could be safely accommodated on the transport network. Therefore, subject to the proposal satisfying these requirements it is considered that the principle of development would be acceptable.

#### IMPACT ON LANDSCAPE

- 4.6 The appeal site is located in an area designated in the Adopted Wyre Forest District Local Plan as a Landscape Protection Area. It is a relatively level area, set down below the level of the road and partly screened from the north by a hedge. There are extensive views from the site over rolling countryside to the north. The inspector, determining the 2007 application, concluded that whilst there was no doubt that the proposal would be distantly visible from locations in this direction it would be below the skyline, would be seen against a backdrop of buildings lining the road and would be partly screened by the existing hedge. In these circumstances, views from the north would not be unduly harmed. From the road, views towards the north would be largely unaffected as the caravans would be at a lower level and would be screened by the roadside hedge. The proposal would involve laying some small lengths of additional roadways. However, the proposed surfacing material would soon weather into its surroundings and would, in any event, be largely hidden from outside the site. In recognising the view taken by the Inspector and in being mindful that the area in which the caravans would be sited is the same plateau of land, albeit a greater expanse of that plateau, the characteristics of the site are the same and therefore officers must conclude, as did the Inspector, that the proposal would not have an unacceptably harmful effect on the appearance and open character of the landscape. It would therefore comply with Local Plan Policies LA.1, LA.2, LA.6 and D.5.

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#### HIGHWAY SAFETY

- 4.7 It is proposed to utilise the existing access on site, which following the above mentioned appeal, was modified to provide visibility splays of 2.5 x 90 and 100+ metres which the Inspector felt would be adequate for the 15 touring caravans proposed at that time. Having consulted with Worcestershire Highways on this current proposal which would significantly increase the number of touring caravans capable of being accommodated on the site and in considering the Highway Authority's comments in this case, officers cannot be satisfied that the current proposal, due to the increase in vehicular movements which would occur, would not lead to a deterioration of highway safety. The proposal therefore fails to comply with Policy TR.9 of the Adopted Local Plan.

#### BIODIVERSITY

- 4.8 The Brown's Close Meadow SSSI lies to the east of the site at a distance of approximately 80 metres. The District Council's Countryside and Conservation officer has been consulted and has commented as detailed above. It is therefore considered that the proposed development would not have an adverse impact upon biodiversity.

#### IMPACT ON AMENITY

- 4.9 As detailed above the intensification of touring caravans on this site would impact mostly on the west field as the number of pitches would be increased from 4 to 21. This increase in numbers would require a larger proportion of this field to be used for caravanning purposes and as such the area which would be used for the pitches would be extended closer to the site boundary and indeed closer to the nearest neighbour at Rockmere. Currently the property known as Rockmere enjoys a separation distance of around 110 metres to the nearest touring caravan pitch. The current proposal would reduce this separation distance significantly down to around 5 metres. Concern has been raised regarding noise levels on this site and as such, the Environmental Health Officer has been consulted and has commented as detailed above. In light of these comments I am satisfied that the siting of caravans further towards the site boundary with Rockmere would not give rise to a situation which would compromise neighbour amenity.

### **5.0 Conclusions and Recommendations**

- 5.1 Whilst the proposal satisfactorily addresses a number of relevant Local Plan policies it fails to satisfy all relevant policies, in particular with regard to access and highway safety.

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5.2 It is therefore recommended that this application be **REFUSED** for the following reason:

1. The exit via which the proposed touring caravans would leave the site is located at the junction with the B4190. It is considered that this point of access onto the public highway has severely restricted visibility and the proposed intensification in the numbers of slow moving vehicles exiting the site onto the public highway would be detrimental to highway safety. As such, the proposed development is considered to be contrary to Policies TR.9 and TM.1 of the Adopted Wyre Forest District Local Plan.

<b>Application Reference:</b>	10/0397/FULL	<b>Date Received:</b>	14/07/2010
<b>Ord Sheet:</b>	380563 271701	<b>Expiry Date:</b>	08/09/2010
<b>Case Officer:</b>	James Houghton	<b>Ward:</b>	Mitton

**Proposal:** Side and rear extensions, porch extension and rebuilding of roof with raised ridge and dormers

**Site Address:** 59 LICKHILL ROAD, STOURPORT-ON-SEVERN, DY138SL

**Applicant:** MR P DI MUZIO

<b>Summary of Policy</b>	D.1, D.3, D.17, TR.9, TR.17 (AWFDLP) Design Quality SPG
<b>Reason for Referral to Committee</b>	Development Manager considers that application should be considered by Committee
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b>

### **1.0 Site Location and Description**

- 1.1 The application property is a detached, pitched roof bungalow set within a substantial plot and in need of some renovation. The dwelling is located on a track off Lickhill Road.
- 1.2 The property benefits from a small rear veranda extension to the rear and a flat roofed box bay window to the front.

### **2.0 Planning History**

- 2.1 None relevant.

### **3.0 Consultations and Representations**

- 3.1 Stourport on Severn Town Council – No comments received
- 3.2 Highway Authority – No comments received
- 3.3 Neighbour/Site Notice – No representations received

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#### 4.0 Officer Comments

- 4.1 The applicant seeks approval for the erection a porch, two storey extensions to the side and rear and alterations to the roof of the existing two bedroom property. The proposed extensions are such that they would convert the existing bungalow to a dormer bungalow and would add a further two bedrooms, en suite bathroom, dayroom, utility room and an integral garage.
- 4.2 The proposed roof alterations would raise the roof height from 5.4 metres to 7.4 metres. Dormer windows would be added to the front and rear elevations as well as Velux type roof windows.
- 4.3 The porch would be 2.8 metres wide, projecting 1.0 metre and would be 3.95 metres in height. An existing box bay window would be removed from the front elevation of the bungalow.
- 4.4 The rear extension would extend 3.6 metres off the rear wall of the bungalow with a width of 6.6 metres; the ridge height of this rear extension would be slightly lower than that of the main part of the dwelling. The rear extension would have no side facing windows at first floor, a ground floor door and window serving a utility room would be added to the eastern elevation and a single Velux style roof window would be added to the western elevation.
- 4.5 An attached garage with a bedroom over is also proposed to the western side of the original bungalow. The garage (ie. to a height of 6.8 metres) would be 3.9 metres in width and would be set in 0.5 metres from both the front and rear elevations of the original building, the ridge would be set 0.6 metres lower than that of the main part of the dwelling.
- 4.6 The existing property differs from its neighbouring properties in that it is considerably smaller in terms of both floor space and ridge height, officers are of the opinion that the proposed extensions would allow the application property to integrate better into the street scene than is currently the case.
- 4.7 The proposed extensions would offer no detriment to the amenity currently enjoyed by the residents of neighbouring properties, there would be no impact on privacy, light or outlook and the 45<sup>o</sup> Code guidelines would not be breached.
- 4.8 Policy D.17 of the Adopted Wyre Forest District Local Plan (2004) states that extensions must “be in scale and in keeping with the form, materials, architectural characteristics and detailing of the original building” and the extension should be “subservient to and not overwhelm the original building, which should retain its visual dominance”.



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- 4.9 The proposed development would not be in scale with the original building and would overwhelm the appearance of the original dwelling. However, officers consider that the development would accord with the remainder of Policy D.17 in that the extended property would “harmonise with the existing landscape or townscape and not create incongruous features” and “not have a serious adverse effect on the amenity of neighbouring residents or occupiers”.
- 4.10 The scale of the extensions is extensive enough that the development is comparable to a replacement dwelling and as such the lack of full compliance with Policy D.17 is considered acceptable given that an application for a new dwelling in this location, in the form of the proposed extended dwelling, would be acceptable in terms of Policies D.1 and D.3 of the Adopted Wyre Forest District Local Plan (2004).

## 5.0 Conclusions and Recommendations

- 5.1 It is recommended that **delegated** authority to **APPROVE** the application be granted, subject to no objection being received before the expiration of the consultation period, and the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. B3 (Finishing materials to match)
  4. Driveway and/or vehicular turning area (if recommended)
  5. Access, turning area and parking facilities (if recommended)

### Reason for Approval

The extensions and alterations to the property are felt to be tantamount to a new dwelling. The size, design and position of the extended dwelling are considered, on balance, to be acceptable although the development does not fully accord with the provisions of Policy D.17 of the Adopted Wyre Forest District Local Plan. The proposals will offer no harm to the street scene, the character of the area or the amenity enjoyed by the occupants of neighbouring properties and as such would accord with the requirements of Policies D.1 and D.3 of the Adopted Wyre Forest District Local Plan (2004).