

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
14TH SEPTEMBER 2010

PART A

Application Reference: 10/0347/FULL **Date Received:** 16/06/2010
Ord Sheet: 382323 276275 **Expiry Date:** 15/09/2010
Case Officer: Emma Anning **Ward:** Sutton Park

Proposal: Provision of a new primary care centre and pharmacy with associated car parking and external works, following the demolition of redundant hospital building and the relocation of hospital staff car parking

Site Address: HUME STREET, KIDDERMINSTER,

Applicant: Haven Health Properties Ltd

Summary of Policy	D.1 D.3 D.4 D.7 D.9 D.10 D.11 D.15 NC.5 NC.6 TR.1 TR.3 TR.6 TR.7 TR.8 TR.9 TR.17 TR.18 CY.2 CY.3 IMP.1 (AWFDLP)
Reason for Referral to Committee	'Major' planning application. Third part has registered to speak at Committee
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

1.1 The application site occupies 10,000sq.m of the southern end of the existing, Kidderminster Hospital site between Sutton Road, Hume Street and Franchise Street. The application site is currently occupied largely by a car parking area which fronts Hume Street and the following buildings comprising of:

Brook House	A nine storey building of 1960's design, once used as nurses accommodation at the north of the application site (now vacant)
Pathology & Haematology Departments	A mix of single and three storey buildings, to the north of the application site (attached to Brook House)
Mortuary	Centrally located in the application site. A single storey detached building of modern design.
Hospital Radio	A small detached single storey brick building at the western edge of the application site.
Brooklyn & Bali Hi	A pair of semi detached houses fronting Hume Street.
Oxygen Store	An oxygen container housed in a brick walled enclosure with gates and security mesh.

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- 1.2 At present there are two access points within the application site, both of which are off Franchise Street to the west.
- 1.3 This application seeks permission to demolish the above mentioned buildings and to provide a new, purpose built medical centre and pharmacy with associated car parking. Additional car parking provision would also be provided for the Acute Trust.

2.0 Planning History

- 2.1 None relevant

3.0 Consultations and Representations

- 3.1 Highway Authority – No objections subject to conditions and the applicants being willing to enter into a S106 agreement for contributions towards highway improvements.
- 3.2 Community and Partnership Services - No comments received
- 3.3 Arboricultural Officer - No objection to the proposals
- 3.4 Environment Agency – No comments to make
- 3.5 Crime Risk Advisor - No major concerns with the development. Of the opinion that the new facility will be an improvement on what is there at the moment.
- 3.6 Environmental Health - Dust/Noise management plan required for demolition phase.
- 3.7 Forward Planning and Regeneration - The Kidderminster Hospital site is safeguarded for healthcare needs through Policy CY.3 of the District Local Plan. The proposed consolidation of GP practices onto the hospital site is consistent with that Policy. It secures the regeneration of the site and the proposed new building presents a much stronger frontage to Hume Street. It further complements the on-going regeneration of the surrounding area which includes the Miller Homes (Badgers Dean) development in Franchise Street and at the same time provides modern medical facilities for the surrounding communities.

The proposal will help to ensure that the wider hospital site maintains a critical mass that can assist in public transport and accessibility. At the same time the proposal manages to incorporate a significant amount of car parking whilst mitigating and minimising the visual impact from the surrounding public streets through a combination of landscaping and the building acting as a screen to approximately 50% of the car parking area.

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The relocation of the GP practices frees up the existing sites for potential residential use in line with Policy H.2 of the Adopted Local Plan. These sites are highlighted in the Strategic Housing Land Availability Assessment (SHLAA). This provides the essential evidence underpinning the emerging Local Development Framework and the need to meet the requirement for 4,000 new homes in the period to 2026. The proposed redevelopment of these sites will make an important contribution to meeting housing needs in these areas.

In summary, the application appears broadly consistent with the main policy provisions and as such is to be welcomed.

- 3.8 National Care Standards - No comments received
- 3.9 Severn Trent Water - No objection subject to inclusion of drainage condition
- 3.10 Central Networks - No objection. Advised on the inclusion of informative on any permission.
- 3.11 Neighbour/Site Notice – Two objection letters received in response to application as originally submitted. The main points raised are listed as follows;
- Sterilising of the hospital grounds in the mid-1990's, escalated to the current 220 on-site parking spaces, has deprived in-patients of the dignity of healing in green surroundings.
 - Quite apart from the inappropriateness of the 324 on-site car parking spaces, it is pertinent to enquire what progress Worcestershire County Council have made with an Employee Travel Plan for this major site?
 - Does this proposal not contravene local/national planning policies/statement e.g contra-indication for lavish parking provision to locales well served by public transport?
 - The proposal, as it stands, would exacerbate the burgeoning social problem of ever-increasing traffic thereby diminishing the quality of life of local residents.
 - The Quail Court tenement-density housing is still under construction. The tarmac-saturated sterilisation of this vicinity poses a flood risk as the Blake brook runs underneath, illustrating this are the hazards produced many times per year where standing water accumulates notably at Hume street/Franchise Street corner and the Kidderminster Hospital goods entrance.
 - Generation of gratuitous extra traffic would worsen the current impediment manifested by the lack of parking restrictions countenanced along Bewdley Road, between Wood Street and Kidderminster Hospital bus stops.

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- It is hoped that long-established applied research will be harnessed to the decision making process, so that a rational well-informed outcome emerges. Preferably this would be in harmony with respect for the one planet we do have - and thereby resulting in the parking allocation rather less than the present 220 spaces.
- The parking in Hume Street now is a joke when people are going to the hospital. People park over my drive for most of the day now so what will the parking be like when they start building the centre.
- The height of the building looks far to high so all I will be seeing is a great big centre with room for extension.
- Are there plans to make it wider or one way? Also are you planning to put H-bars over the residents' drives so that visitors cannot park or block our drives like they do all the time at the moment? I would also like to know where the staff are going to park while the work, [if it goes ahead]is being carried out.

Comments received after revised plans of 28/07/2010 and 09/08/10 submitted

One letter of support received. The comments made are summarised as follows;

- I am a patient at Aylmer Lodge and the present building is unfit for purpose, every inch of space is used which does not allow the practice to increase the services offered to patients. Presently they are unable to even save patients having to go to the hospital for a blood test due to lack of space.
- The proposed new location will allow patient services to expand, but because the premises is for two practices will also mean a financial saving, along with an on-site pharmacy which will serve the local population as well as patients, and increased parking for both practices will benefit both patients and staff.
- I understand that the site is presently occupied by an unused building and car parking which would be relocated on the site therefore existing hospital staff would not loose out.
- The new surgery and pharmacy is a good use of the site and will fit well into the setting of the hospital. It is very well served by public transport, is mid-way between the two amalgamating surgeries and will provide 21st Century facilities that both staff and patients should be able to access.
- I understand that Hume Street is quite narrow but I believe that the entrance to Sutton Road will be widened, and I believe that the new building and car park entrance will help the flow of traffic along Hume Street – it will mean that vehicles will be able to pass at the new entrance to the car park.

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Three letters of objection received. The main points raised are summarised as follows:

- There seems to be no consideration given to how parking in Hume Street will be affected by the position of a new entrance to the primary care centre. Residents are concerned that the entrance will exacerbate an already difficult parking problem.
- I note that the pedestrian crossing has been removed from the plans but there is no detail regarding parking restrictions in Hume Street, I assume it will not be possible for residents to park directly opposite the new entrance as they do now, so the already difficult residents' parking situation will be made worse by these plans. I would like to know what provision has been made to help residents find on or off road parking for their cars.
- Whilst approving of the extra pedestrian access at Hume Street/Sutton Road corner I must protest that the 339 car parking spaces shown is at variance with the 324 previously proposed.
- I reiterate the points raised in response to the application as originally submitted relating to the enormous over-provision of parking proposed.
- Planning Committee councillors have already articulated that Kidderminster Hospital is the cause of many traffic problems. Currently traffic does not obey circulation markings on site and parking hours are often ignored. There may be notices threatening wheel clamping – but has any instance ever occurred?
- It is hoped that the repercussions on the West Kidderminster community – and not least the wider community of bus operators serving the site – are adequately evaluated. Does this even more environmentally unsound proposal not call for “fibre” to be demonstrated in tempering the application?
- Combining two doctors surgery premises into one cannot be beneficial for health reasons, as too many people with health complaints will be treated all in one place.
- The car parking facilities for patients using the facilities is not big enough to capacitate for everyone.
- The egress appears to be in the wrong place, going into Hume Street.
- The surgery should be placed where it can cater for everyone's needs.

4.0 Officer Comments

- 4.1 Permission is sought for the demolition of the above mentioned redundant hospital buildings and the erection of a new primary care centre with associated car parking and the creation of two separate Acute Trust car parks.

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CONTEXT

- 4.2 This proposal is put forward by Haven Healthcare Properties who were appointed by Wyre Forest Primary Care Trust, in 2005, to deliver improved primary care facilities in Kidderminster. The scheme would essentially bring together, on one site, two existing GP surgeries namely Aylmer Lodge Surgery and Northumberland House Surgery. Both surgeries currently operate out of premises which they have outgrown and which will restrict any future improvements to the quality of care which could be provided. A comprehensive Design and Access Statement has been provided to accompany this application which gives further thorough and detailed analysis of the context of this application.
- 4.3 In assessing the merits of this application it is felt that the following matters should be considered:
- Principle of development
 - Siting and design
 - Amenity
 - Highway safety & access
 - S106 Contributions
 - Other matters

Each matter is considered in turn below.

PRINCIPLE OF DEVELOPMENT

- 4.4 The key policy consideration in determining whether the principle of what is proposed is acceptable are Policies CY.2 and CY.3 of the Adopted Local Plan, which identifies health centres and hospitals as being key community facilities. Policy CY.3 relates specifically to the Kidderminster Hospital site and seeks to safeguard it for future healthcare needs. Given the nature of the development proposed I am satisfied that it would accord with the requirements of this policy.
- 4.5 Policy CY.2 relates to new community facilities and states that they must provide for a genuine local community need; should reflect the role and function of the settlement or neighbourhood to which they relate; be compatible with surrounding uses; be accessible to all potential users and be located as close as feasible to all potential users. The policy resists the loss of a community facility where there is a clear need for that facility. Although the proposal would see the removal of existing hospital buildings the information contained within the Design and Access Statement gives clear justification for the loss of these (largely redundant) buildings and given that they would be replaced with more up to date health care facilities there would be no overall loss of community facilities. For this reason and the reasons set out below I am satisfied that the proposal would accord with all requirements of Policy CY.2 and is therefore acceptable.

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- 4.6 As detailed by the Forward Planning and Regeneration Manager, the relocation of the GP practices frees up the existing sites for potential residential use in line with Policy H.2 of the Adopted Local Plan. These sites are highlighted in the Strategic Housing Land Availability Assessment (SHLAA). This provides the essential evidence underpinning the emerging Local Development Framework and the need to meet the requirement for 4,000 new homes in the period to 2026. The proposed redevelopment of these sites will make an important contribution to meeting housing needs in these areas.

SITING & DESIGN

- 4.7 The proposed medical centre would be sited at the centre of the application site roughly on the footprint of the existing mortuary building. A 132 bay car park for the use of patients, staff and visitors of the primary care centre would be provided to the front of the building fronting Hume Street and two further car parks, one to the rear of the proposed medical centre and one to the west of the site fronting Franchise Street would provide separate parking provision for the acute trust.
- 4.8 The design of the primary care centre is proposed as a modern modular/fragmented design with elements of differing heights, sizes and finishes. This design approach has been chosen to help bridge the gap between the differing scales of existing buildings on the hospital site. The types and colours of the materials proposed have been chosen to match those of surrounding developments in order that the building relates well visually to the local area. In terms of its architectural characteristics and finish I am satisfied that the design of the building is appropriate to this locality; would harmonise with existing buildings on this site; and, would not cause harm to the visual amenity of the streetscene.
- 4.9 The proposed medical centre would be a maximum of three storeys high, with some elements being just two storey in scale. At the rear, facing into the hospital site, the building would appear taller as it is proposed to provide some undercroft car parking on this elevation. At its tallest point the proposed building would measure approximately 13.5m (when measured from the highest ground level). The tallest building currently on this site, Brook House, measures some 14.5m taller at around 28m when measured from the same land level. The proposal would be no taller than the existing Oil Farm Building on site. In terms of it's scale it is considered that the proposed primary care centre would site well against the existing backdrop of substantial buildings which occupy this site. It is also acknowledged that overall the scale of building on this site would be reduced through the removal of Brook House which I consider would be a visual improvement to this part of Kidderminster. I therefore am satisfied that the scale of buildings proposed is also acceptable and that the primary care centre would not result in the creation of a visually incongruous feature in this streetscene.

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- 4.10 In accepting the scale and design of the proposed building, it remains to be considered whether there would be any adverse impact caused, particularly to neighbour amenity, through the siting of the proposed building. It is proposed to locate the building further forward of the existing Pathology and Haematology block and Brook House, roughly on the footprint of the existing single storey mortuary building. It is recognised that the siting of the new primary care centre at this point would result in larger, more substantial buildings being brought closer to residential properties on Hume Street. This has been raised by a neighbour as a concern. In assessing this concern I have taken into account that the proposed primary care centre would not come any closer to residential properties on Hume Street than any existing building and despite the increase in height of the building a separation distance of 42m would exist between the new facility and existing dwelling, a distance which I consider to be acceptable. Given that the nine storey building is to be removed I feel that, on balance, the proposal would not lead to a deterioration of neighbour amenity. I am therefore satisfied that the siting of the proposed primary care centre is acceptable.
- 4.11 In addition to the siting and design of the proposed buildings on site, it is essential to assess the impact of changes to be made to the external open spaces against the requirements of Policies D.10 and D.11 of the Adopted Wyre Forest District Local Plan which seek to ensure that all new developments have appropriate regard to boundary treatments and landscaping. It is proposed to increase the amount of landscaping on the site with the introduction of additional tree planting on the car park area. The indicative artists impressions submitted suggest that the existing boundary treatment along the edge of the site, a low level post and rail fence, will be retained, however this would be controlled by condition.

HIGHWAY SAFETY & ACCESS

- 4.12 It is proposed to provide vehicular access at three points; one off Hume Street at the centre of the site; and the others at the existing access points off Franchise Street. The existing entrance off Franchise Street is already barrier controlled and it is proposed to implement a similar car park management system at the entrance to the new Acute Trust car park at the north of the application site as well as at the Hume Street Entrance. Car parking provision is split into two types on this site; Acute Trust car parking which would be dedicated to Acute Trust staff/visitors; and parking associated with the primary Care Centre. Provision is proposed for 205 and 134 spaces (including 13 disabled spaces, 4 duty doctor spaces, a delivery space and an ambulance space) respectively. Pedestrian access to the proposed new facility would be formally laid out off Hume Street, the corner of Sutton Road and Hume Street and off Sutton Road as well as through the main hospital site across the rear of Block A.

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- 4.13 It is essential that the proposal accords with the following policies; Adopted Local Plan policy TR.1 relates specifically to bus infrastructure relating to highway matters and requires that, where appropriate, S106 contributions towards improvements to bus services will be sought; Policy TR.9 seeks to ensure that no detriment will be caused to highway safety as a result of a proposed development; and, Policy TR.17 requires that proposals for new development meet the parking requirements as set out in the Adopted Local Plan.
- 4.14 A detailed traffic assessment was submitted with the original application which was considered by Worcestershire County Council Highways Officers and covered matters including traffic management, accident studies and sustainable access. An addendum to this assessment has since been submitted at the request of County Highways. The highway implications of this proposal have been the subject of lengthy discussions between the agents and the Highways Officer and the proposed plans and S106 contributions have been amended to reflect this.
- 4.15 Policy TR.17 sets out requirements of 4 car parking spaces per consulting room as well as one ambulance space. The ambulance space is shown to be provided along with 132 car parking spaces and one deliveries space. This would be the required number of spaces for a premises offering 33 consulting rooms as is proposed, however the proposed medical centre has the following internal layout, which shows other rooms which it is considered would be similar in the nature of use to a consulting room and would therefore be likely to generate additional traffic and therefore demand for parking.;

	Ground Floor	First Floor	Second Floor	Total
Consulting Room	16	17		33
Nurse Room	2			2
Admin Office	2			2
Interview Room	2			2
Store/WC/Plant/Kitchen	16	15	12	43
Reception	2			2
Waiting Area	2	2		4
Treatment Room	4	8		12
Pharmacy	1			1
Counselling Room		2		2
Training/meeting Room		1	2	3
Office/Staff Room			13	13
TOTAL				119

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- 4.16 The applicant has provided reasoned justification as part of the Transport Assessment to justify the levels of parking provision proposed in the context of the facilities on site. As part of this justification it was necessary for the applicant to demonstrate that the site would be well served by public transport and that walking and cycling would be encouraged through the design of the development. This report has been carefully considered by the Highways Officer who confirms that the applicant has provided a case for a reduced car parking provision based on the expected staff numbers and patients surveys to conclude that actual car parking demand will be below that required. With this evidence and the knowledge of PPG13 the Highway Authority is happy to conclude that the proposed car parking numbers are acceptable. The proposal therefore satisfies the requirements of Policy TR.17 of the Adopted Local Plan.
- 4.17 Similarly, with regards to the need to encourage alternative modes of transport to the site, particularly bus travel, walking and cycling, improvements are proposed to the two nearest Pelican crossings on Bewdley Road and Sutton Road and the tactile paving on Hume Street would be relocated to a more suitable location on the pedestrian desire line. The access to the site using public transport created the greatest challenges. Whilst there are bus services to the hospital site already and also surrounding the existing facilities, the patients who already enjoy bus access to the Aylmer Lodge and Northumberland Avenue medical centres would, without improvements to the bus service, be adversely impacted by the location of the new surgery either having no service to the new facility or a reduced service frequency. In order to mitigate for the reduced bus service a Section 106 contribution is required to extend the 5/5A bus service from Franche to the hospital where patients have a short walk to the proposed centre and provide a contribution toward increasing the frequency of the X3 service. This has been agreed as part of the S106 legal agreement at a figure as detailed in the following section of this report and officer's consider this is a suitable means of mitigation in accordance with Policy TR.1 of the Adopted Local Plan.
- 4.18 Policy TR.9 states that new development should not cause harm to highway safety and accordingly the plans, as originally submitted, have been amended to remove a proposed zebra crossing on Hume Street which was not on a pedestrian desire line and the resultant road markings reduced the ability of existing residents to park on street. Similarly, the junction alterations proposed as part of the original submission, were considered unnecessary as the existing junction already provided a tight junction which had the benefit of reducing speed of vehicles negotiating the junction and keeping a short crossing distance for pedestrians. The proposed access points are acceptable and will not impact on on-street car parking. Given that the Highways Officer does not object to the proposed layout the Local Planning Authority is satisfied that the proposal would not compromise highway safety.

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4.19 The statutory consultation process generated responses from some members of the public which expressed concerns that the proposed development would cause parking problems for the residents of Hume Street including the lack of resident parking and also the inconsiderate parking habits of visitors who will block the driveways of the properties adjacent to the site. It was queried whether there were any proposals to make alterations to Hume Street whether there would be parking restrictions imposed on Hume Street, and, if the new entrance would mean that people would no longer be able to park on the road opposite it due to new parking restrictions. The Highways Officer has offered comment insofar as, based on the Transport Assessment provided and in consideration of the S106 contributions which would be sought, there would be no displacement of vehicles onto the public highway and there are no Traffic Regulation Orders proposed as part of this application which would hinder on-street parking in Hume Street. It has also been queried whether Worcestershire County Council have made any progress on a travel plan for the Kidderminster Hospital site. It should be noted that the County Council cannot force the existing hospital to operate a travel plan, however it is recognised that the new facility should benefit from one and as such a condition would be included on any permission requiring this to be submitted prior to first occupation of the new facilities. Similarly, it has been raised that users of the existing hospital car parks often ignore circulation markings and parking restrictions, however this is not a material consideration in determining this application as it is a matter for the management of the hospital. Concern was expressed that combining two surgeries into one large surgery could potentially lead to a flu pandemic with the concentration of persons with illness being contained in one place. This too is not considered to be a material planning consideration.

S106 CONTRIBUTIONS

4.20 In accordance with the requirements of the District Council's Adopted Planning Obligations Supplementary Planning Document, the following financial contributions have been sought;

Category	Amount	Destination
Transport/Highways	£80,000	WCC (See detailed breakdown above)
Public Realm	Nil	na

4.21 Contributions towards public realm are required, however the Local Planning Authority is satisfied that the positive visual benefit of the development itself with the removal of the multi-storey tower building would significantly benefit the overall appearance of the public realm and is therefore considered to be in itself an acceptable contribution in accordance with the above mentioned document.

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OTHER MATTERS

- 4.22 A public consultation exercise was carried out by the applicants in accordance with the Council's Statement of Community Involvement, details of which are provided in the accompanying Design and Access Statement. The public feedback from the consultation exercise broadly reflects that received in response to the statutory consultation undertaken as part of the application process. The most frequently cited concerns refer to the highway implications of the proposal, in addition to the details given above, the Highways Officer of Worcestershire County Council has responded individually to some of the points raised

5.0 Conclusions and Recommendations

- 5.1 The proposal satisfies the requirements of the Wyre Forest District Adopted Local plan policies as detailed above and as such I recommend that **delegated** authority be granted to **APPROVE** the application subject to:

- a) the signing of a **Section 106 Agreement** to secure the following:

- i) Highways contribution of £80,000

and

- b) the following conditions:

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. B1 (Samples/Details of Materials) <D.1 D.3>
4. C6 (Landscaping – small scheme) <D.3>
5. C8 (Landscape Implementation) <D.3>
6. Vehicle access construction
7. Consolidation of driveway/turning area
8. Access turning and parking
9. Secure cycle parking to be provided
10. Parking for site operatives
11. Travel Plan to be submitted
12. F13 (Control of Dust)
13. F5 (Construction Site Noise/vibration) <adjoining properties>
14. Drainage

Notes

- A Severn Trent Water regarding public sewer
 B Private apparatus within the highway
 C Alteration of highway to provide new or amend vehicle crossover
 D Mud on highway
 E No drainage or discharge to the highway

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Reason for Approval

The proposed primary care centre development is, by virtue of its siting, design and massing, considered to be acceptable development in this locality which would relate well to its immediate surroundings and would not result in the creation of an incongruous feature which would cause harm to either visual amenity or neighbour amenity. The impacts of the proposal on the highway network have been carefully assessed and it is considered that the development would not give rise to a situation which would be detrimental to highway safety. The proposal therefore accords with the policies listed below

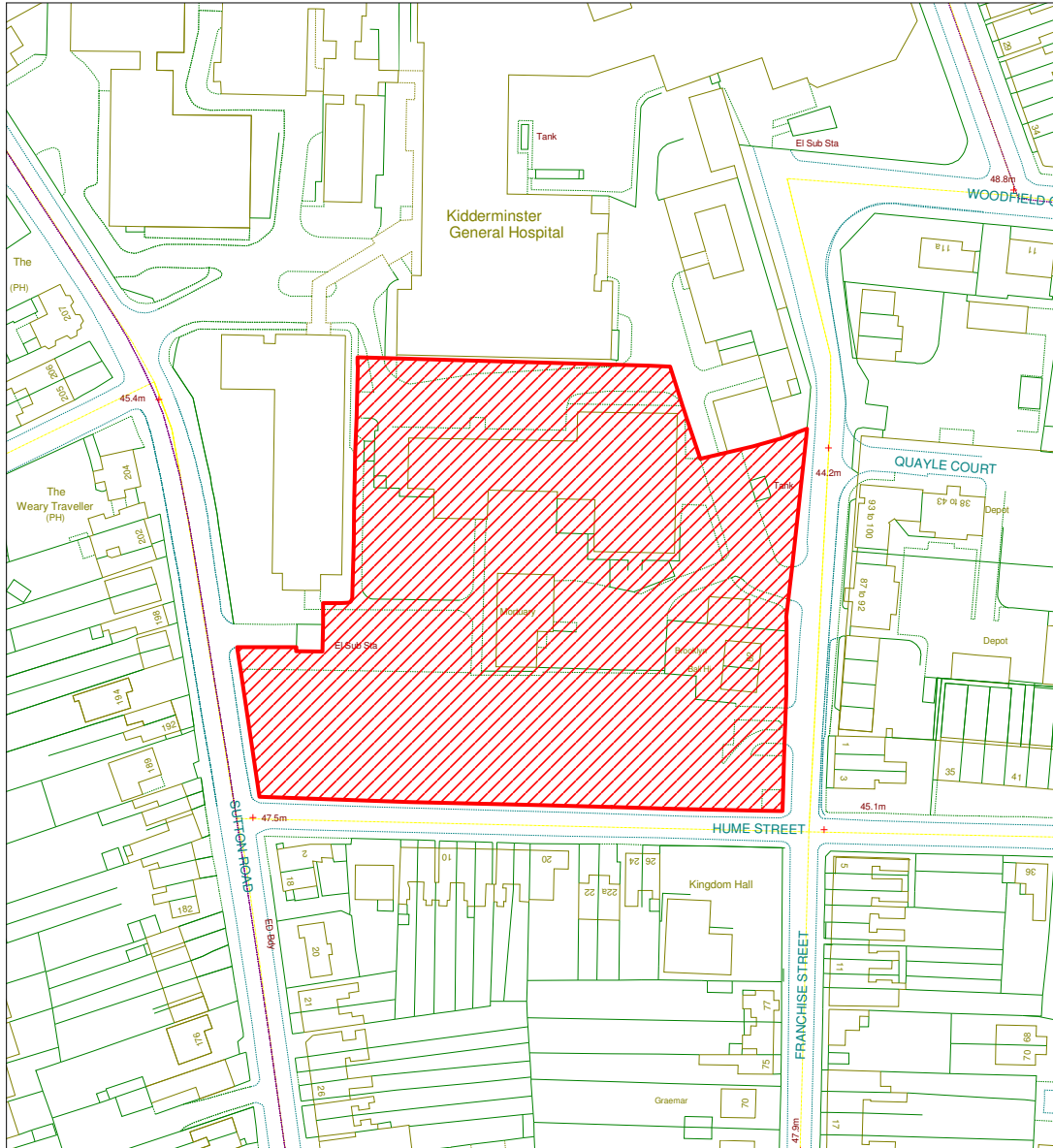
- 5.2 Officers also request delegated authority to REFUSE the application should the required Section 106 agreement not be completed by 15th September 2010, for the following reason:
 1. The applicant has failed to secure a contribution towards highway improvements in accordance with the Supplementary Planning Document – Planning Obligations (2007). Without this agreement it is considered that the proposed development fails to accord with Policies TR.1 TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan together with the aims of the Supplementary Planning Document – Planning Obligations (2007).

Date:- 26 July 2010

OS sheet:- S08276SW

Scale:- 1:1250

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Hume Street
Kidderminster**



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Agenda Item No. 5

Application Reference: 10/0434/FULL **Date Received:** 30/07/2010
Ord Sheet: 373241 272566 **Expiry Date:** 24/09/2010
Case Officer: Emma Anning **Ward:** Rock

Proposal: Replacement of a pair of semi-detached cottages by one cottage style dwelling, re-use of outbuildings as garage, stables and home office and paddock for equestrian purposes

Site Address: 1 & 2 LITTLE BARRATTS COTTAGES, RECTORY LANE, ROCK, KIDDERMINSTER,

Applicant: Executors of Mr B H Squires

Summary of Policy	H.2 H.9 D.1 D.3 D.5 D.10 D.11 LA.1 LA.2 LA.7 RB.1 RB.2 RB.6 EQ.2 EQ.3 CA.6 AR.2 AR.3 HL.1 NC.2 NC.5 NC.6 NC.7 TR.9 TR.17 (AWFDLP) CTC.1 CTC.12 CTC.17 CTC.19 D.16 RST.3 (WCSP) PPS 1, PPS 3, PPS 5, PPS 9
Reason for Referral to Committee	Councillor request for application to be considered by Committee
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 Barratts Cottages are a pair of 19th Century semi-detached brick and tile cottages reached via Rectory Lane along a field access. The site is part of the Landscape Protection Area and a public footpath runs close to the boundary of the site.
- 1.2 Permission is sought for the replacement of the two existing cottages with one four-bed detached dwelling. The scheme would also see the existing outbuildings converted to provide stables, garaging and a small ancillary outbuilding to be used as a home office. Two fields to the south of the cottages and outbuildings are proposed to be used for domestic equestrian purposes.

2.0 Planning History

- 2.1 10/0153/FULL - Replacement of a pair of semi-detached cottages by one cottage style dwelling, re-use of outbuildings as garage, stables and home office and paddock for equestrian purposes : Withdrawn

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3.0 Consultations and Representations

3.1 Rock Parish/Town Council – No comments received

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

The drawings submitted do not represent a true record of the existing access or the road layout. The drawings are misleading and indicate a better standard of access that is enjoyed by the properties at this time. The drawings suggest improvements to the access, but there is no indication of the application forms that this is the case.

The application details are unclear and require amendment to show the true layout of the road, access and clarification is needed as to whether any improvements to the access are to be made as part of this application.

3.3 Conservation Officer - As this building is neither Listed nor on the Local List, and does not lie within any Conservation Area, I do not have any comments on this application. Having read the building report submitted by Catherine Gordon, I am of the opinion that the building would not warrant inclusion on the Local List, nor on the Statutory List.

3.4 Countryside and Conservation Officer – Firstly the bat survey did turn up significant bat activity which will need to be mitigate for the recommendations are A purpose made bat loft of minimum dimensions 6mx5mx2m be incorporated into the development under the watching brief of an ecologist, these works having to be done prior to any demolition works and 2x bat boxes and modified roof tiles be incorporate into a loft of the main building. The lighting to be arranged in such a manor as not to cast a glare on these mitigation features. Given the scale of this mitigation we need to see this incorporated into the plans before we grant approval.

Secondly, the development is immediately adjacent to Dick brook SWS and the report highlights a list of measures to protect this valuable ecosystem ie no spool within 30m of the brook no plant within 10m these need conditioning in addition they need a lighting plan to be submitted to us to demonstrate this habitat is not subjected to a minimum of light spillage with a particular concern relating to the bridge.

3.5 Worcestershire County Council (Historic Environment and Archaeology Service) - Having checked the County Historic Environment Record, this application affects a site of historic interest (WSM41656). The 'historic environment' encompasses all those material remains that our ancestors have created in the landscapes of town and countryside. It includes all below and above ground evidence including buildings of historic and architectural interest.

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A historic building appraisal was requested for the previous, now withdrawn, application, to determine the historic and architectural significance of the buildings proposed for demolition. This report was invaluable in determining that while of only local interest, the structural condition of the buildings is such that they are not listable either nationally or locally. Therefore as a condition of any approval it is advised that a formal programme of historic building recording be carried out on all the structures affected by the scheme (brief provided).

3.6 Worcestershire County Council (Public Path Orders Officer) - No comments received

3.7 Ramblers Association - No objection

3.8 Severn Trent Water Ltd : (Response to previous application) - No objection subject to conditions

3.9 Worcestershire Wildlife Trust - Contents of the ecological surveys noted, we do not wish to object to this application. We recommend that a condition be added to cover the recommendations made in the May 2010 Worcestershire Wildlife Consultancy report. In addition a plan showing the location and dimensions of the proposed bat roosts prior to determination should be provided.

3.10 Council for the Protection of Rural England – We object to the application. As derelict buildings, it is desirable that something should be done to bring them back into use. This assumes that you are convinced that residential use has not been abandoned, in which case the buildings should perhaps be demolished. We are not convinced that the buildings are completely beyond repair.

While they may (as indicated) be of little architectural merit, their association with the brickworks makes them of industrial archaeological interest. They are themselves an archaeological artefact as they probably provide evidence of the type of brick produced there. We would therefore be happier if the scheme were to restore the existing cottages and bring them back into use. If they are unsound then we would request that a condition be imposed that the new buildings should be constructed of the brick obtained by demolishing the existing cottages and the outbuildings.

3.11 Oak Lands District History Society - Please consider the following points for refusal of the application, or if not refusal, then is it possible to ensure that an archaeological survey is carried out to record the details of the brick work before any new landscaping removes all trace of this important historical record of our early industrial background. As local historians we would stress the importance of retaining these cottages as an important record and example of our rural agricultural heritage.

10/0434/FULL

3.12 Neighbour/Site Notice : Five letters received raising the following comments:

- In this day and age any building could be restored, with these buildings being a valuable part of the Rock parish heritage they should be restored to their former state.
- I would prefer to see these cottages preserved and restored.
- The cottages are within an Area of Outstanding Natural Beauty and are structurally sound and perfect for refurbishment.
- The cottages were built from local clay making them architecturally unique and of great archaeological interest.
- They should be renovated and kept as two cottages, which would make two lovely homes for someone, hopefully locals.
- Sections 5 and 6 of the Historic and Structural Appraisal confirms that the buildings are of some historic merit.
- The Design and Access Statement claims that the buildings are structurally sound. Therefore they should be restored.
- Attention is drawn to the Housing objectives of the Adopted Local Plan which seek to retain dwellings in the open countryside which are of local architectural or historic interest and also which seek to ensure that there is a range of affordable and social housing to meet the needs of the District. Therefore restoring, as opposed to demolishing the two cottages, would not only be preserving our heritage but would also make two more affordable homes for local occupation.
- The application seeks a change of use of land for equestrian purposes, I am not aware of the need for such a request if the horses are kept for leisure purposes. if it is proposed to use the site for equestrian activities of a more commercial nature then this would put pressure on traffic at the mouth of the drive.
- Grainger Bros. Farms Ltd. has been the tenant of the 38 acres of agricultural land, which includes the paddock and buildings. All the buildings mentioned in the application are the only buildings on the holding and there is no proposal to replace these which are in continuous use. I can confirm that the larger, steel and asbestos concrete building has been in constant use and is currently full of machinery. The paddock and buildings referred to in this planning application form an integral part of our farming activities, the loss of which would seriously damage the agricultural operation.
- The properties are isolated and any vehicular access could create problems on Rectory Lane.
- The land and buildings should remain agricultural.

10/0434/FULL

4.0 Officer Comments

4.1 Permission is sought for the demolition of the existing two semi-detached cottages and their replacement with a single detached dwelling. It is also proposed to convert two existing (currently agricultural) buildings to domestic use in association with the proposed property. The larger of the two would be converted to provide garaging and stabling for two horses with feed store over; and the smaller single storey building would function as a home office/storage building. An area of agricultural land is proposed to be used as a paddock for domestic equestrian activities. An existing access track would be upgraded to provide access to the site.

4.2 This application is a resubmission of an identical earlier application which was withdrawn pending further information on ecological matters being provided. It is considered that the following matters are key considerations in assessing the merits of this application:

- The principle of development
- Scale, siting and design
- Ecology and Biodiversity
- Highways
- Other considerations

4.3 Each is assessed, in turn, against the relevant Adopted Local Plan policies listed, as follows:

PRINCIPLE OF DEVELOPMENT

4.4 The key policy consideration in this respect is Policy H.9 which states that residential development will only be allowed in rural areas where, amongst other, the proposal relates to the replacement of a permanent dwelling provided that:

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

10/0434/FULL

- 4.5 On the first point, there has been strong local concern relating to the loss of these former workers dwellings, and as detailed in the consultation responses above, it is clearly felt that these buildings are of local architectural interest. Officers have some sympathy with the concerns raised and accordingly the professional advice of both the District Council's Conservation Officer and Worcestershire County Council's Historic Environment Planning Officer has been sought. Both officers conclude that the buildings are not of such merit that they would be considered worthy of either local or statutory listing. However, it is noted that both the District and County Councils have a duty to protect, either by preservation or by record, cultural remains within its jurisdiction. This is emphasised by PPS 5 - Planning for the Historic Environment. It has therefore been concluded that the site is not considered worthy of preservation in-situ and its local historic value should be preserved through a programme of archaeological work and recording, controlled by condition. Therefore to conclude on this point, on balance, it is recognised that the buildings do hold some interest locally however this is not considered so significant as to warrant refusal of planning permission in this instance. Based on the professional advice of District and County Council Conservation and Historic Environment Officers it is considered that a condition requiring a historic record of the buildings be kept would mitigate for the loss of the buildings.
- 4.6 In support of this, it is understood that full Council Tax has been paid on both properties up to date and as such they could, if wished, be occupied. I do not consider that their use as a dwelling has been abandoned.
- 4.7 As discussed below, the scale, siting and design of the proposed replacement is considered to be acceptable as it is comparable to the size of the existing buildings and would not cause harm to the Landscape Protection Area due to its location or design.
- 4.8 In consideration of the above points in the context of the requirements of Policy H.9 it is felt that the proposal would satisfy the policy requirements and therefore the principle of a replacement dwelling in this locality is acceptable.

SCALE, SITING and DESIGN

- 4.9 As detailed above Policy H.9 required all replacement dwellings to be comparable to the three-dimensional scale of the original building. The existing and proposed plans show that the existing external volume of the cottages is 567cu.m and the proposed replacement would measure 586cu.m (an increase of 19cu.m), it is noted that an existing outbuilding of 37cu.m, would be removed and not replaced and it is considered that this would offset the marginal increase in volume of the replacement dwelling. The footprint of the proposed dwelling would be smaller than that of the existing properties however it is proposed that the replacement property would, at the roof ridge, be 0.5m taller than the buildings it would replace. Given that the replacement would be comparable in scale to the existing buildings on site, it is accepted that the amount of development proposed is appropriate and would not be contrary to the above policy.

10/0434/FULL

- 4.10 The design of the replacement dwelling would be a traditional farmhouse style, with dormer and chimney stack features, which is considered would sit well in this rural setting and would therefore harmonise with the character of the area. There would, therefore, be no harm caused to visual amenity or the Landscape Protection Area in accordance with Policies D.1, D.3, D.5 and LA.1 of the Adopted Local Plan.
- 4.11 It is proposed to relocate the replacement dwelling by approximately 18m to the south of the application site. Policy H.9 allows for such a shift where the new location would be less prominent than the original. Given that the new location would see the replacement dwelling brought into closer proximity to existing outbuildings on the site, therefore reducing the spread of built development on the site it is considered that there would be a positive gain to openness in this locality to be had from the proposed re-siting of the replacement dwelling.
- 4.12 As part of the scheme it is proposed to change the use of an existing area of agricultural land to the keeping of horses for domestic purposes. Given that this would not involve the siting of any stables on this land or any fixed surface equipment it is felt that the openness and character of the countryside would not be compromised and that therefore this would be an acceptable use of land in this instance.

ECOLOGY and BIODIVERSITY

- 4.13 The previous application was withdrawn as it was identified, by both the District Council's Countryside and Conservation Officer and Worcestershire Wildlife Trust, firstly; that there was significant potential for bat activity on site and secondly; that the information submitted did not provide evidence that the outbuildings had been surveyed. It was also suggested that a water management plan would be required due to the close proximity of the site to Dick Brook Special Wildlife Site. In accordance with these recommendations the current application has been submitted with a more detailed and robust protected species and bat emergence survey. This document has been carefully assessed by both Worcestershire Wildlife Trust and the District Council's Countryside and Conservation Officer, who both suggest that additional detail is required to show that bat roosts would be provided. Accordingly revised plans have been received which accord with the recommended size criteria given, to show provision of a bat loft in the proposed home office/storage building and bat boxes and raised roof tiles to the main dwelling. Being mindful of the comments made by both consultees relating to this matter it is considered that the additional information submitted would satisfy the need to mitigate for bat activity on this site, in accordance with Policies NC.5 and NC.7 of the Adopted Local Plan.

10/0434/FULL

- 4.14 Concerns of light spillage from any means of illumination proposed to light the existing access or external amenity areas were raised by the same consultees as there is potential for artificial light in a rural environment to be harmful to the local bat activity. It is therefore proposed to apply a condition on any approval which would require a lighting plan to be submitted prior to development commencing on site.
- 4.15 It was also suggested that the mitigation measures set out in the above mentioned report are acceptable and that they should be carried out. This would be controlled by condition. In addition to the measure contained in the report it is suggested, by the District Council's Countryside and Conservation Officer that additional conditions should be applied to any approval to ensure that no harm would be caused to the nearby Dick Brook with regards to spoil or the usage of plant machinery, such conditions, it is felt, would be reasonable in order to ensure no harm to the adjacent Special Wildlife Site.
- 4.16 In conclusion, the measures proposed in the accompanying protected species and bat emergence survey as well as the additional conditions suggested by both Worcestershire wildlife and the Countryside and Conservation Officer would be sufficient to ensure that appropriate mitigation measure would be put in place to ensure that no harm to biodiversity or ecology would arise as a result of this proposal.

HIGHWAYS

- 4.17 As detailed above, it is proposed to utilise an existing access track to the property which is off Rectory Lane to the south of the site. The access runs from the lane, along the boundary of an agricultural field and cross an existing bridge towards the property. Details provided show that a passing bay would be provided approximately halfway between the property and Rectory Lane and only minor alterations to the surface finish and gradient of the area in front of the gates would be required. These proposals have been assessed by the Highways Officer who comments as detailed above. It is understood that there is no in-principle objection to this track being utilised for the purposes described, but the plans provided with the original application do not accurately represent what the road layout is on site. It has been requested that more accurate plans be provided. Accordingly further detail is awaited and will be added to the update sheet when submitted along with the respective comments of the Highway Authority. Subject to such additional details being considered acceptable then the proposal would comply with the requirements of both Policies TR.9 and TR.17 of the Adopted Local Plan.

10/0434/FULL

OTHER MATTERS

- 4.18 The consultation process with neighbours and landowners in the vicinity of the application has generated a concern from the current tenant farmer that the agricultural buildings proposed to be converted would be lost to agricultural use. It is confirmed that the buildings are currently in full use in association with agriculture. Advice from the agent on this matter is that "there are rights to compensation under the Agricultural Holdings Act and this matter will be fully addressed when the planning decision is made". Whilst this will satisfy the legal side of the matters raised there is concern that the loss of the existing buildings may lead to pressure for the erection of additional agricultural buildings on land owned by the applicant.
- 4.19 A certain range of agricultural buildings could be built without the need for planning permission as they benefit from permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995, and as such it would not be considered reasonable to withdraw such rights on this basis. It is therefore likely that the loss of the existing agricultural buildings would be compensated through the above mentioned Acts.

5.0 Conclusions and Recommendations

5.1 The proposed development would accord with the relevant Adopted Local Plan policies as listed and therefore **delegated** authority is sought to **APPROVE** the application subject to:

- a) revised highway details being submitted to the satisfaction of the Highway Authority and
- b) the following conditions:
 - 1. A6 (Full with no reserved matters)
 - 2. A11 (Approved plans)
 - 3. Samples and details of materials to be submitted
 - 4. Details of enclosure
 - 5. Historic building Interpretation to be carried out
 - 6. Highway Conditions
 - 7. Lighting details to be submitted
 - 8. No works or machinery adjacent to Dick Brook
 - 9. Removal of permitted development rights <A B C D E>

Reason for Approval

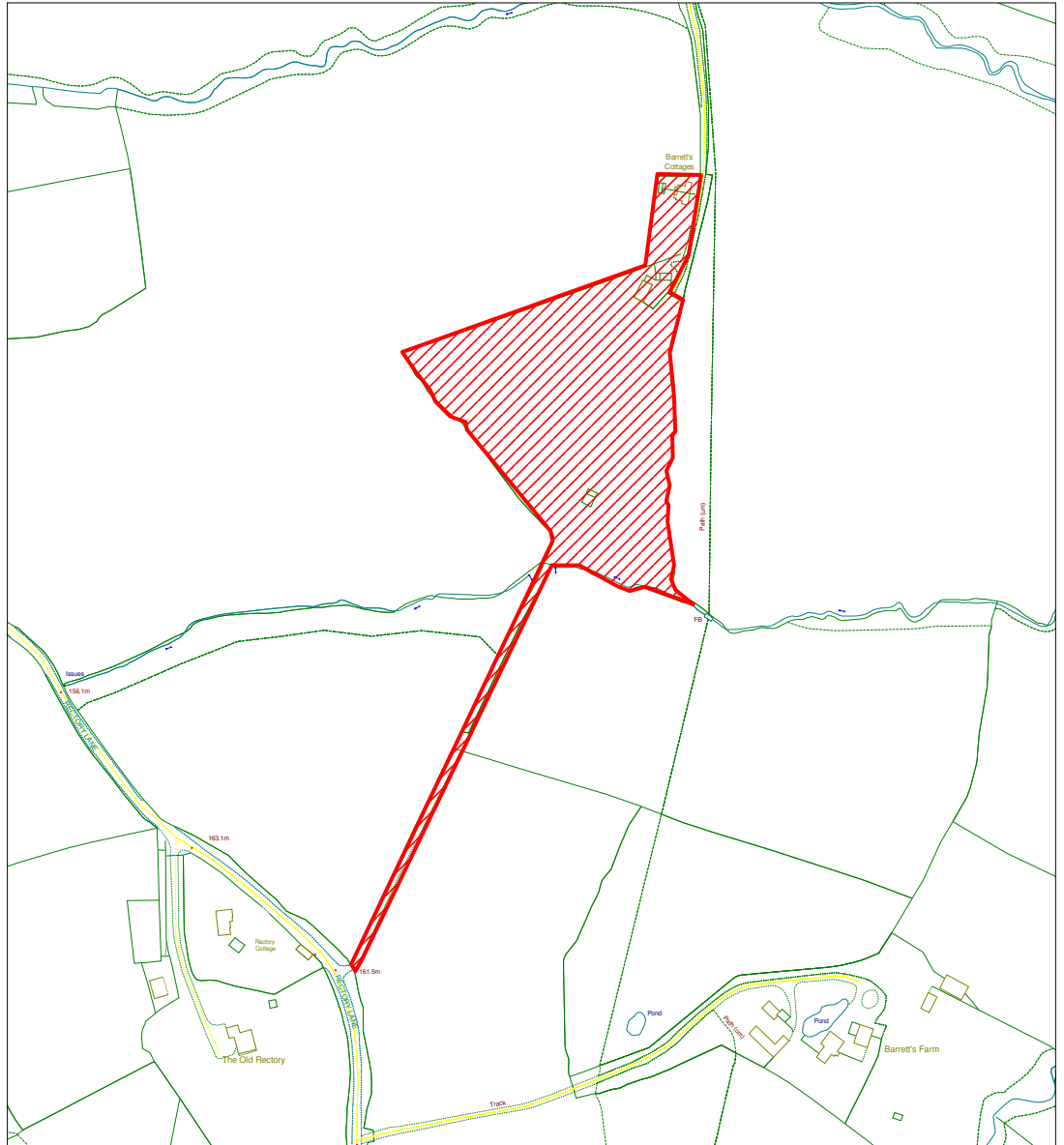
The proposed replacement dwelling, by virtue of its scale, siting and design is considered to be acceptable development in this rural location which would not cause visual harm to the Landscape Protection Area. Satisfactory mitigation measures have been demonstrated to ensure that the proposal would not give rise to a situation which would be harmful to any protected species known to be on site. The proposal would not give rise to a situation which would be detrimental to highway safety. The proposal therefore accords with the policies listed above.

Date:- 31 August 2010

OS sheet:- S07372SW

Scale:- 1:3500

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Wyre Forest District Council

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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
14TH SEPTEMBER 2010

PART B

Application Reference:	10/0345/FULL	Date Received:	15/06/2010
Ord Sheet:	381060 271557	Expiry Date:	10/08/2010
Case Officer:	Stuart Allum	Ward:	Mitton

Proposal: Demolition of existing dwelling house and construction of semi-detached dwellings

Site Address: ROSE COTTAGE, 1 TAN LANE, STOURPORT-ON-SEVERN, DY138HD

Applicant: Mrs J Whinder-Montague & Mrs S Whinder-Cartwright

Summary of Policy	H.2, D.1, D.3, D.4, D.7, D.10, D.11, D.13, TR.9, TR.17 (AWFDLP) SD.3, SD.6, SD.7 (WCSP) Design Quality (SPG) PPS1, PPS3
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval.
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 Rose Cottage is presently a detached two storey dwelling located in an allocated residential area on the northern fringes of Stourport on Severn town centre.
- 1.2 The building forms part of a line of dwellings located immediately to the rear of properties in Vernon Road.
- 1.3 The application site, along with the adjacent properties with Tan Lane addresses can only be accessed on foot from Tan Lane itself via a narrow alleyway.
- 1.4 There is no vehicular access, nor could one be realistically created.

10/0345/FULL

- 1.5 The footprint of the existing dwelling, which is vacant and semi derelict, is directly adjacent to the rear boundary of No. 3 Vernon Road. Neighbouring properties are located at close quarters on both sides of the application site.
- 1.6 There is no rear garden as such. All the existing amenity space is to the 'front' adjacent to the aforementioned alleyway.

2.0 Planning History

- 2.1 WF/0238/75 – Kitchen and bathroom : Approved 8/4/75
- 2.2 WF/0100/76 – Alteration and extensions : Approved 5/3/76
- 2.3 WF/0957/76 – Improvements and modernisation : Approved 22/12/76
- 2.4 09/0687/FULL – Demolition of existing dwelling house and construction of semi detached dwellings : Withdrawn 24/2/10

3.0 Consultations and Representations

- 3.1 Stourport on Severn Town Council - Objection to the proposal and recommend refusal "on the grounds that the proposal constitutes an over development of the site".
- 3.2 Highway Authority - Recommends Refusal. The proposed development will displace vehicles onto the highway due to a lack of off road car parking.

The existing dwelling is declared to be a 2 bedroom unit with no car parking provision. The proposal is for 2 dwellings each being 2 bedrooms. Therefore there is a net increase of 1 dwelling which should provide car parking in accordance with Worcestershire County Council's current standards. The inability of the applicant to access the site for vehicular purposes means that residents occupying cars must permanently use the highway for the storage of their vehicles. This will obstruct the highway for an indefinite period.

As the applicant is unable to provide the required car parking provision, I consider that the highway will be adversely impacted on as a result of this application which is, therefore, recommended for refusal.

- 3.3 British Waterways - No objections
- 3.4 Severn Trent Water Ltd - No objection subject to condition
- 3.5 Arboricultural Officer - No objections subject to conditions (small landscaping scheme to be submitted).

10/0345/FULL

3.6 Neighbour/Site Notice – Two representations received which raise objections which are summarised as follows:

- Loss of sunlight to living room during winter months
- The demolition and rebuilding materials would require to be "Barrowed" along the pedestrian lane which is not as wide as stated with resultant disruption and hazard to existing residents
- On street parking adjacent to No.7 is restricted to 30 mins between 08.00 and 18.00
- Potential for building debris to obstruct path, which is unlit, and may be a trip hazard at night
- Potential hazard on the highway due to siting of skip during construction works, opposite a school and close to delivery entrance for nearby supermarket.

4.0 Officer Comments

4.1 This is a resubmission following the withdrawal of a previous application 09/0687/FULL.

4.2 Various issues relating mainly to neighbour amenity and privacy were identified on the original scheme and since the withdrawal, negotiations have been held with the applicant's agent with a view to overcoming these problems.

4.3 The result is the proposal now being considered. This shows a pair of semi detached dwellings moved away from the boundary with No. 3 Vernon Road (to the rear).

4.4 The chosen footprint and design for the development attempts to strike a balance between the requirement for protecting neighbour amenity, and also respecting as far as possible the existing layout of residential development in the immediate locality.

4.5 Although the tolerances in respect of the Council's 45 degree code are quite fine, overall the impact of the development on all the adjacent neighbours is considered to be proportional and equitable. The additional comments made by the neighbouring property regarding possible building debris are essentially 'private matters'.

4.6 The footprint of the proposed development is comparable with that existing and is not, as Stourport on Severn Town Council assert, considered to be an 'overdevelopment of the site'. Adequate amenity areas are provided for each dwelling.

10/0345/FULL

- 4.7 The recent changes to PPS3, in which domestic garden curtilages are now deemed to be no longer 'previously developed land' are not considered relevant to this application where the development is more akin to a 'replacement', albeit with the creation of an additional dwelling.
- 4.8 With regard to issues of amenity and privacy, the rights enjoyed by the neighbouring properties under the provisions of Article 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.
- 4.9 The refusal recommendation of the Highways Authority is noted. However, there is some suggestion that the existing building to be demolished is actually a three bedroom dwelling, rather than the two bedroom. Further clarification is being sought, the outcome of which may warrant further consideration of the proposal by County Highways.

5.0 Conclusions and Recommendations

- 5.1 Subject to the approval of the Highways Authority, this proposal is able to meet the criteria of the appropriate policies and other guidance.
- 5.2 In consideration of Article 1 of Protocol 1 and Article 8 of the Human Rights Act, **delegated** authority to **APPROVE** is requested, subject to the receipt of further information regarding the existing property, the satisfactory completion of a reconsultation exercise and the following conditions:
1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. B1 (Materials)
 4. No side facing windows in side elevation (first floor level). Removal of permitted development rights.
 5. C6 (Landscaping – small scheme)
 6. C8 (Landscaping – Implementation)
 7. Severn Trent Water

Note

SN12 (Neighbours' rights)

Reason for Approval

The proposed dwellings are well designed and have been configured on site to take account of the surrounding residential development.

The impact of the dwellings upon the neighbouring properties has been carefully assessed and no undue loss of amenity and privacy would occur as a result of the development. Accordingly, the proposal is considered to be in compliance with the policies listed above.

Agenda Item No. 5

Application Reference: 10/0365/OUTL **Date Received:** 22/06/2010
Ord Sheet: 381453 271389 **Expiry Date:** 17/08/2010
Case Officer: Julia Mellor **Ward:** Mitton

Proposal: Erection of a light industrial building and construction of car park
(Renewal of Outline Planning Permission WF.495/05)

Site Address: LAND ADJACENT, 35 MITTON STREET, STOURPORT-ON-SEVERN, DY139AQ

Applicant: C & L HARRIS

Summary of Policy	CA.1, CA.2, CA.5, TR.9, TR.17, NR.5, TC.2, NC.3, E.10, D.1, D.15 (AWFDLP) SD.2, SD.3, SD.4, SD.9, D.25, D.26 (WCSP) PPS1, PPS4, PPS9
Reason for Referral to Committee	Development Manager considers that application should be considered by Committee
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 This 'L' shaped application site has frontages to Mitton Street to the west, the old Anglo building to the north, the River Stour to the east and No. 35 Mitton a hairdressers together with the Reedspeed Scooter premises to the south.
- 1.2 Part of the site is located within flood zones 2 and 3 and the River Stour forms part of a Special Wildlife Site. The site also lies within the Gilgal Conservation Area.
- 1.3 The site was previously used as a reclamation yard, however this use ceased about a year ago.
- 1.4 The application is in outline with all matters reserved for future consideration.

2.0 Planning History

- 2.1 WF.990/89 (Outline) – Construction of light industrial building and car parking
Approved : 12/12/89
- 2.2 WF.931/92 – Renewal of WF.990/89 : Approved 23/2/93
- 2.3 WF.109/96 – Renewal of WF.931/92 : Approved 26/3/96

10/0365/OUTL

- 2.4 WF.156/99 – Renewal of WF.109/96 : Approved 20/4/99
- 2.5 WF.349/02 – Renewal of WF.156/99 : Approved 16/5/02
- 2.6 WF.495/05 – Renewal of WF.349/02 : Approved 12/6/05
- 2.7 10/0175/FULL – Change of use of former reclamation yard to hand car wash and valeting area : Withdrawn

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – No objection
- 3.2 Highway Authority – No objection, subject to the same conditions as applied to WF.495/05
- 3.3 Conservation Officer – No objection
- 3.4 Policy and Regeneration – The above application seeks outline permission for a light industrial building on land current zoned for general town centre uses within the Adopted Local Plan. The application appears to be however a renewal of various previous planning permissions dating back a number of years. These previous permissions gave outline consent for the same type of use currently being proposed. Therefore it is considered that the precedent has been set and there are no new policy grounds which will preclude this type of development within this location.
- 3.5 Arboricultural Officer – Awaiting comments
- 3.6 Environment Agency – Awaiting comments
- 3.7 Environmental Health – Awaiting comments
- 3.8 Countryside and Conservation Officer – Awaiting comments.
- 3.9 Worcestershire Wildlife Trust – Awaiting comments
- 3.10 Natural England – Awaiting comments
- 3.11 Neighbour/Site Notice/Press – No representations received.

10/0365/OUTL

4.0 Officer Comments

- 4.1 The application site is located within the Adopted Local Plan in an area allocated for general town centre uses under Policy TC.2. This Policy allows B1(a) Office Uses. The current proposal for a general light industrial use conflicts with the policy in that it is seeking consent for all B1 Uses i.e. B1(a) office, (b) research and development and (c) light industrial uses.
- 4.2 Bearing in mind that the application seeks to renew the previous 2005 consent, it is considered appropriate to ascertain whether there have been any material changes in planning policy.
- 4.3 Whilst there has been no policy shift in terms of the site's allocation in the Adopted Local Plan, since the date of the previous approval the Government has adopted PPS.9; Biodiversity and Geological Conservation. It states that the Government's objectives for planning include the conservation, enhancement and restoration of the diversity of England's wildlife. Furthermore it advises that Local Plan Policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and in taking decisions Local Planning Authority's should ensure that an appropriate weight is attached to designated sites of international, national and local importance and to protected species. The Council's Countryside and Conservation Officer has visited the site and requested a habitat survey which pays particular attention to otters and their habitat together with bats who may use the existing ash trees on site. Such a survey has recently been received and the re-consultation process is currently being undertaken.

5.0 Conclusions and Recommendations

- 5.1 With the exception of the introduction of PPS9 it is considered that there are no other significant changes to Development Plan policy and therefore it would be unreasonable to take a different stance with respect to the principle of the proposed B1 use.
- 5.2 I therefore recommend **delegated APPROVAL** subject to:
- i) No objections to the submitted ecological survey from Natural England, Worcestershire Wildlife Trust and the Council's Countryside and Conservation Officer; and
 - ii) no objections from the Environment Agency, regarding flood risk and contamination issues, and
 - iii) the following conditions
 1. A1 (Standard outline)
 2. A2 (Standard outline - Reserved Matters)
 3. A3 (Submission of Reserved Matters)
 4. Restriction to B1 use
 5. Details of access arrangements

10/0365/OUTL

6. H13 (Highway)
7. Visibility splays
8. Site Operative Parking
9. E2 (Foul and Surface Water)
10. Surface Water Scheme
11. No new buildings within 8 metres of the top of the bank
12. D1 (Contamination)
13. Ecological remediation measures

Reason for Approval

The current Adopted Local Plan seeks to restrict development on this site for B1(a) office uses only, however it is considered that the circumstances have not changed since the last approval in 2005 and an open B1 use would be acceptable on this site without detracting from the vitality or viability of the Town Centre or the amenity of neighbours. In addition biodiversity interests have been assessed and it is considered that there would be no adverse impact. For these reasons the proposal is considered to be in accordance with the policies of the Adopted Wyre Forest District Local Plan as listed above.

Agenda Item No. 5

Application Reference: 10/0376/FULL **Date Received:** 03/07/2010
Ord Sheet: 390250 278385 **Expiry Date:** 02/10/2010
Case Officer: Paul Wrigglesworth **Ward:** Blakedown and Chaddesley

Proposal: Variation of Condition 3 and removal of Condition 4 of Planning Permission 07/0023/FULL to allow occupation of Apartment 10 without age restriction

Site Address: BROOME HOUSE COTTAGE, BROOME, STOURBRIDGE, DY9 0HB

Applicant: MR E LANE

Summary of Policy	H.7, H.9, D.1, D.3, GB.1, GB.2, GB.6, CA.1, LB.1, LB.2, TR.9, TR.17 (AWFDLP) D.39, CT.19, CTC.20 (WCSP) PPS1, PPG2, PPS5, PPS7
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Broome House is located in a concealed position in the centre of Broome Conservation Area. Formerly a large country house, this Grade II Listed Building has been converted into apartments for people over the age of 45 years of age and at the time of writing two of these are occupied. A large converted Coach House adjacent and within the grounds is in use as a nursing home.
- 1.2 Vehicular access to the premises is gained from the village lane and the driveway passes along the side of the Coach House to a parking area at the front of the building.
- 1.3 The site lies within a Green Belt area and there are no neighbouring dwellings close to the building.

2.0 Planning History

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

10/0376/FULL

07/0023/FULL - Change of use and internal alterations to change from residential home to 12 sheltered apartments for the over 60's with care facilities provided by the nursing home to remain in the Coach House, car parking arrangements : Approved 23 March 2007

08/0530/FULL - Variation of Condition 3 of permission 07/0023/FULL to allow occupation of units by persons over 55 years of age, or over 50 years of age if cohabiting with a partner of 55 years or over : Approved 21 August 2008

09/0564/FULL - Removal of condition No 3 of planning permission 07/023/FULL (12 Sheltered apartments for the over 60's) to enable unrestricted occupation : Withdrawn 28 August 2009

09/0649/FULL - Variation of Condition 3 of permission 07/0023 to allow occupation of units by persons over the age of 45 years old : Withdrawn 23 October 2009.

09/0770/FULL - Variation of Condition 3 and removal of Condition 4 attached to Planning Permission 07/0023/FULL to allow occupation of apartments by people of 45 years and above without the need for care from associated Nursing Home : Approved 14 December 2009.

3.0 Consultations and Representations

- 3.1 Broome Parish Council – We have no objections to the proposed change of use or the proposed alterations to Broome House but remain concerned about the parking provision for the site. Reproduced below are our comments on the previous application (09/0477).

“We are however concerned that the proposed parking arrangements will be inadequate for 12 apartments. We believe it is quite possible for the type of people that the accommodation is intended for to require at least one parking spot for each apartment which would result in there being just one parking spot for visitors. It is appreciated that the application specifies 10 additional parking spaces alongside the Coach House, but these will largely be used by support staff and visitors to Coach House residents. (We note the application makes no reference to the additional 4 supporting staff accommodation units recently approved, for which parking may also be required.) We also note the additional plans for modification to the Coach House.

10/0376/FULL

Whilst we understand that these have been submitted erroneously and are not part of the current application, if these were subsequently submitted and approved this would further add to the pressure on parking. If the parking should prove to be inadequate there is no overspill capability within the village of Broome and vehicles parked will cause considerable nuisance to residents and possible restrictions of access.

We believe that the proposed drop in age limit for residents will only serve to accentuate the potential risk as it is quite possible that occupants will have more than one car per family for this group.

We note the case officers reference to parking in his recommendation for approval of the application and the Highway Authority request for cycle parking provisions but we do not believe in this location this will serve to make much if any difference to the likelihood of second cars being owned by the occupants of the apartments”.

Whilst we are sympathetic to the need to remove the age limit completely if this is a restriction to obtaining mortgages we believe that removing the restriction will potentially increase the pressure on parking even more. Further the proposal to remove the restriction for just one property if approved would set a precedent which would be difficult to argue against in the event of subsequent similar applications.

- 3.2 Highway Authority – No objection
- 3.3 Worcestershire County Council (Education Department) – Views awaited
- 3.4 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 Planning permission has previously been granted under planning permission 07/0023/FULL to convert the existing care home into 12 sheltered apartments for persons of 60 years and over with direct linkage to the existing care facility on the site. A subsequent proposal (08/0530/FULL) gained planning permission to vary condition number 3 of 07/0023/FULL to allow occupation of the units by persons of 55 years of age and older. A further permission (09/0770/FULL) varied the same condition once more to reduce the occupancy age to 45 years of age together with the removal of Condition 4, which tied the occupants to those requiring total reliance on the care facility, although care would be provided for residents as and when required.

10/0376/FULL

- 4.2 The current proposal affects only apartment 10, a single bedroom unit on the first floor of the building and the application seeks consent to remove the occupancy age restriction completely with respect to this flat and, for the sake of completeness, also seeks to remove Condition 4 of the original planning permission once more. The removal of Condition 4 is very much a technicality since Unit 10 could be occupied without being tied to care provision under the extant planning permission 09/0770/FULL and this explains the emphasis on the variation of Condition 3 in the remainder of this report.
- 4.3 Although this property is a Listed Building situated in the Green Belt the rewording of a condition for one unit will have no material affect on either the character or setting of the Listed Building as no alterations to the property will take place. This change in occupancy also has no ramifications for Green Belt policy.
- 4.4 The Parish Council do not object to the application but are concerned that the application does not result in overspill car parking onto the village lane. The existing car parking area lies immediately in front of the apartments and has a capacity of 13 spaces. This is in fact one space more than the maximum car parking provision normally required by the Local Plan (see Policy TR.17). There is also a separate car parking area to serve The Coach House where there are 10 spaces to serve the 17 people with very needy nursing care. There are also two spaces to the rear to serve the two staff units. I am advised by the Highway Authority that the car parking requirement is exactly the same for the occupancy of Unit 10 as it would have been if it was aged limited and consequently there should be no increased demand on the existing car parking area. While I understand the concern of the Parish Council with regard to the undesirability of car spillage into the village and the consequent harm to the Conservation Area, there is no reason why this will happen and with both the Highway Authority and the Conservation Officer satisfied with the arrangement there are no grounds to refuse this application for this reason.
- 4.5 The Parish Council is also concerned about this application setting a precedent for the other apartments at Broome House. The Agent has given Officers assurances that the current restrictive covenant limiting the age of occupants will remain in place for the rest of Broome House and that this application is an isolated case arising from a foreign bank loan for what would be a holiday apartment.

10/0376/FULL

- 4.6 However, even if additional applications are received, granting planning permission for the current proposal would not be a serious precedent with far reaching consequences, as consideration of future applications to change the age restriction of other apartments would be limited to an assessment at that time as to whether or not there are sufficient car parking spaces within the grounds of Broome House to comply with the then prevailing car parking standards.
- 4.7 As stated the unit is a one bedroom flat, consequently there is no requirement for education contributions.

5.0 Conclusions and Recommendations

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

5.2 It is therefore recommended that the application be **APPROVED** subject to the variation of Conditions 3 as follows:

- (3) With the exception of Unit 10, a one-bedroom apartment on the first floor of the building, the sheltered accommodation hereby permitted shall only be occupied by persons of 45 years or over, or persons of 40 years or over if co-habiting with a partner of 45 years or over.

Reason

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

5.3 All other relevant conditions but excluding Condition 4 attached to the original permission are proposed to be repeated in respect of this permission.

Reason for Approval

The proposal involving the revised wording of Condition 3 and the removal of Condition 4 has been carefully examined in terms of the effect on the character and appearance of the Listed Building, the Conservation Area and the Green Belt, in terms of traffic generation and car parking provision and is judged to be acceptable in these respects. To approve the development is in accordance with the above mentioned planning policies.

Application Reference:	10/0383/FULL	Date Received:	02/07/2010
Ord Sheet:	373021 273954	Expiry Date:	27/08/2010
Case Officer:	Emma Anning	Ward:	Rock

Proposal: Erection of conservatory

Site Address: ALTON COTTAGE, GIBBETT BANK, ROCK,
KIDDERMINSTER, DY149DQ

Applicant: MR & MRS MASON

Summary of Policy	D.1 D.5 D.17 LA.1 LA.2 (AWFDLP) CTC.1 (WCSP) PPS 1
Reason for Referral to Committee	Councillor request for application to be considered by Committee
Recommendation	REFUSAL

1.0 Site Location and Description

- 1.1 Alton Cottage is an attractive stone cottage situated in a remote rural location just south of Far Forest village and just west of the crossroads at Pound Bank.
- 1.2 The site is within the Landscape Protection Area. The application seeks permission for a single storey conservatory to the rear of the property.

2.0 Planning History

- 2.1 WF/0890/92 - Home extensions and garage : Approved
- 2.2 WF/0086/04 - Retention of single storey extension to the rear : Approved
- 2.3 05/1201/FULL - Conservatory : Refused
- 2.4 09/0016/FULL - Conservatory : Refused

3.0 Consultations and Representations

- 3.1 Rock Parish Council – No objection and recommend approval.
- 3.2 Highway Authority – No objection
- 3.3 Neighbour/Site Notice – No representations received

10/0383/FULL

4.0 Officer Comments

HISTORY

- 4.1 This is a re-submission in identical form of the conservatory extension scheme refused in 2005 and refused again in 2009 as referred to under paragraphs 2.3 and 2.4 above.
- 4.2 Alton Cottage has been the subject of previous extensions that were granted planning permission in 1992 and 1994. Historic records show that the original property was very modest in size and possibly had only one bedroom. The extension granted in 1992 has already added significantly to this property and now dominates the original building particularly on the north, east and western elevations. It is considered, based on plans submitted with the 1992 application, that the original property occupied the footprint of what is shown on the current plans as the dining room. It is calculated that the footprint of the original property was approximately 32 sq.m., the footprint of the property as it currently stands is 80 sq.m., therefore the property has already been extended by around 150%.
- 4.3 There have been no material change in circumstances since the previously refusal, identical, scheme in 2005 and no changes in terms of policy.

SCALE AND DESIGN

- 4.4 Policies contained within the Adopted Local Plan relating to residential extensions state that extensions to properties should be in scale and in keeping with the form of the original building and must remain subservient to and not overwhelm that building which should retain its visual dominance.
- 4.5 In addition, because the property sits within the Landscape Protection Area, it is essential that the requirements of Policy LA.1 of the Adopted Local Plan are met. Policy LA.1 states that proposals must be appropriate to and integrate with the landscape character and should safeguard the components of landscape character with particular regard to the scale, layout, design and detailing of the proposal and its relationship to existing buildings.
- 4.6 In terms of the scale of development, the proposed conservatory, when considered together with the previous additions, would result in the cumulative increase (in footprint) being around 200% larger than the original dwelling. The Local Planning Authority does not consider that amount of extension to be in scale with the size of the original building which would further be overwhelmed by these further additions. The proposal is therefore contrary to Policy D.17 of the Adopted Local Plan.

10/0383/FULL

- 4.7 Officers are of the opinion that, in design terms the style of the conservatory, which is proposed to be a traditional style, would relate satisfactorily to the architectural characteristics of the dwelling and would not cause harm to its character.
- 4.8 Officers have assessed whether there may exist an argument that the previous extensions have so overwhelmed the original property as to make further extensions warranted as the current, extended, property already bears little resemblance to the original form. However, officers conclude that such an argument would be without foundation; would seriously undermine the creditability of Policy D.17 and would, if accepted, be likely to set a precedent which would be difficult to defend.

5.0 Conclusions and Recommendations

- 5.1 The proposal fails to satisfy the requirements of the relevant Adopted Wyre Forest District Local Plan policies and therefore it is recommended that the application be **REFUSED** for the following reason:
1. The proposed extension, when considered together with previous extensions and alterations, would result in a disproportionate addition over and above the size of the original dwelling. The development is contrary to Policy D.17 of the Adopted Wyre Forest District Local Plan.

Application Reference:	10/0433/FULL	Date Received:	29/07/2010
Ord Sheet:	383306 276954	Expiry Date:	23/09/2010
Case Officer:	Stuart Allum	Ward:	Greenhill

Proposal: Use of building and land for the sale of motor cars for a period of two years

Site Address: 86-87 BLACKWELL STREET, KIDDERMINSTER, DY102DZ

Applicant: Vita Investments Ltd

Summary of Policy	TC.2, TR.9, TR.17, D.1 (ADWFDLP) SD.2, SD.9 (AWCSP) Design Quality SPG
Reason for Referral to Committee	Development Manager considers that application should be considered by Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The site is located at the end of Waterloo Street, immediately adjacent to Blackwell Street/Ring Road traffic island.

2.0 Planning History

2.1 WF/0938/99 – Part demolition of building and regrading of ground levels for display and sales of cars, modification of building to form garage, store etc : Approved for 3 year period, “to enable the Local Planning Authority to control the development of the site in the interests of the preservation and protection of the amenity of the area”.

2.2 WF/1059/02 – Renewal of temporary planning permission in respect of site for car sales for a further 24 months : Approved.

2.3 WF/1347/04 – Renewal of temporary planning permission for the sale and display of motor vehicles (commercial/domestic) and caravans for a further 36 months : Approved

2.4 06/0869/FULL – Permanent use of land and building for the sale and display of motor vehicles (commercial and domestic) and caravans : Refused

2.5 07/0796/FULL – Demolition of existing building and construction of building to accommodate two shop units and 5 flats, access and parking off Waterloo Street : Withdrawn

10/0433/FULL

3.0 Consultations and Representations

3.1 Highway Authority – No objections

3.2 Forward Planning and Regeneration – This site has been identified through the Re-Wyre Regeneration Initiative and the Kidderminster Central Area Action Plan Issues & Options Paper as part of a wider area of redevelopment potential around Waterloo Street which also includes the former Cheshire's printers and telephone exchange sites. The site in question would be an important piece of any redevelopment in this area which could dramatically improve this prominent corner plot fronting the ring road.

It is therefore important that any development in the short-term does not compromise the future comprehensive regeneration of this area. An application for the site's permanent use for car sales would be deemed to be contrary to the Council's long-term ambitions for the site. However, as the proposal is for a temporary use for 2 years then it is considered that this would not compromise any future redevelopment of this site and the surrounding area.

3.3 Environmental Health – Views awaited

3.4 Neighbour/Site Notice – 1 objection received. I wish to make an objection to the planning permission for cars to be sited at Waterloo Street/Blackwell street. I have no objection whatsoever for the cars which would be sited facing Waterloo street, but the permission for cars to be sited outside our workshop in Blackwell street I do object to. We have had problems with the previous tenant with at least 5/6 cars being parked there. I feel this is a health hazard for my staff with the smell of the exhaust fumes when the cars are started and revved up when they have been standing for a number of days and have cold engines. This land borders on our disabled entrance which is a roller door. This door is open all day winter and summer for access and air flow. The previous tenant allowed customers to start cars which in turn caused our toilet to be demolished by a customer starting an automatic car and putting it in reverse and reversing at high speed knocking our toilet down then putting it in forward and shooting forward at such speed which took the concrete bollard out of the floor and the car smashing into the subway wall and knocking the coping slabs off the wall into the subway just missing a lady. I feel I owe it to my staff to protect them as best I can and keep the air free from fumes. It would be nice to have the corner occupied, but not at the expense of my staffs health.

10/0433/FULL

4.0 Officer Comments

- 4.1 This site has been the subject of a succession of temporary consents for car sales use since 1999, which culminated in an application for permanent planning permission for the same use in 2006 which was refused for the following reason:
- “The application site forms part of a larger area of the Town Centre allocated for ‘General Town Centre uses’ (Business B1(a) and Community D.1). to allow the permanent use of land and buildings for the sale and display of motor vehicles would undermine the Council’s long term aspirations for improving the visual appearance of this locality, particularly in relation to recommendations in Section 4.22 of the Adopted Design Quality Supplementary Planning Guidance. The proposal is also contrary to policies TC.2 and D.1 of the Adopted Wyre Forest District Local Plan and Policies SD.2/SD.9 of the Adopted Worcestershire County Structure Plan”.
- 4.2 The site has been vacant since that time, and perhaps understandably some pressure has been exerted by the landowner for the land to be brought back into some beneficial, and income generating use.
- 4.3 The site falls within an area allocated for ‘general town centre uses’, meaning that the proposal represents a ‘non-conforming use’ in the context of the Adopted Wyre Forest District Local Plan.
- 4.4 However, taking into account the views of the Forward Planning and Regeneration Manager, as set out above, and notwithstanding the previous refusal of a permanent use of the land for car sales, the prospect of a further period of use as a car sales operation would be ‘manageable’ if limited to a further 2 year period only.
- 4.5 With regard to issues of amenity, the rights enjoyed by the occupier of the adjacent commercial units 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.
- 4.6 The comments of the neighbouring occupier have been taken into account. The formal views of the Environmental Health (Pollution) Officer are anticipated, but it is evident that there is no history of complaints in respect of the previous periods of car trading over the past ten years or so.

10/0433/FULL

5.0 Conclusions and Recommendations

5.1 Though technically a 'non-conforming use' it would be possible for the Council to maintain control over the longer term future of the land by way of a further temporary consent. It is therefore recommended that this application be **APPROVED** subject to the following conditions:-

1. A9 (Temporary Permission – Uses of Land)
2. A11 (Approved Plans)

Reason for Approval

A temporary planning permission of 2 years is not seriously prejudicial to the Council's longer term vision for the use of the site, as part of the wider land allocation strategy contained in Policy TC.2. A car sales use could be re-established on this land without creating an unacceptable impact upon the amenity of the adjacent commercial properties. Accordingly, the proposal is considered to be a manageable temporary non-conforming use in respect of the Adopted Wyre Forest District Local Plan.

Agenda Item No. 5

Application Reference: 10/0447/OUTL **Date Received:** 06/08/2010
Ord Sheet: 378094 275302 **Expiry Date:** 01/10/2010
Case Officer: Paul Round **Ward:** Bewdley and Arley

Proposal: Erection of 2no. dwellings with detached garages and erection of detached garage for No. 60 The Racks

Site Address: LAND ADJACENT TO 60 THE RACKS, BARK HILL,
BEWDLEY, DY122BD

Applicant: Mrs T Wakefield

Summary of Policy	H.2, D.1, D.3, CA.1, TR.7, TR.9, TR.17, LR.8 (AWFDLP) D.5 (WCSP) PPS1, PPS5
Reason for Referral to Committee	Development Manager considers that application should be considered by Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The site forms an existing telecommunication site at The Racks, which is accessed from Richmond Road to the south-west of Bewdley Town Centre. The site falls within the ownership of No. 62 The Racks although it has been used for telecommunication purposes since 1996 by Orange. An extant permission exists for a second mast on the site.
- 1.2 The site lies adjacent to the Bewdley Conservation Area being situated between No.60 The Racks and The Chimneys and is allocated for residential purposes within the Adopted Wyre Forest District Local Plan.
- 1.3 The proposal is submitted in outline with access only to be determined at this stage and seeks for two residential properties.

2.0 Planning History

- 2.1 Various in respect of telecommunications.

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Views waited
- 3.2 Highway Authority – No objection subject to note
- 3.3 Worcestershire Regulatory Services – Recommend landfill gas survey

10/0447/OUTL

- 3.4 Conservation Officer - this application is an outline application, and lies on the very edge of the Conservation Area, this is automatically contrary to Adopted Policy in relation to CA.1

Furthermore, there is insufficient detail within the application, to determine the impact of the proposals on the Conservation Area, and no statement of significance, indicating how the proposals will affect the Conservation Area, and how the proposals will contribute to it, as per Policy HE.6 of PPS5 (2010).

- 3.5 Ramblers Association - No objection, subject to note

- 3.6 Worcestershire County Council (Public Path Orders Officer) - No objection subject to note

- 3.6 Severn Trent Water - No objection subject to condition

- 3.7 Neighbour/Site Notice – Two letters received - one stating no objections to the proposal and the other objecting to the application for the following reasons:

- a) The building of these dwellings will increase traffic and construction traffic to the site and surrounding area.
- b) In the original permission for properties in Richmond Road it was made clear that they will never have vehicular access to the Racks. The Racks is not suitable for any additional traffic.
- c) Construction vehicles will hit existing property boundaries as access is tight.
- d) The junction with Richmond Road is not suitable for additional traffic.
- e) Richmond Road is a bus route; additional traffic would be safety hazard.
- f) Emergency vehicles will find access difficult.
- g) Cars cannot park on the Racks and park on Richmond Road.

4.0 Officer Comments

- 4.1 The principal consideration in this case relate to the status of the site, the impact on the Conservation Area and impacts on the highway/public right of way.

- 4.2 Policy H.2 of the Adopted Wyre Forest District Local Plan makes it clear that new residential dwellings are only acceptable if they are constructed within areas allocated for residential purposes and on previously developed land. Members will be aware of the recent change in the definition of previously developed land which now excludes garden areas within built up areas. In respect of this site it has clearly been used for the last 14 years as a telecommunications site separate from the use of the residential dwelling. On this basis I am satisfied that the site falls within the definition of previously developed land.

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- 4.3 The site falls adjacent to the Bewdley Conservation Area with the Conservation Area Appraisal identifying the site as an important space. Policy CA.1 of the Local Plan states that 'Development which affects its setting or views into or out of the area will not be permitted unless it includes detailed plans and preserves or enhances, and otherwise harmonises with the special character of the area'.
- 4.4 The critical consideration is whether sufficient information has been presented in this case to enable a full consideration of the impact the scheme would have on the Conservation Area.
- 4.5 The scheme is submitted in outline with only means of access to be determined at this stage. The site is clearly outside the Conservation Area and due to its position and orientation limited views of the site can be obtained from within the Conservation Area primarily along the public right of way; similarly limited views can be obtained from the site into the Conservation Area due to the position of No. 60 The Racks and the orientation of the site.
- 4.6 The applicants have provided an indicative layout showing how the dwellings could be accommodated on the site and indicative heights and widths of the buildings. I have taken account of the views of the Conservation Officer, however on this occasion, and in light of the observations made under paragraph 4.5 above, I take the view that there is sufficient information to assess the potential impact of the development on the Conservation Area.
- 4.7 Whilst there is a desire within the Conservation Area Appraisal to maintain the treed embankment on this side of the Cleobury Road it is evident that site is not vegetated well and has been built up to create a plateau to accommodate the telecommunication equipment. The embankment will remain untouched at part of the proposal.
- 4.8 The main views of the site can be obtained from Fort Mahon Place and Cleobury Road, which are dominated by the existing telecommunication equipment. As such, consideration also needs to take account of the removal of an existing 12.5 m high telecommunication mast and the extant approval for an additional 10 m high mast. Whilst the dwellings will be visible they will be read against the line of other dwellings, particularly the Chimneys which is highly visible. I am satisfied that that the visual amenities of the area will be vastly improved by this proposal. The final details in respect of design and appearance will be submitted for consideration with any subsequent reserved matters application
- 4.9 The indicative layout shows that two dwellings can be provided on the site along with detached garages, including one for No.60, without creating a cramped appearance or overdevelopment. Whilst the indicative layout is not ideal I am satisfied that an acceptable layout could be achieved when the final details are considered as part of any reserved matters application.

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- 4.10 Access to the site is to be determined at this stage. The proposal seeks to utilise the existing access, with the potential of an additional access point should it be required, via The Racks which is a single track unmade public right of way, which is accessed from Richmond Road. The junction with Richmond Road is adequate in respect of visibility and width, and whilst the The Racks is not ideal for traffic it is already trafficked by vehicles and is an unadopted road. Neither the Highway Authority, Worcestershire County Public Path Orders Officer nor the Ramblers Association has expressed any objections to the use of the footpath by additional vehicles. In light of this I have to conclude that the additional trips involved will not result in a discernable increase that would be considered in any way detrimental to highway or pedestrian safety. This is re-enforced by a recent appeal decision in the locality.
- 4.11 The neighbouring property at The Chimneys will not be adversely affected by this proposal.
- 4.12 Having taken all matters into account I consider that the application should succeed in the current outline form with adequate protection in place in respect of the suggested conditions to control the submission of reserved matters in respect of height of the dwellings.

5.0 Conclusions and Recommendations

- 5.1 The site forms previously developed land. Having taken into account the proposal in light of its location adjacent to the Bewdley Conservation Area and the views gained from the Cleobury Road, I am satisfied that sufficient information has been provided to conclude that no adverse harm will ensue to the Conservation Area. The means of access to the site is acceptable and no undue harm will result to neighbouring properties.
- 5.2 It is therefore recommended that this application be **APPROVED** subject to the following conditions:
1. A1 (Full with No Reserved Matters)
 2. A2 (Standard Outline – Reserved matters)
 3. A3 (Submission of Reserved Matters)
 4. A5 (Scope of Outline Permission)
 5. A12 (No Approval of Layout)
 6. A11 (Approved Plans)
 7. B1 (Samples/Details of Materials)
 8. B2 (Sample Brick Panel)
 9. B9 (Details of Windows and Doors)
 10. B11 (Details of Enclosure)
 11. B13 (Levels Details)
 12. C6 (Landscaping – Small Scheme)
 13. C8 (Landscape Implementation)
 14. D2 (Landfill Gas Investigation)

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- 15. D3 (Slope Stability)
- 16. E2 (Foul and Surface Water)
- 17. F5 (Construction Site Noise/Vibration)
- 18. H27 (Parking of Site Operatives)
- 19. J1 (Removal of Permitted Development – Residential)

Notes

- A. SN1 (Removal of Permitted Development Rights)
- B. SN12 (Neighbours' Rights)
- C. Access to the site is via a public right of way and the applicant's attention is drawn to the restrictions imposed by Section 34 of The Road Traffic Act, 1988, regarding the driving of motor vehicles over public footpaths/bridleways.
- D. The developer is advised to note that a Public Right of Way crosses the site. The developer is therefore advised of the following obligations:
 - i) No disturbance of, or change to, the surface of the path or part thereof without written consent (this includes laying of concrete, tarmac or similar).
 - ii) No diminution in the width of the right of way for use by the public.
 - iii) Building materials must not be stored on the right of way.
 - iv) Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way.
 - v) No additional barriers are placed across the right of way.
 - vi) The safety of the public using the right of way is to be ensured at all times.

Reason for Approval

The site forms previously developed land and as such residential development is acceptable in principle. Although the site lies adjacent to the Bewdley Conservation Area due to the limited views into and out of this area, it is considered that sufficient information exists in this application to conclude that no adverse harm to the Conservation Area will ensue. The means of access to the site is acceptable and no undue harm will result to neighbouring properties. For these reasons the proposal is considered to comply with the policies listed above.