

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

11/01/2011

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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
11TH JANUARY 2011

PART A

Application Reference: 10/0494/FULL **Date Received:** 24/08/2010
Ord Sheet: 376985 274698 **Expiry Date:** 23/11/2010
Case Officer: James Houghton **Ward:** Bewdley and Arley

Proposal: Resubmission of refused application 10/0375/FULL for the proposed change of use of land for the provision of 20 additional touring caravan pitches and improved access to site

Site Address: DODDINGTREE, CLEOBURY ROAD, BEWDLEY, DY122QL

Applicant: Mr J Hopley

Summary of Policy	NC.2, LR.8, TR.17, D.4, NR.11, NR.12 (AWFDLP) DS01, DS04, CP02, CP03, CP10, CP12, CP13 (WFCS) CTC.4, CTC.13, RST.1, RST.3, RST.19 (WCSP) PA.10, QE.1, QE.6 (WMRSS) PPS 1, PPS 7, PPS 9
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

THIS APPLICATION WAS DEFERRED FROM THE 7 DECEMBER 2010 PLANNING COMMITTEE MEETING FOR A MEMBERS' SITE VISIT

1.0 Site Location and Description

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

10/0494/FULL

- 1.4 The current proposal seeks consent to expand the current activities on site by providing an additional 20 touring caravan spaces, a field on which part already has consent for 15 touring caravans by virtue of an appeal allowed in 2008.

2.0 Planning History

- 2.1 WF.243/90 - Extension to existing farm shop : Approved 22/05/90.
- 2.2 WF.668/92 - Existing irrigation to pool to be used for coarse fishing : Approved 22/05/90.
- 2.3 WF.296/96 - Change of use of existing pack house building as a tea room during fruit picking season only : Approved 16/07/96
- 2.4 WF.105/97 - Construction of portaloo toilet building as a tea room from 1 April to 31 October : Approved 25/03/97
- 2.5 WF.663/05 - Variations of conditions of WF.105/97 to allow the opening of the tea room and toilets for year round use to serve the shop, touring caravan site, fishing pool and fruit picking : Approved 16/09/05
- 2.6 06/0390/FULL - Toilet and Shower block : Approved 31/05/06
- 2.7 07/0743/FULL - Change of use of land for the provision of fifteen touring caravan pitches : Approved on appeal by Inspector 14/04/08
- 2.8 10/0133/FULL - Toilet and shower block for caravan and camping site : Approved 10/05/10
- 2.9 10/0410/FULL - Toilet and shower block for caravan and camping site (re-submission of approved application 10/0133/FULL) : Approved 10/09/10
- 2.10 10/0375/FULL - Proposed change of use of land for the provision of 20 additional touring caravan pitches : Refused 12/08/10.
- 2.11 10/0499/FULL - Change of use of land for the provision of Tent Pitches and T-Pee Tents : Withdrawn

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – No objections and recommend approval.
- 3.2 Highway Authority – No objection subject to the addition of conditions relating to visibility splays, vehicle access construction and driveway gradient as well as a note setting out the applicant's responsibilities when altering or amending a vehicle crossover.
- 3.3 Worcestershire Regulatory Services (Environmental Health) – No comments received although the following comment was made in response to the previous application (10/0375/FULL) In relation to the expansion of the caravan site, I have no adverse objections to make.

10/0494/FULL

- 3.4 Policy and Regeneration - The application is for tourism development and as such, Policies TM.1 and TM.7 of the Adopted Local Plan are relevant. Policy TM.1 states that tourism development will be permitted subject to it complying with all other relevant policies of the Local Plan and provided that it is in accordance with a number of criteria relating to design, environmental acceptability, adverse effects on landscape, conservation or nature conservation, and travel needs. Policy TM.7 relates specifically to farm tourism and seeks to encourage tourism as part of farm diversification where such development is in accordance with Policy TM.1 and all other relevant policies within the Adopted Local Plan.

The site is located within the Landscape Protection Area and is close to Brown's Close Meadow SSSI and therefore, criteria (iv) of Policy TM.1 of the Adopted Local Plan. The impact of the development upon the SSSI should be given consideration. With regard to the landscape character, Policies LA.1 and LA.2 of the Adopted Local Plan set out further detail. Policy LA.1 states that 'development proposals which have an adverse impact on landscape character will not be permitted'. Policy LA2 relates specifically to the Landscape Protection Area and states that 'development that would have a significant adverse impact on the quality or character of a Landscape Protection Area will not be permitted'. Therefore, the impact of the development on landscape character should be considered.

Clause v) of Policy TM.1 relates to transport requirements being able to be safely accommodated on the transport network. Policy TR.9 provides more detail on this, stating that 'proposals which would lead to the deterioration of highway safety will not be allowed'. Specific consideration should be given to the impact of the proposal on highway safety and the access to the site for vehicles towing caravans.

In conclusion, the proposal is considered to be in accordance with the general principle of Policy TM.1 of the Adopted Local Plan however, consideration should be given to the impact of the proposal on landscape character, Brown's Close Meadow SSSI, and the safety of the highway network.

- 3.5 Natural England – No comments received.
- 3.6 Council for the Protection of Rural England – Whilst we do not object in principle to additional sites for touring caravans on this site, we are very concerned, that if permission is granted there may not be adequate enforceable conditions imposed to ensure that, over time, these sites do not become sites for static caravans or even mobile homes.

In the Local Development Plan, Issues and Options Paper, Items 12.20 and 12.21, reference is made to the high level of chalet and mobile home sites throughout the District and the need for strict policies governing extensions to existing sites. We heartily endorse this comment, and look forward to policies or condition to avoid the slide from the "touring" designation into the more permanent designations.

10/0494/FULL

- 3.6 Worcestershire Wildlife Trust – No comments received.
- 3.7 Countryside and Conservation Officer – No comments received but it should be noted that the Council's Countryside and Conservation Officer responded to the previous application (10/0375/FULL) by stating:
'There is no biodiversity to be found on this site, the application hence causes no harm and has the added benefit of some hedge planting'.
- 3.8 Neighbour/Site Notice – Eight letters of objection have been received relating to this application (two letters have been received from two of the objectors) as well as a petition currently with seven signatures. The petition objects to the proposed development on the basis that the additional touring caravans and improved access would be detrimental to the area in terms of noise, traffic and loss of visual amenity within a protected landscape area. The letters raise a variety of issues:
- The development would have a detrimental impact on the quality and character of the Landscape Protection Area.
 - Intensification of the existing use would contribute to the impact on the Landscape Protection Area.
 - Noise and nuisance emanating from the site would intensify as a result of the development, at present neighbours experience noise into the early hours of the morning and minor acts of vandalism.
 - Traffic and road safety may deteriorate as a result of the development, whilst a speed limit of 30mph is in place on the B4190 at this point this limit is frequently exceeded. Slow vehicles moving in and out of the site may cause congestion and increases the potential for accidents in this area.
 - The removal of hedge to improve the visibility splay would increase the visual impact of the development.
 - Impact of the development on views.
 - Concerns over the potential for numerous applications over a period of time resulting in a "fully fledged caravan park".
 - Will the farm shop be removed if the site is no longer utilised for fruit growing?
 - Impact of the development on the ecology of the area, particularly as the site is adjacent to a Site of Special Scientific Interest.

4.0 Officer Comments

- 4.1 The site contains a number of uses including a shop and tea room, a five caravan site licence and furthermore, notably, consent for the siting of 15 touring caravan pitches in the fields.
- 4.2 The applicant proposes the provision of pitches for a further twenty touring caravans within an area part of which currently has permission by virtue of an appeal for fifteen touring caravan pitches. The existing fifteen pitches are provided within a field which forms a plateau below the level of the road and is divided by a driveway. Caravans are currently sited on an ad hoc basis within this site with 10 pitches approved on the eastern half of the field and 5 pitches approved on the western half.

10/0494/FULL

- 4.3 It should be noted that this application is virtually identical to the previously refused application 10/0375/FULL. This application was refused on highways grounds only and for clarity the sole reason for refusal is reproduced below:

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

- 4.4 This application differs in that improved visibility splays have been demonstrated.
- 4.5 In assessing this application the comments made by the Inspector, which relate to the 2007 application, carry significant weight. In determining the appeal application, the Inspector considered the main issues to be:
- The effect of the proposal on the appearance and open character of the landscape; and
 - The effect of the proposal on highway safety having regard to the position and design of the site access/exit and the nature of the vehicles involved.
- 4.6 As well as the above matters, the principle of the development, the impact on biodiversity and the impact on amenity of neighbours are considered in turn below. Members should note that many of the Local Plan policies considered previously have been replaced by those of the Adopted Core Strategy.

PRINCIPLE OF DEVELOPMENT

- 4.7 The key policy consideration is Policy CP10 of the recently Adopted Core Strategy which allows for tourism development provided that it would not cause an adverse impact upon the surrounding environment and infrastructure and would not have a detrimental effect on the character of the area.

IMPACT ON LANDSCAPE

- 4.8 The appeal site is located in an area designated in the Adopted Wyre Forest District Local Plan as a Landscape Protection Area. It is a relatively level area, set down below the level of the road and partly screened from the north by a hedge. There are extensive views from the site over rolling countryside to the north. The Inspector, determining the 2007 application, concluded that whilst there was no doubt that the proposal would be distantly visible from locations in this direction it would be below the skyline, would be seen against a backdrop of buildings lining the road and would be partly screened by the existing hedge. In these circumstances, views from the north would not be unduly harmed.
- 4.9 From the road, views towards the north would be largely unaffected as the caravans would be at a lower level and would be screened by the roadside hedge, part of which is to be retained. The proposal would involve laying some small lengths of additional roadways.

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However, the proposed surfacing material would soon weather into its surroundings and would, in any event, be largely hidden from outside the site. In recognising the view taken by the Inspector and in being mindful that the area in which the caravans would be sited is the same plateau of land, albeit a greater expanse of that plateau, the characteristics of the site are the same and therefore officers must conclude, as did the Inspector, that the proposal would not have an unacceptably harmful effect on the appearance and open character of the landscape. It would therefore comply with Adopted Core Strategy Policy CP12.

HIGHWAY SAFETY

- 4.10 This application differs from the previous refused application (10/0375/FULL) in that the applicant has submitted details of 2.4 x 120m and 2.4 x 160m visibility splays which exceed the dimensions of the splays considered appropriate and reasonable by the Inspector during the appeal related to application 07/0743/FULL and adequate for the 15 touring caravans proposed at that time. The Highway Authority has offered no objections to the proposal on highway safety grounds on this occasion and have instead provided conditions to preserve the visibility splays, vehicle access construction and access gradient, a note is also recommended advising of the requirements for providing or amending vehicle crossovers. The proposal would be considered to accord with the requirements of Policy CO03 of the Adopted Core Strategy.

BIODIVERSITY

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

IMPACT ON AMENITY

- 4.12 As detailed above the intensification of touring caravans on this site would impact mostly on the west field as the number of pitches would be increased from 5 allowed at appeal to 21. This increase in numbers would require a larger proportion of this field to be used for caravanning purposes and as such the area which would be used for the pitches would be extended closer to the site boundary and indeed closer to the nearest neighbour at Rockmere. Currently the property known as Rockmere enjoys a separation distance of around 110 metres to the nearest touring caravan pitch. The current proposal would reduce this separation distance significantly down to around 50 metres. Concern has been raised regarding noise levels on this site and as such, the Environmental Health Officer has been consulted and has commented as detailed above. In light of these comments I am satisfied that the siting of caravans further towards the site boundary with Rockmere would not give rise to a situation which would compromise neighbour amenity.

5.0 Conclusions and Recommendations

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

10/0494/FULL

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Access gates
4. Access closure
5. Driveway works
6. Lighting to be agreed
7. Holiday use only

Note

HN5 (Highway works)

Reason for Approval

The proposed change of use would be considered acceptable. The impact of the siting of extra caravans on the site would have a minimal impact on the visual amenity of the Landscape Protection Area given that they would be set below the skyline and would be viewed against the backdrop of existing buildings, which line the B4190. The Highways Authority is satisfied with the access and visibility splays, which are to be provided and conditions would ensure that highway safety is not compromised. The development is considered to accord with the requirements of Policies NC.2, LR.8, TR.17, D.4, NR.11 and NR.12 of the Adopted Wyre Forest District Local Plan (2004) and Policies DS01, DS04, CP02, CP03, CP12, CP13, CP15 and CP16 of the Core Strategy (2010).

Application Reference: 10/0523/FULL **Date Received:** 10/09/2010
Ord Sheet: 382817 275836 **Expiry Date:** 10/12/2010
Case Officer: Paul Wrigglesworth **Ward:** Sutton Park

Proposal: Fifty-one bed hotel and associated works

Site Address: THE WATERMILL, PARK LANE, KIDDERMINSTER, DY116TL

Applicant: Marston's Pubs Ltd & Travelodge Hotels Ltd

Summary of Policy	D.4 D.10 D11 NR11 CA.1 NC.7 TR17 (AWFDLP) CP02 CP11 CP13 CP14 CP03 DS03 CP08 DS01 DS04 CP10 (WFCS) Design Quality SPG Planning Obligation SPD QE1 QE3 (WMRSS)
Reason for Referral to Committee	'Major' planning application Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

- 1.1 The application site comprises the Watermill Public House and its car park and is situated at the junction of Park Lane with the Stourport Road. On the opposite side of the road is Brinton Park and adjacent is a small industrial estate. To the rear is the Staffordshire and Worcestershire canal which is a Conservation Area.
- 1.2 The proposed hotel is proposed to be positioned on the car park of the public house and the plans show the creation of a new vehicular access to Park Lane, the removal of a brick built electricity sub station and several small trees which are not the subject of a Tree Preservation Order.

2.0 Planning History

- 2.1 WF/0158/88 - Restaurant and licensed premises : Refused
- 2.2 WF/0549/89 - Restaurant and licensed premises : Refused
- 2.3 WF/0401/90 - Restaurant and licensed premises : Refused
- 2.4 WF0485/93 - New public house : Approved
- 2.5 WF0265/95 - Kitchen and store extension : Approved
- 2.6 WF0630/95 - Enlarged car park : Approved

10/0523/FULL

3.0 Consultations and Representations

3.1 Highway Authority – No objection subject to conditions

3.2 Environment Agency – No comment required

3.3 Inland Waterways Association – The development has no impact on the existing canal side; no objection

3.4 British Waterways - After due consideration of the application details, British Waterways welcomes the construction of a hotel in the centre of Kidderminster in principle and wishes to support this development. The Connecting Kidderminster Regeneration prospective set out the need for the canal to be used as a sustainable transport route throughout the centre of the town and we would wish this development to contribute positively towards that strategy. We are also concerned to ensure that the canal ecology and water quality and flow are protected and that the design of the hotel is complementary to a waterside location. We comment that the design of the hotel could be enhanced to reflect more of the local vernacular and character or by the provision of innovative lighting.

British Waterway would therefore put forward as material conditions:

Construction Works - Recommended condition regarding impact of wind blown materials on canal (Officer Comment – *This can be a condition*)

Access - The proposed development should demonstrate how it meets the sustainability access to the town centre for pedestrians and cyclists using the towpath by the provision of legibility features in the design of the site including marked cycleways. The submitted transport plans only address meeting standards for cycle parks. Recommended condition regarding marked cycle path (Officer Comment – *This is not considered to be necessary*)

Hard and Soft Landscape, Lighting and Ecology - It is accepted that this site is currently a public house with car parking and landscaping with little ecological potential identified. However this may not be said of the water corridor.

With reference to the Stage 1 ecological report BW is concerned that the biodiversity duty of PPS9 is not being delivered or even considered. There should be protection of the canal corridor from light pollution that could affect protected species such as bats and otters, and positive enhancements to the canal corridor such as hedges, trees and marginal vegetation as well as providing that the works are carried out before July 2011 and if they are carried out between March to September, then a breeding bird survey is carried out. BW would as a minimum wish to see all lighting in this development designed to ensure that the canal is dark at night. In this location we suggest low level lighting to illuminate access point near to the water till dusk. Recommended condition regarding 2 stage ecology report (Officer Comment – *There will be no lighting and the ecology issues have been addressed by the conditions recommended by the Council's Countryside and Conservation Officer*)

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Drainage - There does not appear to be a drainage strategy that identifies how the water on the site will be managed. It would be helpful to confirm that the foul will join an existing sewer? British Waterways would also wish to ensure that the surface water drainage that is shown to join an existing manhole and flow along a culvert will eventually discharge to the canal goes under the canal or elsewhere. These matters are important in identification of the flood risk of the site and the water management of the canal water. BW thus requests a condition. Recommended condition regarding drainage strategy (*Officer Comment – Drainage details can be the subject of a condition and has been recommended by Severn Trent Water*)

Section 106 Agreement - The land lies adjacent to the ring road and this in itself is a barrier to the perceived safe use of cycles for transport into the town. However the canal towpath crosses the ring road adjacent to the site but no access to the towpath exists at this point. A new access ramp to the canal should be created to provide an attractive amenity route for local residents and hotel visitors and a safe walking and cycling route to the town centre. This fits within the deposit Core Strategy Policy 5 as promoted in the Worcestershire Transport Plan and Sustainability Appraisal which requires all new developments to contribute towards new or improved walking and cycling routes.

Request - BW request that a £10,000 provision is secured for the construction of an access way to the canal towpath and for maintenance of the access way over a 5 year period. (*Officer Comment – This is recommended to be the subject of a Section 106 Agreement*).

Also recommend notes regarding the necessary consents from British Waterways and regarding unknown outflow drains.

- 3.5 Severn Trent Water – No objection subject to condition
- 3.6 Hereford & Worcester Fire and Rescue Service – No objection
- 3.7 Worcestershire County Council (Historic Environment and Archaeology Service) – No objection subject to condition
- 3.8 Central Networks - No objection subject to Notes
- 3.9 Council's Waste Management Officer – No objection
- 3.10 Conservation Officer – No objection (see Officer Comments)
- 3.11 Policy and Regeneration Manager – No objection (see Officer Comments)
- 3.12 Countryside and Conservation Officer – I now have a letter stating that as part of the planning process the lighting levels will stay the same. Perhaps this needs to be conditioned so that once the building is developed the sudden need for extra lighting doesn't develop which then can take place outside of the planning process. Given what has been said then there is no biodiversity loss

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The applicant has now also provided an elevation showing the nature and extent of the bat box provision. Given that there were no bats found in the survey but the potential was discovered then what is shown can even be seen as a slight enhancement. I there for feel this development has met its requirements under PPS9.

It may also be worth conditioning that if the development has not removed the potential roost site within 6 months then a new bat survey will be needed

3.13 Worcestershire Regulatory Services – Views awaited.

3.14 Neighbour/Site Notice : four letters of objection received raising the following concerns:

- Grave concern restrictions will be put on us due to nature of my work – busy garage involving level of noise and others on the development – my day commences 7-7:30
- Parking issue whole of Park Lane has become a car park not only in bays but also on other side of the road/pavement and it's becoming increasingly crowded. Expressed concerns to persons from the Council but told problem for Highways Dept – can this be right? – Surely all aspects should be taken into account – must be ample parking for guests and staff.
- Scale looks wrong on plan I imagine the new building will completely overwhelm existing properties
- A strip of land is being taken away that provides parking to units on site that has been used for 25 years – the boundary was laid by the pub when it was built.
- Smell from huge bins to be sited near my property
- Park Lane suffers from serious flooding during heavy rain – how will problem be addressed to cause no further problem for industrial estate? May mean that substantial work will have to take place to upgrade drains and sewers. Will this be funded by residents or Travelodge?
- It will mean 24 hour traffic on a residential road
- It is sited opposite a park which attracts children and young people from across the town especially to the skate park
- Travelodge already trades on the edge of the town and the Park Lane development is unlikely to result in new job opportunities.
- Travelodge do not source goods locally so a new hotel is unlikely to directly support local traders.
- There is a wide range of development opportunities in and around Kidderminster which would not cause difficulties to local residents.
- Land ownership issue. Application being made to Land Registry to demonstrate claim to this land
- Given the proximity of my home to this large development disappointed not to have received direct consultation.
- Park Lane already experiences a considerable volume of cut-through traffic from the Bewdley side of town. There are some speed bumps but these are not located near the corner of Park Lane and traffic already speeds around the sharp bend. Given the number of children exiting the park on this bend, often on skateboards, I request that the application is only approved if additional speed bumps are added on the bend.

10/0523/FULL

- The current lighting is not sufficiently bright to satisfy the proposed use of the road. The application needs to include improvements to the lighting.

4.0 Officer Comments

4.1 It is proposed to construct a three storey 51 bedroom hotel in Park Lane Kidderminster. The land at the present time is used as part of the car parking area for the Watermill public house. The plans show 35 car parking spaces for the hotel which includes 4 disabled spaces. Provision is also made for cycles and motor cycles. The car parking area for the public house will be reduced to 53 spaces including 1 disabled space.

4.2 In support of the application, the agent has advised the following:

In summary, the proposed hotel would offer much needed accommodation at a budget level within the town of Kidderminster with the site being a complementary land use component on a site where there already exists an established public house/restaurant which can be utilised by customers. The site is also ideally placed in terms of its location in relation to the town centre offering the opportunity for visitors to explore the town and its associated services and facilities should they so wish. In terms of accessibility to the town centre, we have already confirmed our willingness to make a contribution towards a form of access from the Watermill site to the town centre along the canal to further improve the site's accessibility and sustainable credentials.

During the pre-application discussions, Officers were very clear that the need for the type of accommodation being proposed was substantial within Kidderminster. As such, the hotel will provide accommodation for tourists and business users.

The hotel itself will generate employment at a local level, both full and part time, both directly and indirectly, thus helping to support and sustain the local economy.

It is considered that the application proposals are appropriate with the applicants having given a great deal of thought in terms of the site on which to locate such a facility whilst ensuring its suitability, viability and availability whilst providing a facility of high quality design and materials.

In terms of the issue of car parking on site the submitted Transport Statement deals with this fully and comprehensively. It is also our understanding that the Local Highways Authority has raised no objection in this regard.

It should be noted that Travelodge would not locate to a site where there were car parking issues and for commercial and operational reasons feel this site offers sufficient numbers.

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It is also worthy of note that the emerging Local Development Framework documents notes that Park Lane Industrial Estate and the wider site including the application site has been identified as a site whereby alternative uses would be considered acceptable including a hotel (Kidderminster Central Area Action Plan and the Site Allocations & Policies Development Plan Document).

We note your comments regarding flooding from higher land and that of the highway. However, this is outside our client's responsibility and would be something the Local Authority/County Highways/Drainage Board would need to look at as it is beyond our control. We cannot be expected to deal with the source of this issue.

4.3 The main issues in determining this application are considered to be:

- The principle of allowing the development and the accessibility
- The appropriateness of the design of the hotel for this location
- The car parking provision
- Highway matters
- Biodiversity
- The effect on trees
- The impact on neighbouring property
- Sustainability issues
- Planning Obligations

THE PRINCIPLE OF ALLOWING THE DEVELOPMENT

4.4 The site of the hotel is in the grounds of a public house which falls within Use Class A4 (Drinking Establishment). The site is allocated in the Adopted Wyre Forest District Local Plan for B1 (Business), B2 (General Industry) and B8 (Storage or Distribution) uses. The Core Strategy Policy DS02 notes that proposals which help to promote Kidderminster as a tourism hub will be encouraged including provision for supporting facilities such as hotels. The Site Allocations & Policies Development Plan Document Issues and Options was published for consultation in January 2009 and this document notes that the employment site at Park Street should be considered for alternative uses. Chapter 7 of the Kidderminster Core Area Action Plan Issues and Options Document was issued for consultation in January 2009 and notes that the land adjoining the Watermill Public House be considered for entirely residential development fronting Park Lane and Brinton Park or mixed use residential, business and hotel or a new square/public realm link with Brinton Park. Clearly there is no up to date allocation within the Development Plan Document and in situations like this and where the site also falls outside of the town centre boundary Planning Policy Statement PPS 4 :Planning for Sustainable Growth requires a sequential test to demonstrate that the proposal could not be located within a town centre location.

4.5 A sequential test has been submitted with the application which looks at alternative sites, thirteen of which are in the town centre and three are edge of centre sites and these are listed below together with a brief summary of the main reasons given by the applicant's consultant why each site is considered to be inappropriate:

10/0523/FULL

- Former Magistrates Court, Worcester Street – Uncertainty with regards to whether the site will come forward for development in the near future. Travelodge want to develop straight away. The site is unsuitable and unavailable.
- Woodward Grosvenor Carpet Warehouse, Green Street – The site has been developed as a supermarket and is consequently unavailable.
- Clidema Mill (Boucher Building), Green Street – A locally listed building that is too small to be converted into an appropriate size to meet market demands. The site is unsuitable and unviable.
- Elgar House, Green Street – Actively being marketed for offices; the site is unavailable and does not provide suitable development options.
- Council Depot, Green Street – The site is currently in use and unlikely to be available within a reasonable time period. It would require a comprehensive redevelopment for which the hotel would only form a small part; unsuitable and unavailable.
- Crown House, Bull Ring – The building requires substantial conversion and treatment to ensure it becomes an attractive building and is not considered to be a viable option also currently unavailable. Unsuitable due to no car parking options.
- Former Telephone Exchange, Blackwell Street – The site is unavailable and due to residential land values is unviable.
- Former Swimming Baths, Castle Road – unavailable and is being converted to apartments
- GT Cheshire & Sons, off Coventry Street – Unviable due to land values and unavailable
- Littlewoods/Woolworths, Worcester Street – Allocated for retail use, conversion costs and lack of dedicated car parking make the site unsuitable and unviable.
- Brinton's, Exchange Street – Listed building which may not prove suitable for conversion, sympathetic conversion would be unviable, and the site is not on the market
- Piano Building, Weavers Wharf – Consent in place for alternative uses. Unusual shape which doesn't lend itself to a budget hotel and could not adapt the building in a cost effective manner thus the implications on viability are key. The building would also require substantial changes in order to be used effectively. Whilst there is parking within the vicinity of the site associated with the adjacent retail/commercial uses, there would be no dedicated parking for the hotel use, which is essential in practical terms.
- Slingfield Mill, Weavers Wharf – Again, this building is a former carpet mill and is a Grade II Listed Building. Debenhams department store now occupies the building at ground floor level with the upper levels having consent for hotel use. However, this has yet to be developed and no interest has been shown by developers in this regard. Travelodge have confirmed that this building (upper levels) would not be suitable for conversion for the purposes of a budget hotel given its status as a historical Grade II Listed Building. The structure does not lend itself to conversion for hotel purposes and this is further shown in the lack of interest from potential hotel operators in the site. The level of investment required to convert these floors would render the project unviable with the cost implications being extremely high given the level of accommodation being proposed.

10/0523/FULL

Again, there would be no dedicated parking to hotel users despite the parking found in the vicinity for the nearby retail/commercial uses.

- Timber Yard, Park Lane – The site is unavailable
- Churchfields Business Park – The site would unlikely come forward in the time frames required.
- Rock Works Park Lane – unavailable and unviable.

4.6 Furthermore, PPS4 places an emphasis on planning authorities taking a positive and constructive approach towards planning applications for economic development and that "planning applications that secure sustainable economic growth should be treated favourably." (EC10.1). The support for new economic development is accompanied by the requirement to test the impact of any development.

4.7 In assessing the impact tests included under EC10.2 of PPS4, it is considered that the proposal conforms to the majority of the criteria. In terms of criteria a and b, the proposal is located on previously developed land and is considered to be accessible given its fairly central location. The development now meets the requirements of paragraph c in that the design is considered to be of an acceptable standard (this is dealt with in more detail below). The proposal also satisfies criteria d and e as it will help to regenerate this particular site as well as creating new jobs in the area.

4.8 Against all of this background and after taking account of the following points the site is considered to be appropriate for a hotel use:

- the site is very close to the town centre and is on a high frequency bus corridor;
- the site is already being used for a related use that doesn't comply with the existing land use allocation;
- a hotel would help to meet the aspirations of the Core Strategy in promoting Kidderminster as a tourist hub;
- the area has already been suggested as a hotel site in the consultation phase of the Kidderminster Core Action Plan;
- the site meets the requirements of the sequential test;
- the hotel will not include restaurant facilities and will not consequently undermine the viability of the town centre but would generate additional jobs and revenue to the local economy

THE APPROPRIATENESS OF THE DESIGN OF THE HOTEL FOR THIS LOCATION

4.9 Revised plans have been received which show that an open fire escape on one elevation is now enclosed; there are curved headers above the windows; reconstituted stone sills rather than brick ones have been introduced on both elevations of the main part of the building; brick corners have been added to the corners of the buildings; brick string courses have been introduced to the two wings; the doorways to Park Lane have been centralised; a canopy has been introduced to the main entrance fronting the car park and the rather bland rendered side elevations have been changed to brickwork with more attractive detailing.

10/0523/FULL

- 4.10 The Conservation Officer and the Council's Policy and Regeneration Manager have been closely involved in these design improvements. Their combined comments are as follows:

"Finally, after much discussion with the agents and architects, the design of the building is to a stage where we are able to support this. The design has now taken on board some of the elements of local distinctiveness, and presents a better and higher quality design that has previously been submitted, although the design is still not as high as perhaps we would like. However, it is also understood that this is for a budget hotel, and that both the need for such a hotel and the cost-effectiveness of the building has to be considered to create a successful scheme.

The principal elevations visible from outside the site, in particular the western and southern elevations, have more acceptable detail, and are neither cluttered nor bland, presenting interesting and varied details and elevations, reflecting some of the local architecture.

Thus, we are prepared to accept this scheme as it stands, subject to the following conditions:

- *1:10 details of all windows, and external doors;*
- *Notwithstanding details on the approved plans, all facing materials to be approved prior to the commencement of works on site;*
- *The position, style, colour and type of all vents, flues and other associated pipe-work be approved prior to the commencement of works on site;*
- *1:10 details of the proposed canopy over the entrance.*

Approve subject to conditions outlined above".

- 4.11 I would agree with these comments. Although the basic form of the building remains the same these changes represent a significant improvement to the appearance of the building and are judged to be acceptable and appropriate to this location.
- 4.12 Effort has been made to improve the building further by changing one of the two service doors into a window to try to break up some of the ground floor dead frontage facing Park Street but the applicants have decided that this is not possible. This is because they say that 'the internal rooms are planned to be highly efficient, necessary in construction of a budget hotel and preclude revision of room layout and plant/equipment'. This is a disappointment but given the advancements in the design this aspect alone does not in my view warrant a refusal to the application on design grounds.

THE CAR PARKING PROVISION

- 4.13 As stated 35 spaces are to be provided adjacent to the hotel which include 4 disabled spaces. Three cycle stands together with 3 spaces for motorcycles are also to be provided. The hotel is proposed in the public house car park and the spaces for the public house will be reduced to 53 making a total of 88 available spaces.

10/0523/FULL

- 4.14 A transport statement and an Interim Travel Plan have been submitted with the application. The transport statement explains that the hotel only provides overnight accommodation and that the profile of demand is minimal during the evening with an overnight peak. There is potential to share parking with the Watermill Public House and the report states that the peak parking at the Watermill is likely to occur during the early evening on Friday. An assessment of potential demand using the TRICS 2010 database shows that peak demand is expected at The Watermill between 17:00 and 20:00 hrs when 53 vehicles could be expected which would then reduce to 42 between 20:00-21:00 hrs. Parking demand at weekends is shown to be considerably lower. Observations by the consultants on Friday 25th June 2010 concur with the above figures when 48 cars were observed at 19:00hrs. Similar analysis for the hotel shows that in the worse case scenario with no shared trips and with the hotel working at its designed 85% capacity 36 spaces would be needed and at full capacity and the absolute worst case scenario would result in a maximum requirement of 42 spaces. Thus there would be an absolute worse case scenario of a requirement of 89-95 spaces if peak parking demand coincided with the hotel which would be only 2-8 spaces above the combined provision of 88 spaces. In practice, the report concludes, the number of hotel guests would be lower than this figure as they would not have checked in for the evening by then, would be eating elsewhere or are a customer at the Watermill and already accounted for. By 21:00 hours the report states that the parking demand would have reduced to 42 spaces thereby leaving 45 spaces available for the hotel. The report concludes that there is sufficient car parking.
- 4.15 Notwithstanding the above the planning history reveals that a car park extension was required in 1995 and evidence from neighbours seems to suggest that the existing car park is often at capacity.
- 4.16 Looking at the situation in terms of Policy TR.17 of the Local Plan there is a requirement of 51 car parking spaces for the hotel (on the basis of 1 per bedroom) and 29 for the pub (based on 1 per 10 sq m) plus 2 car parking spaces for the managers flat making a maximum total requirement of 82 spaces which is below the amount provided.
- 4.17 The Highway Authority is satisfied with the scheme in terms of off street car parking provision.

HIGHWAY MATTERS

- 4.18 The existing access point is shown to be located 10m to the south of the existing access point. This is to make room on the site for the hotel rather than to meet any requirements of the Highway Authority. The highway authority is satisfied with this situation as well with the junction of Stourport Road with Park Lane which in terms of accidents, visibility and capacity is suitable for this type of development.
- 4.19 The Highway Authority is of the view that a speed hump in Park Lane as requested by an objector cannot be justified and is not necessary.

10/0523/FULL

BIODIVERSITY

- 4.20 An ecology survey accompanied the application. This report concludes that the site itself is of negligible ecological value as the majority of the area is covered with tarmac and that it is unlikely that the development will have a significant impact on the surroundings including Brinton Park and the Staffordshire and Worcestershire Canal.
- 4.21 A separate bat report indicates that there are no bats roosting on the site; that a brick building used as an electricity sub station contains features that could be colonised by bats; that a common pipistrell commute route crosses the site and that foraging bats were recorded along the eastern boundary which form part of a broad leaved woodland on Round Hill.
- 4.22 A revised bat report has since been submitted which makes mitigation recommendations by way of the provision of small roost units within the structure of the hotel. It also recommends that the lighting levels should as far as possible be of a low level and directional and that planting within the scheme should incorporate species which attract night flying insects.
- 4.23 As can be seen from the Council's Conservation Officer's comments with suitable conditions he is now satisfied with the development as proposed.

THE EFFECT ON TREES

- 4.24 The Council's Arboricultural Officer has no objection to the development provided that an acceptable plan is submitted showing replacement trees. He states:

"The proposed new hotel will have a direct affect on 6 Field Maples, 2 Goat Willows and an Elder. None of these trees are worthy of a TPO as they are all average specimens but they are nevertheless of some amenity value in terms of their contribution to the appearance of the street scene.

I am disappointed by the numbers of replacements proposed. I can only see one replacement and for the scheme to be acceptable I would like to see replacements one for each tree lost. There look to be enough space to plant fastigate trees in various places including the landscaping strip at the front of the Watermill where evergreen trees have recently been removed'.

At the time of writing I am awaiting further details on this point which will be available by the date of the Committee meeting.

THE IMPACT ON NEIGHBOURING PROPERTY

- 4.25 There are no residential properties immediately adjacent to the development although there are residential properties on the opposite side of Stourport Road and on the opposite side of the adjoining small industrial estate. The residential properties are far enough away to be unaffected by the impact of the building or with regards to noise and disturbance from guests in the car park. There will inevitably be noise associated with the extra traffic but this is not considered to be significant. The likelihood of on- street car parking is covered above.

10/0523/FULL

- 4.26 I have met the owner of the car body repair business adjacent to the proposed hotel and he has two main complaints. The first is with respect to ownership. The applicants have submitted information showing that they own all of the land but this is disputed with respect to a strip of land down the side of the neighbouring unit. The implication of this is that if the scheme goes ahead the neighbour will lose some car parking spaces. However, this is not considered to be a planning matter since if the applicants do own the land this could be fenced off at any time by them without requiring planning permission and this action would obviously have the same consequence. The other issue concerns a worry that if the hotel goes ahead there may be complaints from guests regarding noise from the industrial estate. A noise assessment report has however been submitted with the application but the implications of noise from the adjacent commercial properties was not considered to be an issue.

SUSTAINABILITY ISSUES

- 4.27 A Travel Plan has been submitted with the planning application which encourages reductions in car journeys and sets out a series of measures that is believed to encourage travel via a variety of modes by employees. The planning statement submitted with the application lists the sustainable features of the building and includes items such as timber framed construction, increased building 'U' values, low energy lighting, minimum storage and heating and cooling front of house areas only (reception and office) via an on-site renewable energy (air source heat pumps).

PLANNING OBLIGATIONS

- 4.28 The Council's Planning Obligation SPD shows that a biodiversity contribution would be appropriate for this site. However, the Council's Countryside and Conservation Officer is satisfied that these measures can be provided on site.
- 4.29 British Waterways (BW) has pointed out that the canal towpath crosses the ring road adjacent to the canal and that no towpath access exists at this point. BW are consequently requesting that a £10,000 provision be secured for the construction of an access way to the canal towpath and for maintenance of the access way over a 5 year period. The applicants have agreed to this, which will increase the likelihood of hotel guests visiting the town centre and will also obviously improve accessibility generally in line with one of the key issues of the Core Strategy.

5.0 Conclusions and Recommendations:

- 5.1 The scheme is judged to be acceptable in principle and that the design of the building is now satisfactory. Other issues have been considered including car parking provision and although this is a concern to some residents in the neighbourhood, the car parking provision has been justified. The situation regarding replacement tree planting is still at the time of writing being investigated in terms of the possible effect of this on the existing drainage runs in the vicinity of the planting beds.

10/0523/FULL

If the anticipated further details are received and are satisfactory, it is recommended that **delegated** authority be given to **APPROVE** this application subject to:

- a) no objection from the Arboricultural Officer with regard to replacement planting or from Worcestershire Regulatory Services regarding the effects of noise from the adjacent industrial estate;
- b) the signing of a **Section 106 Agreement** to secure
 - a financial contribution of a sum not to exceed £10,000 to British Waterways for the provision of a ramped access to the canal and maintenance for a 5 year period, and
- c) the following conditions:
 1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. Materials to be agreed
 4. Section of windows/ doors canopy to be submitted
 5. Landscaping scheme to be submitted
 6. Details of position, style, colour and type of all vents, flues and other associated pipe-work be approved prior to the commencement of works on site
 7. Landscaping scheme to be submitted
 8. Implementation of landscaping scheme
 9. No additional external lighting
 10. Provision of bat roost
 11. Additional bat survey if the electricity sub station is not removed within 6 months
 12. Vehicular access construction
 13. Permanent closure of existing access point to Park Lane
 14. Provision of car parking layout
 15. Provision of parking for site operatives
 16. Earth removal and storage
 17. Drainage details to be submitted and approved
 18. Archaeological condition requiring a programme of archaeological work
 19. F7 (Completion of noise attenuation)
 20. F5 (Construction site noise/vibration)

Notes

- A Section 278 Agreement
- B Laying of private apparatus within the highway
- C No drainage to discharge on the highway
- D British Waterways
- E Central Networks regarding access and safety concerns relating to their network

Reason for Approval

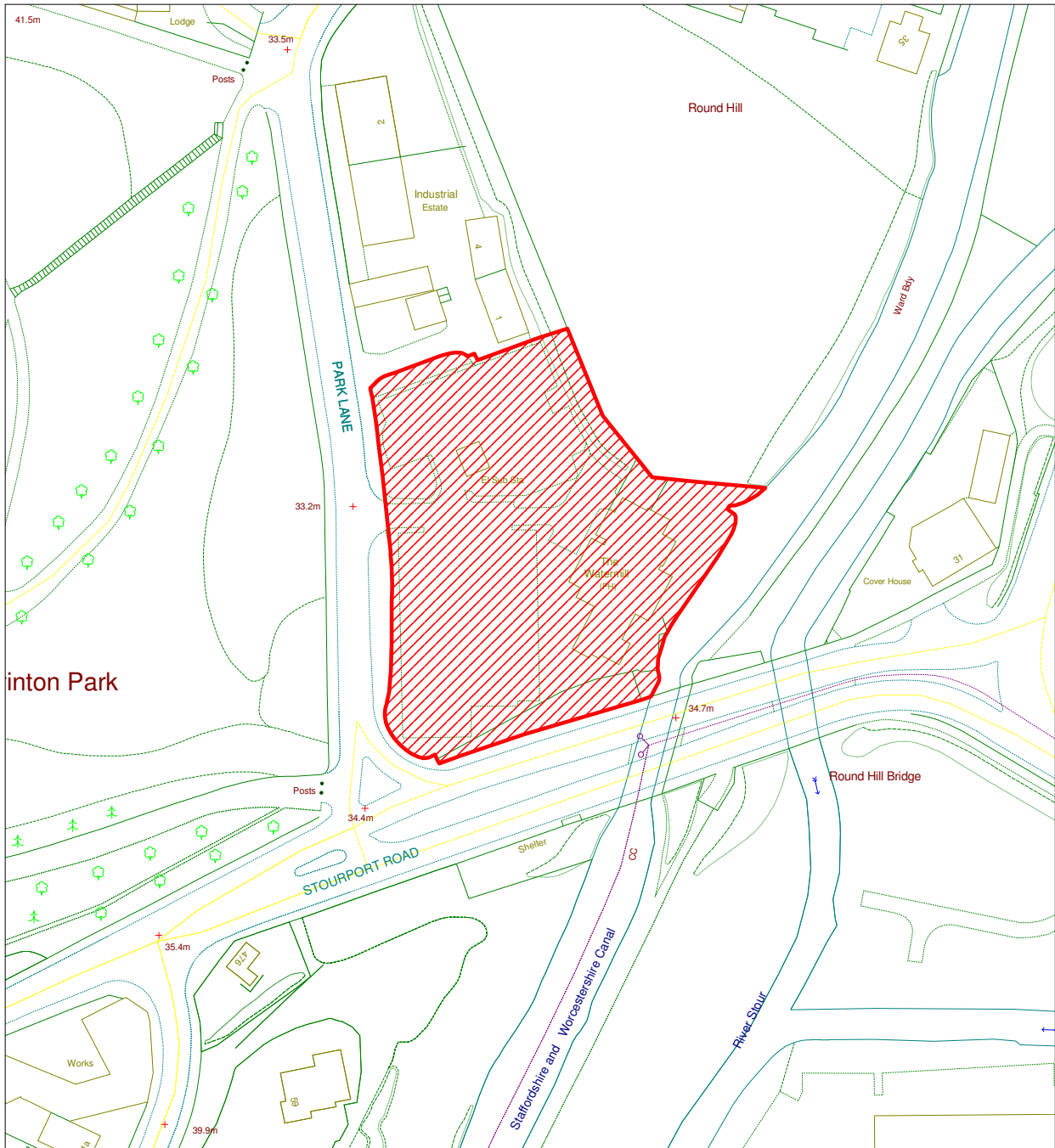
This application has been carefully considered with regards to whether the principle of a new hotel is acceptable; with respect to car parking provision for both the hotel and public house, with respect to the impact on neighbouring property, highway safety, biodiversity, the effect on trees, the Canal Conservation Area and drainage issues. The application is judged to be acceptable and compliant with the above mentioned policies.

Date:- 17 December 2010

OS sheet:- SO8275NE

Scale:- 1:1250

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**The Watermill
Park Lane
Kidderminster DY11 6TL**

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Application Reference: 10/0635/FULL	Date Received: 25/10/2010
Ord Sheet: 375201 272284	Expiry Date: 20/12/2010
Case Officer: Paul Round	Ward: Rock

Proposal: Replacement storage and agricultural machinery workshop building

Site Address: FIVE ACRES, HEIGHTINGTON ROAD, BLISS GATE, KIDDERMINSTER, DY149SX

Applicant: Willmor Hire

Summary of Policy	TR.17, LR.8 (AWFDLP) DS04, CP08, CP11 (AWFCS) RST03 (WCSP) QE3 (WMRSS) PPS1, PPS7
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 Five Acres is located on the Heightington Road between the settlements of Bliss Gate and Heightington. The application site forms a 0.1 ha piece of land, which has a certificate of lawfulness for the storage of plant hire equipment and use for agricultural engineering.
- 1.2 Residential properties lie close to the site to the north-west and south-west. The site is located within the Landscape Protection Area and is identified by the County Council Landscape Character Assessment as falling within the Timbered Plateau Farmlands Landscape Character Type.
- 1.3 The proposal seeks approval for the replacement of existing buildings on the site with a single building. A dedicated external storage area also forms part of the proposal.

2.0 Planning History

- 2.1 09/0216/CERTE – Certificate of Lawfulness – Storage of two caravans; Machinery and equipment in association with plant hire; and Agricultural Engineering : Approved 16.09.09

3.0 Consultations and Representations

- 3.1 Rock Parish Council – No objection - recommend Approval
- 3.2 Highway Authority – No objection subject to conditions

10/0635/FULL

3.3 Ramblers Association – We see that Bridleway Rock 722 has been taken into account in the planning application and that it will be re-instated on its correct line. Provided this is reiterated in the planning conditions then we have no objection to the proposal.

3.4 Worcestershire County Council (Public Path Orders Officer) - In this instance, we will be willing to accept a 3 metres width as an absolute minimum, provided it is a *clear* width (i.e. not encroached by hedge overgrowth, building footings etc).

The applicant should also note that by enclosing the bridleway, the landowner takes on additional maintenance responsibilities that are normally carried out by the Highway Authority, such as surface maintenance and overgrowth clearance.

3.5 Neighbour/Site Notice – 1 letter of response raising the following concerns:

- The proposed building is not a like for like replacement. There is a proposed 187% increase in business area.
- Whilst the certificate is acknowledged, this is an expansion of a non-conforming use within an unsustainable location.
- Repairs have been proposed, this is not part of the certificate.
- The incorporation of the shed and stable/hay store within the size of the new building for commercial purposes does not conform to the certificate and confirms expansion.
- The proposal is not farm diversification.
- The removal of the stable will require another building in the landscape.

4.0 Officer Comments

4.1 Part of the site has lawful approval for the storage of plant hire machinery and equipment and for agricultural engineering, by way of a Certificate of Lawfulness approved in September 2009. The certificate allows both internal storage (within part of the existing building on site) and external storage subject to restrictions on the number of vehicles and pieces of equipment.

4.2 The proposal is to consolidate the usage of the site through a new building and formal storage area to allow the business to continue in a formalised manner.

4.3 The existing building measures 15 metres x 6 metres giving an overall area of 90 sq. metres and includes a storage area, workshop and stable and hay store. On the basis that only two-thirds of the area was permitted by the Certificate of Lawfulness, this gives a commercial area of approximately 60 sq. metres (although this area may be slightly greater). The proposal seeks approval for the whole of the new building to be used for commercial operations. The proposed building measures 18.1 metres x 7.5 metres, giving a total area of 135.75 sq metres, a 50% increase over the existing building. The objector highlights that this also increases the commercial area, which on your Officer's calculations results in a 126% increase internally in commercial floor area.

10/0635/FULL

4.4 The policy framework within the Core Strategy DPD, along with Government Advice in PPS4 and PPS7, encourages economic rural development in the rural areas, especially the re-use and replacement of existing buildings. I am satisfied that the policy framework exists to support this proposal. Whilst I agree that this is a non-conforming use, I disagree with the objectors that this cannot be allowed to expand. Any expansion must be judged against the policy framework and, any material considerations.

4.5 The enlarged building and the intensification of use has the following three main considerations which will form the basis of the consideration of this application.

- Impact on the Landscape
- Impact on neighbouring properties and amenity
- Impact on highway safety

IMPACT ON THE LANDSCAPE

4.6 The building whilst being larger is roughly on the same footprint as the original building. It is of design and scale that would not have a significant greater impact on the surrounding landscape than the existing building. In addition, it is proposed to remove an existing shed that blocks the existing public right of way and restore and protect the public right of way along the side of the site. As advised by the Landscape Character Assessment hedges are to be planted along the open boundaries to re-enforce the hedged character of this locality. Historically the storage of equipment and vehicles has been hit and miss across the site; therefore, through the identification of an area where storage can take place, which is well screened, there is an overall betterment to the visual appearance of the landscape. On the basis of these considerations, I do not consider that undue harm will ensue to the character of the Landscape Protection Area.

IMPACT ON NEIGHBOURING PROPERTIES AND AMENITY

4.7 The proposed replacement building is well screened from residential properties. Whilst there is an increase in internal storage, I do not consider that matters of noise of vehicle movements will rise to a point where it can be considered that significant loss of amenity will occur over and above the existing situation.

IMPACT ON HIGHWAY SAFETY

4.8 A significant access exists, which has been improved over the years. The Highway Authority does not have any objections over the proposal notwithstanding the increase in storage capacity. I would agree with this view that the proposal does not significantly alter the usage of the site from a highway perspective that would result in harm to highway safety.

OTHER ISSUES

4.9 The re-instatement of the footpath and the removal of the shed will offer significant benefits to the surrounding area, both visually and in respect of attractive recreational routes.

10/0635/FULL

- 4.10 I note the comments made in respect of the loss of the stables; however, the erection of stables is acceptable within the landscape subject to their location. The replacement building cannot be resisted on this basis.
- 4.11 The applicants have offered to install a bat box in order to enhance biodiversity on the site which, when considered with the proposed hedges, are acceptable from a biodiversity perspective.

5.0 Conclusions and Recommendations

5.1 It is considered that the replacement building for storage and agricultural engineering and the designation of a storage area within the site offer substantial benefits to the area through the re-instatement of the public right of way and the removal of existing buildings. The new building and the increased storage area will not have a significant adverse impact on the character of the landscape, neighbouring properties, amenity or highway safety over and above the established use.

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B6 (External details – approved plan)
4. Building to be used for storage of plant hire and use as agricultural engineering as specified on the approved plan.
5. No external storage other than in the area specified on the approved plan
6. J1 (Removal of Permitted Development – Residential)
7. C6 (Landscaping – small scheme)
8. C8 (Landscape implementation)
9. Footpath to be laid out prior to first use of the building
10. B15 (Bat Box)

Reason for Approval

The replacement building for storage and agricultural engineering and the designation of a storage area offer substantial benefits to area through the re-instatement of the public right of way and the removal of existing buildings. The new building and the increase storage area will not adversely impact on the character of the landscape, neighbouring properties, amenity or highway safety.

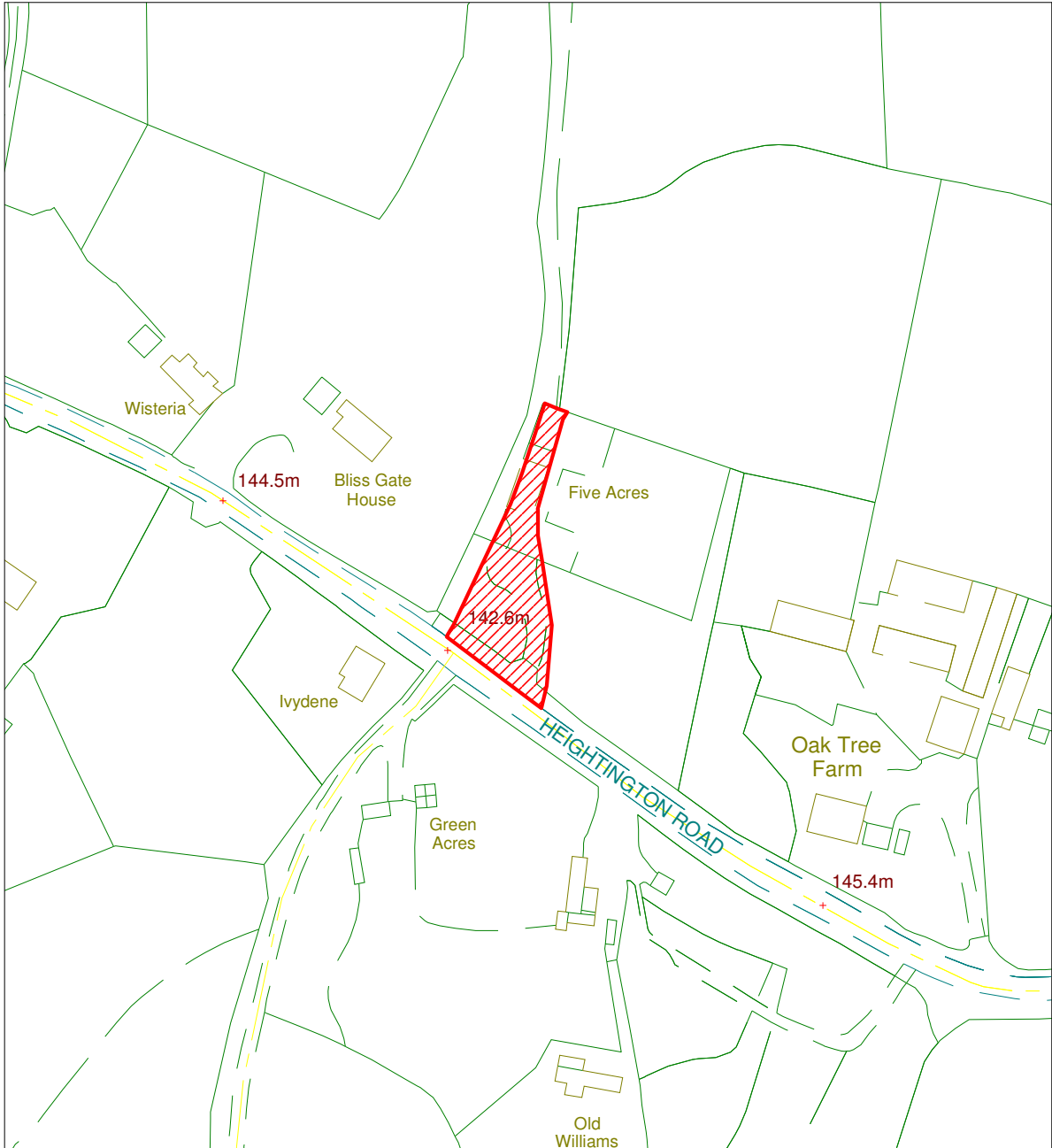
Date:- 22 November 2010

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Scale:- 1:1250

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Five Acres
Heightington Road
Bliss Gate DY14 9SX**



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Agenda Item No. 5

Application Reference: 10/0644/FULL and 10/0645/CAC **Date Received:** 27/10/2010
Ord Sheet: 378044 275045 **Expiry Date:** 22/12/2010
Case Officer: Paul Round **Ward:** Bewdley and Arley

Proposal: Demolition of a single dwelling and a block of six garages. Erection of four 3-bedroom dwellings and creation of new access

Site Address: 18 WYRE HILL, BEWDLEY, DY122UE

Applicant: Mr M Shellie

Summary of Policy	H.2, D.4, D.10, D.11, LB.1, LB.5, CA.1, CA.2, CA.5, AR.2, AR.3, TR.17 (AWFDLP) DS01, DS03, CP02, CP03, CP11 (WFCS) CTC.17, CTC.19, CTC.20 (WCSP) QE3, QE5 (WMRSS) Design Quality SPG PPS1, PPS3(2010), PPS5
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

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

10/0644/FULL
10/0645/CAC

2.0 Planning History

- 2.1 BB.131/62 – Four lock-up garages : Approved
- 2.2 BB.87/64 – Two lock-up garages : Approved
- 2.3 08/0904/TREE – Fell four Birch Trees : Approved 17/12/08
- 2.4 10/0040/FULL – Erection of five dwellings and garaging : Withdrawn 23/02/10
- 2.5 10/0041/CAC– Demolition of existing dwelling : Withdrawn 23/02/10
- 2.6 10/0374/FULL – Erection of five dwellings : Refused 20/08/10
- 2.7 10/0377/CAC – Demolition of existing dwelling and lock up garages :
Refused 23/02/10

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Views waited
- 3.2 Highway Authority – No objection subject to condition.
- 3.3 Arboricultural Officer – I am satisfied that the new application will not have an adverse effect on any trees on the site (other than those approved to be removed). However, the choice of trees to be planted at the front are not acceptable and I would like to see the Prunus avium that were previously agreed. If an alternative variety of cherry tree is suggested, I will consider it but as the area was a cherry orchard in the past, I would like to see the birch trees replaced with native cherry trees.
- 3.4 Conservation Officer - The existing building is one of late Victorian construction, and has several garages to the side, facing onto the highway. In terms of the Conservation Area, the garages create a negative impact on the character of the Area, presenting poor quality street-frontage, and a complete lack of architectural detailing, or historic interest. The principal building itself, whilst of some potential architectural merit, does not complement the Conservation Area, but neither does it detract from it, thus creating a neutral impact on the Area. This is emphasised through the Conservation Area Appraisal (2002), where the building is not identified as being of particular interest to the Conservation Area, but not of any detracting either.

In such instances where proposals are submitted for demolition of neutrally impacting sites, the principal requirement would be either retaining the neutral impact on the character and/or appearance of the Area, or presenting some improvement.

10/0644/FULL

10/0645/CAC

In my view, the proposed dwellings would accord well with the character of the Area, and would present an improvement to the character and appearance, through addressing the street-frontage in a more traditional manner, including the erection of architecturally detailed terraced properties.

For this reason, I have no objections to the proposals within this application, and recommend for approval, subject to the following conditions:

- that no demolition shall take place prior to the submission of details securing the implementation of the planning application (WF/0644/FULL) (i.e evidence that a contract has been let for the construction works). However, if the planning application mentioned above is refused, then I would not expect the Conservation Area Consent to be approved, as there would be no evidence of securing any benefit to the Area;
- that all facing materials are approved;
- that all landscaping to the front of the site be approved;
- that 1:10 sections of all windows and external doors are approved, together with the proposed materials and finishes;
- that positions of all pipes, SVPs, flues and other associated pipe-work be approved.

3.5 Worcestershire County Council (Historic Environment and Archaeology Service) - I have recently received the archaeological evaluation report for the above site and have the following comments to make. While no significant medieval deposits were encountered, the discovery of a post medieval town rubbish pit has the potential to help illuminate our understanding of this often under-represented period of the town's growth. Therefore, as a condition of planning consent a programme of archaeological work aimed at further investigating the material within the dump will be required. In this instance, it is believed, *on current evidence*, that the site is not of such significance to warrant preservation in situ and that the impact of the proposed development on the historic environment can be appropriately mitigated by a conditional programme of archaeological work. Such arrangements for the recording of a site of historic interest can be secured by the application of a negative condition as outlined in Planning Policy Statement 5 – Planning for the Historic Environment Policy HE12.

3.6 Crime Risk Advisor - No objections subject to previously given crime risk advice.

3.7 Severn Trent Water - No objections subject to conditions.

3.8 Neighbour/Site Notice – 12 letters of objection received raising the following concerns:

- The design of the properties will not reflect the surrounding area;
- Wyre Hill is an important area that needs to be preserved and identified within the Character Appraisal;
- Loss of building and re-development will not do anything for the Conservation Area;

10/0644/FULL

10/0645/CAC

- The loss of the building will remove a building that provides evidence of Bewdley's historical progression;
- The property was built by Joseph Oakes, a Councillor and Mayor of Bewdley, who lived in the Old Town Hall;
- Too many properties on the site, over-development;
- There is no reason to demolish the property, which is structurally sound.
- Properties are 2½ storeys high and do not reflect the surrounding two-storey dwellings;
- Lack of parking for residents in Wyre Hill results in substantial on-street parking and congestion, additional houses will make this worse.

4.0 Officer Comments

4.1 Members will recall considering this site in August 2010 where a scheme for five dwellings was refused by this committee for the following reasons:

1. The proposed development, by virtue of the number of dwellings and their positioning on the site, would represent an over-development on the site, which in turn would result in over-intensive parking to the front of the proposed dwellings. In light of the number of dwellings and the associated number and location of parked cars, it is considered that harm would be caused to the character of this historic area. To approve the application is therefore considered to be contrary to Policies D.1, D.3 and CA.1 of the Adopted Wyre Forest District Local Plan.
2. The proposed development, by virtue of the internal accommodation (i.e. the indicated provision of studies to plots 2, 3 and 4), is considered to provide a total of 5no. 3 bed dwellings. The proposed provision of 7 car parking spaces to serve the development would result in a shortfall of parking spaces to serve the dwellings proposed when assessed against Worcestershire County Council's parking standards. Such a shortfall is likely to result in an increase in on-street car parking which due to the location of the site is already in high demand. As such, the proposal is considered likely to result in the deterioration in highway safety and to approve the application would therefore be contrary to Policies TR.9 and TR.17 of the Adopted Wyre Forest District Local Plan.
3. The proposed development does not provide adequate pedestrian access to the rear of Plots 2, 3 and 4 and does not make provision for bin storage for 2no. 240 litre wheelie bins per dwelling, which will need to be located sensitively due to the historic character of the area. To allow the proposal in these circumstances would be contrary to Policies D.1, D.3 and CA.1 of the Adopted Wyre Forest District Local Plan.

4.2 The accompanying Conservation Area Consent was also refused as there was no approved scheme to rely on for re-development.

4.3 The current full planning and Conservation Area consent applications have been re-submitted in order to overcome the refusal reasons and provide a scheme that is acceptable to the Local Planning Authority. The number of

properties has been reduced and now seeks to provide 2no. 3 bed dwellings and 2no. 4 bed dwellings. .

DEMOLITION IN CONSERVATION AREA

4.4 The demolition of buildings in Conservation Areas is controlled by statute ensuring that Conservation Area Consent is obtained prior to the total demolition of any structure over a certain size.

4.5 Policy CA.2 sets out the key criteria for consideration of demolition in a Conservation Area. The policy is replicated below:

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

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

4.6 Whilst a number of neighbours have highlighted the importance of the building within the Conservation Area, it is clear that its importance has been considered previously by the Council's Consultants and Officers who, in 2002 and 2008, did not include the building within the Conservation Area Appraisal as an "other building of interest" or include it within the local list for Bewdley. An historic buildings appraisal has been carried out on behalf of the applicants that concludes "*that the building was certainly of early 20th century date and had been substantially altered internally during the course of the same century. Two of its original sash windows may survive, although even these are likely to be replacements. There are no surviving internal features that would have made further recording of the building worthwhile. The building was clearly associated with a prosperous, early 20th century Bewdley man. However, it is not believed that this alone makes it worthy of preservation or further recording.*" In addition, it should be noted that the Conservation Officer has not raised objection to the demolition of the building or provided evidence of its importance. Indeed, the Conservation Officer evaluates the building as having a neutral impact. Furthermore, the principle of demolishing the building has been accepted previously and was not included as a refusal reason previously.

4.7 In respect of the demolition of the garages, these were built in the 1960's and have no value to the Conservation Area; in fact they could be regarded as having a negative impact on the visual appearance of the Conservation Area. No interested parties have raised objection to the removal of the garages on heritage grounds.

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4.8 I consider that the applicants have provided sufficient evidence to support the application in line with the guidance of PPS5. When taking account of the evidence available to me, and considering the site as a whole, it is my opinion that the site is of no significant importance as to warrant preservation in its current state. I further feel that the opportunity to provide an enhanced street frontage is one that will provide an improvement to the visual appearance of the Conservation Area in this location. The details of the re-development proposals will be discussed later in the report.

4.9 I am satisfied that criteria i), ii) and iii) of Policy CA.2 have been met sufficiently as to support demolition of the existing structures provided that an appropriate re-development scheme is submitted. As such, the principle of the redevelopment of this site within the Conservation Area is acceptable.

DEVELOPING ON RESIDENTIAL LAND

4.10 Members will be aware of Policy H.2 of the Adopted Wyre Forest District Local Plan and Policy DS01 of the Core Strategy DPD, which requires all residential development to be constructed on previously developed land. They will also be aware of the Coalition Government's recent changes to PPS3 to restrict 'garden grabbing', allowing Local Authorities to decide for themselves the best locations and types of development in their area. The re-classification of garden land as being non-previously developed land is a material consideration when determining planning applications. The definition in PPS3 is clear that previously developed land "...is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure", but excludes "...land in built-up areas such as private residential gardens,...which, although it may feature paths...and other buildings, has not been previously developed."

4.11 The site has two distinct areas, firstly the property and associated garden area and secondly the lock-up garages and associated forecourt. On the basis of the definition set out above the garages and forecourt, which are separate to the domestic curtilage, fall within the definition of previously developed land. In respect of the dwelling, whilst the site of the house would fall within the definition the garden areas do not. As such, the totality of the site provides an area of previously developed land that has the potential to be developed.

4.12 The proposal demonstrates that the proposed footprint of the new dwellings will be sited on the identified previously developed areas. It should be noted that a small proportion of the footprint of Plot 3 falls within the gap between the existing garages and the dwelling, whilst Plot 4 extends beyond the rear footprint of the principal part of No.18. However, these are minor deviations. Taking the site as a whole and taking account of the proposed footprint, I am satisfied that the proposal is acceptable in principle having taken account of Policies H.2, DS01 and advice in PPS3. Again, the principle of redeveloping the site was not raised as the reason for refusal previously.

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4.13 Having regard to the details of the proposal and the previous refusal, consideration is now given to the following:

- Design of dwellings, street scene and visual appearance
- Highway and parking
- Bin storage and amenity
- Impact on Listed Building
- Impact on neighbouring properties
- Trees
- Other issues

DESIGN OF DWELLINGS, STREET SCENE AND VISUAL APPEARANCE

4.14 The design of the dwellings is of a similar style to that previously considered although the individual footprints of the dwellings have increased due to the reduced number of dwellings. The layout remains identical to the previous application apart from the addition of a bin store adjoining Plot 1. I concur with the views of the Conservation Officer that the proposal is acceptable in design terms and offers an enhancement to the Conservation Area and the visual appearance of the street scene through the removal of the garages.

4.15 Car parking is provided to the front for Plots 1, 2 and 3 and is softened by hedging and landscaping. Plot 4 will have its own driveway and turning facilities.

4.16 Overall, the design and layout of the proposed dwellings is acceptable in this context.

HIGHWAY AND PARKING

4.17 The current scheme proposes to utilise, albeit in a modified form, the existing accesses that serve the garages and dwelling. Parking provision is provided at a ratio of two cars per dwelling, which is in accordance with the County Council's latest standards set out in the Highway Design Guide. Concerns were expressed previously over the annotation of rooms, which could potentially be bedrooms; this has been resolved in the latest set of plans showing only one plot having a small study that could not be considered to constitute a meaningful bedroom. The ratio of car parking spaces accord with the number of bedrooms provided.

4.18 The Highway Authority has considered the scheme and has offered no objections. I would agree that the scheme is acceptable in highway safety and parking terms.

BIN STORAGE AND AMENITY

4.19 The third reason for refusal was in respect of pedestrian access to the rear of the properties and bin storage. Direct access is provided to the rear of all properties with the central properties (Plots 2 and 3) sharing an alleyway. Bin storage for Plots 1 to 3 is provided within a gated shared area attached to Plot 1. Plot 4 has ample room for bin provision within the rear curtilage of the dwelling.

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- 4.20 Garden lengths and area are ample, providing a minimum of 140 sq. metres with 24 metres to the rear boundary. On this basis, I consider this provision is acceptable and addresses the previous concerns.

IMPACT ON LISTED BUILDING

- 4.20 Advice has been taken from the Conservation Officer, in respect of the impact upon the adjacent Listed Building. He has advised that he does not consider there to be an unacceptable relationship. Notably Plot 4 is on the same line as the existing property and is lower in height. On the basis that the proposed development is not any closer to the Listed Building than at present and has a reduced depth, I would concur with the Conservation Officer that the proposal will not result in adverse harm to the Listed Building.

IMPACT ON NEIGHBOURING PROPERTIES

- 4.21 The properties that need to be considered most carefully are those at No. 17 Wyre Hill and the Old Town Hall. It is considered that properties in Park Lane will not be significantly affected due to the length of back gardens; properties in Wyre Hill and Forest Close will not be significantly affected due the separation distances and orientation.
- 4.22 Plot 1 is set back from the front of No.17 by approximately 2 metres and projects past the rear by the same amount. From the positioning of the dwelling it is clear that limited impact will occur as a result of any loss of light to habitable rooms or the garden area of this property.
- 4.23 The Old Town Hall is a residential property that includes a bed and breakfast business. As stated above, the proposed Plot 4 will be positioned in the same line as the existing property, although it would have a greater depth. The gable of the Old Town Hall is blank apart from one small bathroom window. To the side boundary a substantial outbuilding exists. A driveway to serve Plot 4 is proposed to be sited adjacent the gable end to the Old Town Hall and whilst there will be additional noise, it is not considered that it would significantly adversely impact on the amenity currently enjoyed by neighbours.
- 4.24 It is concluded that neighbouring amenity will not be affected by this proposal.

TREES

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

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OTHER ISSUES

- 4.26 The site has been the subject of an Archaeological survey, which concludes “... that no medieval remains survive at 18 Wyre Hill, due probably to truncation of the site. However, the site’s re-use as a rubbish dump for the 18th and 19th century town gives it potential for throwing light on this period of Bewdley’s history. There may also be the chance of recovering some industrial remains as a piece of kiln furniture was also found.” On the basis of this evaluation the County Archaeologist has accepted that the site is not worthy of preservation but requests that conditions are placed on any permission to further monitor the site.
- 4.27 Issues of surface water and drainage are matters that can be dealt with by way of conditions.
- 4.28 Policy CP01 of the Core Strategy DPD requires applications to consider sustainability and climate change. In this regard the Applicant’s Agent has confirmed that the proposed dwellings will be constructed to a standard in excess of Building Regulations requirements in respect of floor, wall and roof insulation. Robust details and sound insulation measures will be incorporated to satisfy Building Regulations requirements for noise transference. Boiler efficiency and controls will fully satisfy the domestic heating compliance guide. Appropriate rooms will have lamps of 40 lumens per circuit watt. Water efficiency control will limit consumption to 120 litres per head per day with an additional 5 litres per head per day for external use. This control will be assisted by the provision of restricted flow aerated taps, restricted flow shower heads, limited volume baths and dual flush toilets. Foul drainage will be to the existing main sewer. Storm drainage will initially be via gutters and downpipes to a water butt to the front and rear elevation of each dwelling. This water will provide for uses such as garden watering and car washing. Surplus water will discharge by controlled overflow to ground soakaways to Building Regulations approval. The front parking area will be set to levels to run to gullies and irrigate frontage planting. The demolition of the existing Victorian dwelling and its replacement by energy efficient dwellings will add to the lifetime cost saving benefit. The site is well above the River Severn Flood Plain and has no history of localised flooding. Each dwelling has provision for a general refuse and a recyclable refuse bin.

5.0 Conclusions and Recommendations

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

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5.2 I therefore recommend **APPROVAL** to **10/0644/FULL** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1 (Samples/details of materials)
4. B2 (Sample brick panel)
5. B8 (Mortar details)
6. B9 (Details of windows and doors)
7. B10 (Windows))
8. B11 (Details of enclosure)
9. Finished Floor Levels as approved plan
10. C3 (Tree protection during construction)
11. Trees to frontage to be prunus avium.
12. C8 Landscape maintenance for 10 years
13. C14 Landscape maintenance for 10 years
14. E2 (Foul and surface water)
15. E3 (Soakaway test)
16. F5(Construction site noise/vibration)
17. Details of protection of Listed Building during demolition and construction work
18. (Access, turning and parking)
19. J1 – (Removal of permitted development – residential)
<Hard surfacing to the frontage>
20. J8 (No further window) <Plots 1, 4 and 5>
21. J9 (Open plan frontages)
22. G10 (Contract for redevelopment required)
23. No demolition shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority".

Notes

- A. SN12 (Neighbours' rights)
- B. SN1 (Removal of permitted development rights)
- C. SN13 (Landscaping/planting works)
- D. HN5 (Highway works)

5.3 I also recommend **APPROVAL** to **10/0645/CAC** subject to the following conditions:

1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved plans)
3. The works of demolition hereby authorised shall not be carried out before a contract for the carrying out of the works and a programme of implementation of the redevelopment of the site approved under reference 10/0644/FULL has been submitted to and approved in writing by the Local Planning Authority.

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The demolition of the buildings shall only be undertaken in conjunction with the development approved under reference 10/0644/FULL.

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

Reason for approval

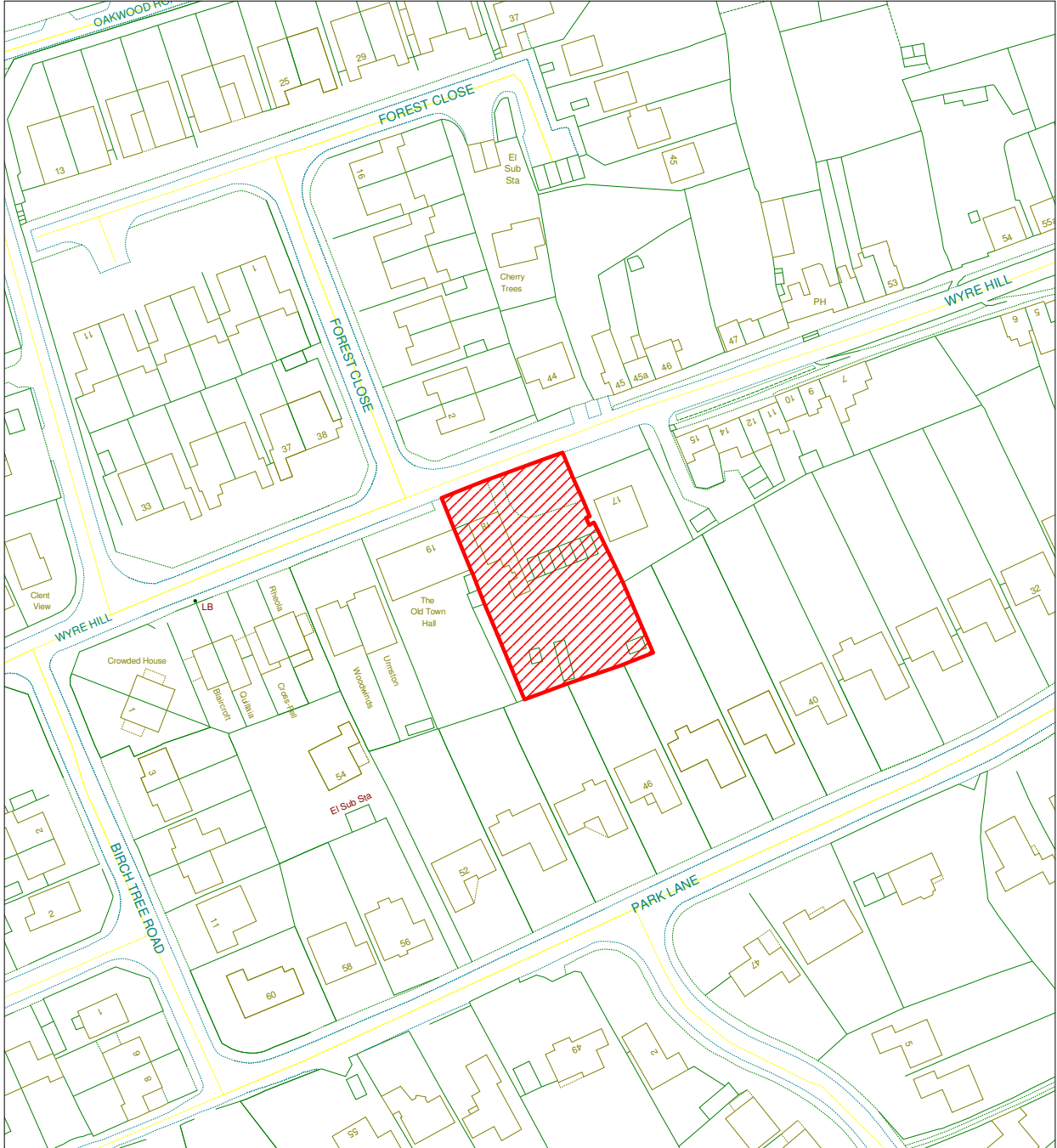
Whilst the site is adjacent to a Grade II Listed building and situated within Bewdley Conservation Area it is felt that demolition and re-development of this site will not adversely affect the character or appearance of these heritage assets and will provide a positive enhancement to visual amenities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

Date:- 20 December 2010

OS sheet:- SO7875SW

Scale:- 1:1250

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**18 Wyre Hill
Bewdley
DY12 2UE**

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Application Reference:	10/0670/FULL 10/0669/LIST	Date Received:	05/11/2010
Ord Sheet:	388403 278780	Expiry Date:	31/12/2010
Case Officer:	Paul Wrigglesworth	Ward:	Blakedown and Chaddesley

Proposal: Alterations and extensions to 3No. Existing dwellings into adjacent out-buildings and the conversion of existing out-buildings to provide 1No. Additional dwelling, ancillary accommodation for Barn Cottage together with the provision of new drive access and new Bio-Disc Treatment Plant (Application Reference 10/0670/FULL)

Alterations and extensions to 3No. existing dwellings into adjacent outbuilding and the conversion of existing outbuildings to provide 1No. additional dwelling (Application Reference 10/0669/LIST)

Site Address: HARBOROUGH COURT, HARBOROUGH HALL,
BIRMINGHAM ROAD, BLAKEDOWN, KIDDERMINSTER,
DY103LQ

Applicant: Mr L Turner

Summary of Policy	GB.1 GB.2 G6 RB1-6 LB.1 LB.2 LB.3 LB.4 LB.5 TR17 (AWFDLP) CP11 CP03 (WFCS) CTC19 CTC21 D39 (WCSP) QE1 QE3 QE5 (WMRSS) Design Quality SPG PPS1 PPS3 PPS5 PPS9 PPG2
Reason for Referral to Committee	Parish Council request to speak on application Third party has registered to speak at Committee
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement (10/0670/FULL) APPROVAL (10/0669/LIST)

1.0 Site Location and Description

- 1.1 Harborough Court is located in a Green Belt area adjacent to Harborough Hall and on the east side of the A456 Kidderminster to Birmingham Road just beyond the Blakedown village boundary. Harborough Court is a group of red brick buildings which were formerly barns/coach houses associated with Harborough Hall which is a Grade II Listed Building and as such they are curtilage listed buildings although they are now in separate ownership.
- 1.2 Three of these buildings have been converted to residential properties known as The Granary Flat, The Balcony Flat and The Barn Flat and all of them gain vehicular access from the A456 at an access point referred to as the northern access.

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A separate brick building formally in the ownership of The Brook, an adjoining property, forms part of the application site but this building is not listed. The application site extends to the A456 boundary where a new vehicular access is proposed.

- 1.3 It should be noted that the northern access point is the sole access point to two other more distant properties known as The Pavilion and The Cottage and that in addition The Brook, Harborough Hall and The Garden Flat (annex accommodation of Harborough Hall) can also gain vehicular access this way in addition to their main access point closer to Blakedown referred to as the southern access.

2.0 Planning History

- 2.1 WF 791/98 - Application for 3 dwellings with access off the Harborough Hall driveway (a fourth dwelling that originally formed part of this application was withdrawn for highway reasons) : Approved but condition 11 required driveway to be implemented before occupation
- 2.2 WF3/99 - Application to convert outbuilding into a single dwelling (fourth dwelling referred to in application WF791/98 above) and provision of visibility splay : Approved with improved visibility to the Harborough Hall access point
- 2.3 WF1100/00 - Application to remove condition 11 of WF791/98 : Refused on highway grounds
- 2.4 WF673/03 - Provision of new openings to provide vehicular access to existing courtyard and garage to residential unit : Approved
- 2.5 WF 460/05 - Conversion of outbuildings, to extend balcony flat and adjacent buildings : Withdrawn due to highway issues associated with poor visibility at the lower access point
- 2.6 10/0527/FULL - Alterations and extensions to 3No. Existing dwellings into adjacent out-buildings and the conversion of existing out-buildings to provide 1No. Additional dwelling, ancillary accommodation for Barn Cottage together with the provision of new drive access and new Bio-Disc Treatment Plant : Withdrawn due to ownership issues

3.0 Consultations and Representations

- 3.1 Churchill and Blakedown Parish Council – Objection to the proposed new access, which is situated on a dangerous, derestricted, busy and fast stretch of the A456. The access would involve the loss of many trees, which would be detrimental to the visual amenities of the area. The Parish Council does not object to the proposal for the conversion of these buildings. Should this application for these 3/4 bed family homes be granted the Parish Council asks that it should be subject to a Section 106 agreement with a contribution towards the facilities at Blakedown Primary School.

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No objection to the proposal for Listed Building Consent.

- 3.2 Highway Authority – No objection subject to conditions and notes
- 3.3 Environment Agency – No consultation required
- 3.4 Natural England – Views awaited
- 3.5 Conservation Officer – see Officer Comments
- 3.6 Worcestershire County Council (Historic Environment and Archaeology Service) – Views awaited
- 3.7 Worcestershire Regulatory Services (Environmental Health) – Views awaited
- 3.8 Severn Trent Water - Views awaited
- 3.9 Worcestershire Wildlife Trust – Views awaited
- 3.10 Arboricultural Officer – No objection (see Officer Comments)
- 3.11 Countryside and Conservation Officer – Now have confirmation that no other protected species are to be affected and that lighting is not going to be an issue. In addition all measures contained in the report will be implemented and a licence applied for. Given that the applicant can accommodate the mitigation and the required additional work is really to fine tune we could attach a condition that would need to be fulfilled before any works commenced and prior to the application for a licence. This also needs to include post development ecological management requirements. (*Officer Comment - The applicants intend for all recommendations contained within Worcestershire Wildlife Consultancy's report to be complied with and are satisfied for this to be conditioned – this would include the need for bat boxes and a further bat survey in May 2011*).
- 3.6 Neighbour/Site Notice – Letters of strong objections received from Harborough Hall and Garden Flat raising the following concerns:
- Not sure why consulted on latest application following withdrawal of previous. I have viewed all documents at Kidderminster Town Hall although we were told that they were incomplete. Extra parking only difference I could see in the existing courtyard which would need to be accessed from my rear drive – a situation I will not allow to happen and will withdraw any rights to drive through the Courts if necessary. All previous applications to use the rear drive have been dismissed out of hand by the highway authority.
 - Lived at property for 11 years and all previous applications have been turned down

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- The proposal to create a third driveway between the 2 existing ones would mean 3 drives within about 300yards, on a blind bend, on a 60mph stretch of road. To allow more large family homes (in addition to the extended homes to the rear with at least 4 cars each) on to this stretch of road will obviously create considerably more traffic where the national speed limit applies and the visibility is very bad.
- Owners will not reside here- looking at property from a purely financial point of view – not their priority to consider impact of converting 3 small properties into 4 large family homes- extra traffic will impact immensely on our family life and the safety of our children and animals.
- Dispute average speed of 43mph of traffic survey – far in excess of this. We are constantly berated by drivers when joining the road - a third entrance where slow moving cars join fast moving cars recipe for disaster/madness.
- Dispute the statement that buildings not Listed.
- One property no more than 20 feet away (letter from Harborough Hall) – 10 feet away (letter from Garden Flat) – will seriously damage privacy- a number of windows overlook my property. Overlooking from other homes.
- Insufficient boundaries included in the application – no plans to separate my property – people could stray onto my land and gardens also make it possible for new properties to use rear drive.
- Number of near misses from rear drive. I have a young family as do my neighbours.
- Land of bank in ownership of neighbours at Brook who have not given permission for access.
- Also attached are letters received to previous applications dated January 2001, July 2003 and May 2005

Letters of support received from The Cottage and The Pavilion

- Existing access extremely dangerous, only a matter of time before there is a serious or even fatal accident- had a few near misses in 15 years we have lived here. Existing access is on the inside apex of a sharp bend, 60mph speed limit and no visibility – have to resort to winding the windows down and listening for traffic and only turn left out of drive and hug the kerb – so fast traffic can pass if pulled out inadvertently.
- If permission granted access should be closed for safety and for benefit of safety of all who reside in estate and essential services like dustbin lorries, post vans, emergency vehicles, fuel delivery vehicles and the like.
- We would want a maintenance agreement to be part of planning agreement

Letter received to be taken as broadly supportive but conditional from The Brook

- Although broadly supportive we haven't yet agreed for changes to take place to our land
- The stream running through the garden linked to pool system through Churchill and Blakedown SSSI – the watercourse is less than 30 metres away – keen to ensure adequate protection of local wildlife – The Brook's garden hosts foxes, badgers, passing deer, great crested newts, (and a variety of other listed insects mammals and birds).

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- Concerns about impact of surface water on garden of The Brook – provision needs to be made for capture of surface drainage from new driveway – the Brook is in a flood zone
- Low banking required as protection for garden of The Brook – vehicles will have a straight course downhill and could go down steep bank (some 10m lower) ending up where children play – would with fencing/hedging also protect privacy particularly from headlights
- What lighting is proposed for driveway? (*Officer Comment – None*)
- Require to keep pedestrian access via existing driveway so children (aged 12,11 and 9) do not need to cross busy road to walk to Blakedown
- What provision for refuse/recycling for The Brook – currently stored at north access
- We would like confirmation that proposed access and driveway is for use for all properties – this would enable closure of the dangerous north access. If north access is not closed The Brook will be surrounded by traffic – effectively becoming a traffic island – a tremendous impact on our privacy (*Officer Comment – The north access cannot be closed due to existing rights of way. However if the new access were to be constructed it is doubtful whether the north access would be used very much by vehicles in view of the access difficulties*)
- Met applicant and agent who have confirmed provision of drainage, footpath access to southern access and trees on our land will not be felled without our permission.

4.0 Officer Comments

THE APPLICATIONS

4.1 The planning application seeks planning permission to carry out the following development to this group of curtilage listed buildings:

- Convert an existing brick built building at present a one bedroom flat known as The Granary Flat into a three bedroom house. This entails changing the lower ground floor rooms at present used as a workshop, two stores and boiler room into ground floor living accommodation. The external stairs to the first floor are proposed to be removed and the associated doorway is to become a window. Two windows and a doorway facing land in the ownership of Harborough Hall are to be bricked up (the door will remain on the outside) and bedroom windows facing Harborough Hall to the rear are to remain unchanged but these windows in the new layout will light a dressing room and en- suite and both windows will be obscure glazed.
- The Balcony Flat, a single bedroom flat opposite a courtyard from The Granary Flat is proposed to become a three bedroom house which includes converting the first floor storage loft into two extra bedrooms and a garage on the ground floor into a living room. The main changes involve bricking up a garage doorway (the door itself will remain for aesthetic reasons) facing Harborough Court, creating a glazed entrance to the lounge from a walled courtyard and two skylights to the roof.
-

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- The Barn Flat is a two bedroom converted house at the present time. It is proposed to extend this into the adjoining barn to provide a new kitchen on the ground floor and a bedroom above. With internal alterations this would become a three bedroom property to be known as Barn Cottage. The external changes are limited to changes to the existing barn door entrances on either side of the building.
- Converting an existing free standing building formerly in the ownership of an existing adjacent property known as The Brook into ancillary accommodation for Barn Cottage. As stated, this building is not curtilage listed.
- Converting an existing barn/garage storage area into a new four bedroom dwelling to be called The Courtyard House. This involves two new openings on the west side of the building.
- Converting a range of outbuildings into garages, providing overflow car parking spaces and subdividing areas into residential curtilages.
- Provision of a new treatment sewage plant on the west side of Barn Flat to replace and old sewage system closer to Brook Cottage.

4.2 In addition to the works described above it is proposed to create a new access road with new entrance and visibility splays to the A456 Birmingham Road. This new access road is proposed to link in with an existing access road which at present serves other residential properties beyond Harborough Court as already described.

4.3 The Listed building application seeks consent for the alterations to the buildings themselves and for boundary walls where these abut the buildings

BACKGROUND

4.4 The history of this site is relevant to understanding the current application and this has been set out below in the words of the applicant's agent in the planning submission:

"The complex was originally in the same ownership as its close neighbour Harborough Hall and exists as a courtyard of barns which have been partially converted into residential units. The Granary Flat (1 bed), the Balcony Flat (1 bed), The Barn Cottage (2 bed). The remainder of the complex exists as garaging, outbuildings and general storage, together with one small detached barn standing forward of the courtyard which was originally not included as a part of the group, being in the ownership of the adjacent property 'The Brook'.

The three properties are currently let and occupied but the whole complex, whilst structurally sound, is in need of considerable care and attention to stop it falling into disrepair.

Whilst Harborough Hall itself enjoyed and still enjoys its own access onto the A456 to the south of the barn complex, the properties at the court utilise the unsatisfactory northern access to the north of The Brook. This access also serves 2no houses situated behind Harborough Hall, The Cottage and The Pavilion, The Brook itself has rights to use either access.

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In 1998 and 1999 we obtained Planning Approvals under WF.791/98 and WF.3/99 to remodel and extend the 3 existing properties into adjoining elements of the barn complex, The Granary House increasing from 1-bed to 3-bed, The Balcony House increasing from 1-bed to 3-bed, The Barn Cottage increasing from 2-bed to 3-bed, and a new dwelling 'The Courtyard House' being formed from the remaining area of outbuildings and having 4-bedrooms.

Because of the poor nature of the northern access, these Applications and Approvals proposed a new driveway linking the barn complex to the road-end of the existing southern access to Harborough Hall and the second Application, WF.3/99 which dealt with the new 'Courtyard House' included an increased visibility splay provision.

Harborough Hall itself had been lived in by our Client's Father, Mr Laurence Turner, but it was sold separately from the barns shortly after the Planning Permissions were achieved. The family retained the barn complex intending to carry out the development as the Planning Approval.

Unfortunately after the sale of the Hall went through, it became apparent that our Client's Solicitors had not retained rights over the end of the existing Southern Drive which had been sold with the Hall and which was required for the new drive to connect to, to give access onto the A456.

Despite further negotiations, the new owners of the Hall refused to grant access rights to this stretch of drive, effectively rendering the two Planning Permissions unproceedable.

Various alternative approaches were looked at, including omitting the new dwelling but extending others, but as all involved increased floor areas, bedroom numbers and potential traffic movements, their access via the substandard northern access understandably rendered them unacceptable.

The project lay dormant for several years, until in 2006 our Client entered into discussions with his neighbour at 'The Brook' to see if it would be possible to provide a new driveway from the barn complex down towards the road, to link up with the existing drive to The Brook from the Harborough Hall Southern access (which property still had rights over this access), and to gain a new access onto the A456 midway between the existing southern and northern accesses.

The advantage of this proposal was that access could be provided to the improved and extended properties at Harborough Court, to reactivate the refurbishment of the barn complex, whilst also giving the other properties currently using the northern access, The Cottage, The Pavilion and The Brook use of the better and safer new access.

The new access could be provided with agreed visibility splays and radii etc and would represent a much improved gain in terms of Highway safety, and the northern access would become little-used.

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The occupiers of The Cottage, The Pavilion and The Brook were all very much in favour of being able to access their properties in a safe manner and long and meticulous negotiations were carried out by both ourselves and Halcrow with the Highways Agency to agree the acceptability of the proposal.

Whilst the detail of the proposed access and visibility splays achieved slightly less than the Highways Agency standards, they represented such an improvement over the existing accesses, both south and particularly north, that Agreement for 'Departure from Standards, was obtained under 45330 and 45331 in July 2007.

It appeared that the submission of a new Planning Application would be imminent, however our Client and his neighbour at The Brook, Mr Sykes, needed to reach agreement over ownership and Application site boundaries etc, again complicated somewhat by The Brook's owner being in the process of selling that property which resulted in further delays.

In anticipation of an impending Planning Application, considerable additional works were commissioned and obtained, including Archaeological Building Recording in 2004, Bat Survey in 2008 and full Tree Survey and Landscape Proposals in 2007.

Our Client and Mr Sykes have now reached an agreement and the proposed Application site has been increased to allow the proposed new drive to run along the top of the bank previously in the ownership of The Brook, rather than cutting in front of the Barn Cottage. The increase in Application site has also allowed the small freestanding barn forward of the Barn Cottage to be included in the proposed development and suggested as ancillary accommodation (garden room, office etc) to Barn Cottage".

CONSIDERATIONS

4.5 The main issues in determining this application are considered to be:

1. The principle of converting the barns
2. The creation of a new access drive and the effect on the Green Belt and character of the area.
3. The effect on the amenity of adjacent properties
4. Listed Building Consent considerations
5. Highway Safety issues
6. Ecological Issues
7. Other issues

THE PRINCIPLE OF CONVERTING THE BARNES

4.6 The site lies within a Green Belt area where the conversion of existing rural buildings is acceptable provided that the work is compliant with the rural buildings conversion policies RB.1 – RB.6 in the Adopted Wyre Forest District Local Plan.

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- 4.7 These buildings are substantial traditional red brick buildings and are consequently of a type which lend themselves to conversion. Policy RB.2 emphasises a clear preference for business or commercial uses over residential uses. However, after taking account of the fact that three of the buildings are already in residential use and that there are residential uses adjacent, business uses are not at all appropriate to this location.
- 4.8 The buildings are considered to be substantial and they are also of a size appropriate for residential conversion. A structural report shows that the buildings are structurally sound and that they can be converted without any significant rebuilding works. The scheme submitted deals sensitively with retaining their character, setting and appearance of these buildings with very few new openings in the existing fabric of the buildings. The proposal is therefore in my view compliant with Paragraphs i) to iv) of Policy RB 1.
- 4.9 Policy RB.1 v) requires a satisfactory access which will be examined in more detail below but from a highway safety point of view the highway authority finds the proposed arrangements acceptable subject to conditions.
- 4.10 Policy RB.1 vi) deals with the dispersal of activity and the effect on the local economy but this is not relevant to this application and likewise neither is RB1 vii) as the barns to be converted to dwellings are not domestic outbuildings. Policy RB.3 is not applicable either since there is no existing farming activity or other nearby incompatible uses that could disturb future occupants of the barn conversions.
- 4.11 Policy RB4 is concerned with ensuring that residential curtilages and other operational space around the buildings do not have a detrimental impact on the character of the countryside or the setting of the buildings. The existing curtilages are quite arbitrary at the present time and the proposal in the immediate vicinity of the barns involves making these more definitive by creating walled gardens within an existing courtyard for the existing properties. The proposed new dwelling, The Courtyard House, would utilise part of an existing courtyard on the other side of the barns which would be subdivided with a wall and would also provide a small terrace for the Balcony House. The Conservation Officer is satisfied that the proposed walls do not harm the appearance of the barns and that they have no effect on the setting of the Listed Building. Policy RB4 also requires operational space to be kept separate from that of nearby incompatible activities (which does not apply here) and that extensive new access roads and service areas should be avoided to safeguard the environment and the buildings to be converted. It is however true that the access roads and access are extensive and that the proposal does not comply with this policy in this respect. This will be considered in more detail under the next heading.
- 4.12 Policy RB.5 is not applicable since no new buildings are proposed and with regards to RB6, the Countryside and Conservation Officer is satisfied with the proposal subject to conditions including the provision of bat roost boxes which the applicants have already proposed.

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- 4.13 In conclusion with the proviso regarding the impact of the new driveway/access the development is compatible with the barn conversion policies. However, the driveway areas would still be acceptable in terms of Green Belt Policy GB.1 if there are very special circumstances to justify it, and this is considered to be the case and is explained below.

THE CREATION OF A NEW ACCESS DRIVE AND THE EFFECT ON THE GREEN BELT AND CHARACTER OF THE AREA

- 4.15 Clearly the proposal does require the construction of a new access road. This will run along and at its closest point will be within 4 metres of the rear boundary of an adjacent property known as The Brook for approximately 60 metres. The new access road is then proposed to turn through 90 degrees to run parallel to the A456 for approximately 60 metres before turning again to cross the existing access track to The Brook. Beyond this, a new access is proposed to the A456 which will involve the removal of part of a substantial embankment, the removal of trees and the creation of visibility splays. A visual impact assessment has been submitted with the application by a landscape architect. This report amongst other things notes that the new access will not be visible from any community, public, commercial facility or public open space. The impact on various receptors is however assessed and these are identified as Harborough Hall, Brook House, a bus stop on the A456, a house in the distance on Harborough Hill, the public footpath on the A456 and the A456 itself. The report concludes that the impact on all of these receptors is low with the exception of the house in the distance which is negligible/low and views from the footpath which is medium. It must also be noted though that in the report there is an assumption that there is betterment for the occupiers of The Brook and that they would be unlikely to object which is the case although as can be seen they do have some concerns. The report also makes recommendations to provide additional boundary planting to create further enclosure and concludes:

“This report has identified the very limited visual impacts of the proposed development which are largely the footpath and road from the A456 and some heavily filter and almost totally obscured views from a small number of dwellings.

The minor adverse visual impacts of the proposed development are of a very local significance only and are considered to be negligible following mitigation and the formation of the access will be assimilated into the appearance of the landscape once mitigation has established after a short period of time. The suggested mitigation measures will enhance local landscape character and integrate the development into the contextual setting with no long term impacts which will improve the range of habitat present and improve highway safety making the overall scheme beneficial.

The replacement of these trees identified for felling currently at the end of their Safe Useful Life Expectancy (SULE) will allow the development to proceed, whilst enabling compensatory planting to be undertaken to ensure tree coverage is maintained for the future.

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New tree planting enhances and augments the landscape for future generations and as they develop and mature they will eventually replace the existing landscape elements and by careful selection will reinforce/strengthen the local landscape character.

It is considered that in granting an approval the landscape proposed is implemented as a condition of any approval; that the visibility splays formed are maintained under cultivation licence so that the residents' visibility is assured."

4.17 The Council's Arboricultural Officer has stated that:

'From looking at the plans for the proposed new access at Harborough Hall, all seems to be in accordance with the site visit we had, in which I was in agreement with.

Although there are a few trees removed to facilitate the proposed new access road, I do not feel these are of a huge importance to the local landscape and there is ample replacement planting to mitigate for the loss.

I therefore have no objections to the proposals and am happy with the proposed landscaping scheme'.

4.18 There is no doubt that the access works to the A456 are substantial in that a high bank will need to be punctured to facilitate vehicular access and visibility splays will need to be hewn out of the rock on either side. It will no doubt look quite raw when they are first undertaken and in my view they will have a visual impact particularly before it is softened by nature and the landscaping works. However the impact will be limited to a short section of road which is not readily apparent from the surrounding landscape. In any event any visual harm is in my view clearly outweighed by the significant benefits of providing a safer access to the Birmingham Road.

4.19 If there were not very special circumstances the application would be recommended for refusal for failing to comply with Policy RB.4 as identified earlier, as extensive access work is required. However, the creation of a new access point is considered to be essential on grounds of highway safety and this is considered to be a very special circumstance. This is because the existing northern access which is the only access to the three properties at the application site and the only access to two others (The Pavilion and The Cottage) is in my view one of the most dangerous access points in the Wyre Forest District area. The visibility is so poor in both directions that a right turn is far too risky a manoeuvre to attempt to negotiate and a left turn, as the occupier of The Cottage correctly states, is best achieved with the driver's side window down in order that oncoming traffic can be sensed by hearing. The introduction of an additional dwelling and the enlargement of existing dwellings as proposed in this application will undoubtedly generate additional traffic and the comments of the objectors have been carefully considered but to place the traffic on a safer access is far better than for a lesser number of vehicles to carry on using the northern access.

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It should also be noted that The Brook will also benefit as the new access should enjoy better visibility than the existing southern access.

THE EFFECT ON THE AMENITY OF ADJACENT PROPERTIES

- 4.20 It is accepted that the rear of the Granary Flat is situated adjacent to the rear of Harborough Hall and that the side of The Granary Flat is on the boundary with Harborough Hall. Similarly the side of the Balcony Flat is located on the garden boundary, as is the side elevation of the proposed new dwelling conversion to be called The Courtyard House. However, The Granary Flat is being converted at ground floor level with no windows facing towards Harborough Hall and bedroom windows to the rear on the floor above this will become en-suite windows and side windows at this level and a door will be bricked up. The net effect will potentially be an improvement in terms of overlooking.
- 4.21 The conversion of the Balcony Flat to the Balcony House will result in no new additional openings facing directly towards Harborough Hall grounds, other than a skylight to a landing window although an existing lounge window which directly overlooks the grounds will become a kitchen window. The new Courtyard House will utilise existing openings facing towards the grounds of Harborough Hall which will it is accepted be used far more intensively. However these are located 10 metres away from the boundary which is considered to be an acceptable distance and Harborough Hall has a large private amenity area that is unaffected by this development. The alterations to the Barn Flat and ancillary accommodation are further away and of less consequence. There may be other disturbances arising from increased noise from family activity and from an increase in traffic and vehicular activity and these have been carefully considered but I am not persuaded that these amount to grounds for refusal. These comments also apply to the effects on The Garden Flat at Harborough Hall.
- 4.22 The Brook is further away and located at a lower level. The alterations to the Barns will not in my view have an impact on this property. The ancillary accommodation to Barn Cottage will however be closer. This will have an office/ play room or guest suite in the single room on the first floor. The closest window will be at least 10 metres to the boundary and this is considered to be acceptable. The access road will run along the rear boundary of the property at a higher level than The Brook. The landscaping plans show a new hedgerow to be planted along this boundary with trees at the point where the access road turns. I understand that the applicant has also agreed to a small mound to help protect the garden from cars leaving the drive and dropping over into the garden of The Brook and particularly where the access road runs downhill. The applicant's agent has confirmed this to be the case. No lighting is proposed for the access drive and this can be conditioned. With respect to the noise from the driveway I do not consider this to be an issue in view of the separation distances and especially against the high background noise levels from the A456. The applicant's have also agreed to a footpath link along the old access track to the existing south access to ensure that the occupiers of this property will not lose their footpath link to Blakedown.

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LISTED BUILDING CONSENT CONSIDERATIONS

- 4.23 The Council's Conservation Officer has been consulted on the application and has stated that:

'This application was the subject of initial pre-application discussions, and the submitted drawings are reflective of those discussions.

I am of the view that the proposed works will not detrimentally affect the character or appearance of the barns, and in some instances, will act to assist in removing unsympathetic features, such as external staircases.

I therefore will support the proposals, subject to the following conditions:

- i that all new facing materials be submitted to and approved in writing;
- li that 1:10 sections and profiles of all new windows and roof-lights be submitted and approved in writing;
- iii that the position, style, material, and colour of all external pipe-work, including svps, rainwater goods, flues and other associated vents, etc, are submitted to and approved in writing;
- iv that details of all boundary treatments and ground surface treatments are submitted to and approved in writing;
- v that details of blocking up of all aeration holes be submitted and approved in writing;

All to be submitted to the Local Planning Authority and approved therein prior to the commencement of works on site.

- 4.24 I agree with these comments and would add that the development will secure the long term visual contribution that these buildings add to the setting of the Listed Building and the surrounding environment. The proposal is compliant with the Listed Building policies of the Local Plan.

HIGHWAY SAFETY ISSUES

- 4.25 The access works have been the subject of extensive discussions over the years with both the Highways Agency and more recently following the de-trunking of the road with the County Highway Authority. The Highway Authority take the view that although the access does not meet their full specification the access is a betterment in terms of highway safety and have no objections to the development subject to conditions, notes and a Section 106 contribution of £2,000 towards accident remedial measures which the applicant has agreed to.

ECOLOGICAL ISSUES

- 4.26 Worcestershire Wildlife Consultancy has undertaken a protected species survey assessment and bat activity survey and this shows that brown long eared bats are using two of the buildings and common pipistrell bats are emerging from a third. The report points out the legal requirements and that no work can commence on two of the barns until a licence is issued, that a mitigation method statement be produced and bat roosts be provided. No evidence of badgers was found and there were no obvious implications for great crested newts, reptiles or birds.

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- 4.27 As can be seen above, the Council's Countryside and Conservation Officer is satisfied with the proposal subject to conditions.
- 4.28 The views of Natural England are awaited although they had no objections to the similar application 10/0527 subject to conditions.

OTHER ISSUES

- 4.29 Notwithstanding the comments of the Parish Council there are no other contributions required under the provisions of the Council's Planning Obligations Supplementary Planning Document.

5.0 Conclusions and Recommendations

5.1 The conversion of the barns is considered to be acceptable in terms of their impact on the fabric of these curtilage listed buildings and that the development will help to maintain them into the future. There is no significant harm to the setting of this listed building, or impacts on neighbouring amenity so serious to warrant refusal of the application for planning permission. In terms of Green Belt policies the development is judged to be compliant because although there will be significant highway works there are very special circumstances applicable in the form of a safer access for the existing properties.

5.2 It is recommended that **delegated** authority be given to **APPROVE** application **10/0670/FULL** subject to:

- a) the signing of a **Section 106 Agreement** to secure the following:
- financial contribution of £2,000 for accident remedial measures and
- b) the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. All new facing materials be submitted to and approved in writing
 4. 1:10 sections and profiles of all new windows and roof-lights be submitted and approved in writing
 5. Details of position, style, material, and colour of all external pipe-work, including svps, rainwater goods, flues and other associated vents, etc, be submitted for approval in writing
 6. Details of all boundary wall treatments and ground surface treatments are submitted to and approved in writing
 7. Details of blocking up of all aeration holes be submitted and approved in writing
 8. No demolition of any part of buildings to be converted
 9. Removal of permitted development rights (Part 1 Classes A B D E G and H and Part 2 Classes A and C)
 10. Obscure glazing to en-suite and dressing room

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11. Additional bat survey and mitigation methodology statement to be submitted
12. Bat boxes
13. Details of sewage plant
14. No lighting for driveway
15. Details of new post and rail fencing to The Brook and details of earth mounding
16. Surface water treatment
17. No trees to be removed other than those shown to be removed
18. Pedestrian access to southern access
19. Implementation of landscaping proposals
20. Before any other works are commenced the access to be carried out in accordance with specifications to be agreed in writing.
21. On site car parking to be provided

Notes

- A. Mud on highway
- B. Section 278 Agreement
- C. Visibility splays
- D. Complying with the relevant laws and requirements for licences as advised by Natural England

Reason for Approval

The application has been carefully considered in terms of Green Belt policy, the re-use of rural buildings, the effect on the character and appearance of these curtilage listed buildings and on Harborough Hall a Grade II Listed Building; with respect to impact on neighbouring amenity; with regards to visual amenity of the area; the effect on the ecology of the area; highway safety issues and the scheme is considered to be acceptable and compliant with the above mentioned policies in the Development Plan.

5.3 It is recommended that application **10/0669/LIST** be **APPROVED** subject to the following conditions:

1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved plans)
3. All new facing materials be submitted to and approved in writing;
4. 1:10 sections and profiles of all new windows and roof-lights be submitted and approved in writing;
5. Details of position, style, material, and colour of all external pipe-work, including svps, rainwater goods, flues and other associated vents, etc, be submitted for approval in writing;
6. Details of all boundary wall treatments and ground surface treatments are submitted to and approved in writing;
7. Details of blocking up of all aeration holes be submitted and approved in writing
8. No demolition of any part of buildings to be converted

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Reason for Approval

The application has been carefully considered in terms of the impact on the character and appearance of these curtilage listed buildings and on Harborough Hall a Grade II Listed Building and the development is judged to be acceptable and compliant with Policies LB.1 LB.2 LB.3 LB.5 of the Adopted Wyre Forest District Local Plan.

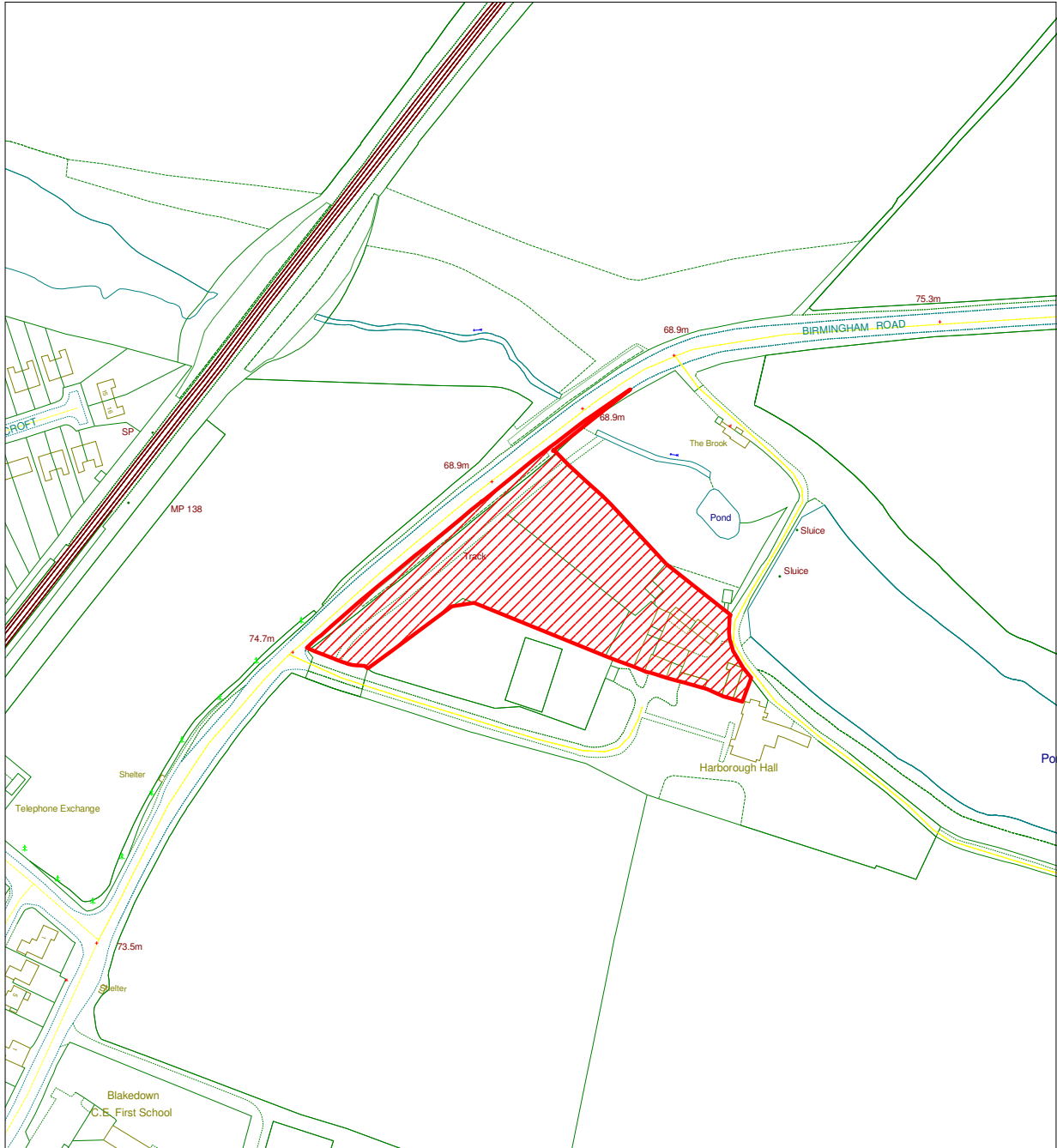
Date:- 17 December 2010

OS sheet:- SO8878NW

Scale:- 1:2500

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

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Application Reference:	10/0706/RESE	Date Received:	26/11/2010
Ord Sheet:	381386 271271	Expiry Date:	25/02/2011
Case Officer:	Julia Mellor	Ward:	Mitton

Proposal: Construction of a new Class A1 supermarket with associated means of access, customer car park, petrol filling station, new road and bridge, footbridge, landscaping, highways and other works (Reserved Matters following Outline Approval 07/1105/EIA - Layout, Scale, Appearance and Landscaping to be considered)

Site Address: SEVERN ROAD, STOURPORT-ON-SEVERN,

Applicant: Santon Group Developments Ltd/Tesco Stores Ltd

Summary of Policy	D.10, D.11, D.12, LB.1, LB.5, CA.1, NR.11, NC.2, NC.7, TR.17, RT.9, STC.2, (AWFDLP) CTC9, CTC20, T4, T10, T12, (WCSP) CP01, CP02, CP03, CP11, CP12, CP13, CP14, CP15 (WFCS) Severn Road Development Brief Design Quality Supplementary Planning Guidance Conservation Area Appraisals (Gilgal & Nos 1 & 2) Supplementary Planning Document – Section 106 Obligations Public Realm Design Guide: Stourport-on Severn PPS1, PPS5, PPS9, PPG13, (including their supplements and companion guides where applicable)
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 application site forms the northern part of the former Carpets of Worth site on Severn Road Stourport. The site is located between Severn Road and the western bank of the River Stour, which form the western and eastern boundaries respectively. Stour Lane forms the northern boundary of the site.
- 1.2 The total area of the application site amounts to 4.52 hectares, however this total includes parts of the existing highway network, the new road bridge over the River Stour connecting Severn Road with Discovery Road on the east side of the river and the new pedestrian bridge which will link to Pinta Drive again on the east side of the river.
- 1.3 Although the overall site known as the Carpets of Worth site extends to approximately 6 hectares, the application site only occupies some 2.48 hectares thereof. The balance, to the south, is subject to two identical planning applications by the landowners, Arab Investments Ltd., for a mixed use development including 159 residential units and a total of 3,300 sq.m of commercial uses within Classes A1-A5, B1, C1 and D2.

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The two applications (References 08/0768/OUTL and 09/0588/OUTL) are yet to be determined. The former application was reported to the meeting of the Planning Committee in October 2010 when delegated authority was granted to approve the application subject to the signing of a Section 106 Agreement. The latter application, submitted in 2009, is the subject of a current appeal which is due to be determined via a hearing in 2011. There is no planning reason why the non determined applications and appeal should prejudice the determination of the current application.

- 1.4 The application site was formerly occupied by a carpet factory, and all the buildings have been cleared from the site. Residential properties face into the site from the west on Severn Road and from the north on Stour Lane and Mitton Street.
- 1.5 Three relatively small parts of the application site fall within the boundary of three Conservation Areas, namely the Stourport No.1 and Stourport No.2 Conservation Areas, and the Gilgal Conservation Area. These comprise a section of the highway in Severn Road (falling within Stourport No.1), and a separate part of the highway in Severn Road extending along and into a section of Mitton Street (Stourport No.2 and Gilgal). For the avoidance of doubt works within these areas are confined to off-site footpath/highway/junction alterations and improvements; no part of the development site itself, i.e. the site of the proposed foodstore and petrol filling station or any of the substantive new roadworks lie within any of these Conservation Areas.
- 1.6 Although there are no statutorily listed buildings within the site, there is an existing brick built locally listed building outside and to the south of the application site. It is also identified as a 'valued building' worthy of retention in the Severn Road Development Brief. However, it is not affected by this proposal. The site is also immediately adjacent to one Listed Building (No. 41 Mitton Street), and several buildings noted to be of local interest within the Conservation Area Character Appraisal documents, namely Nos. 39-40 Mitton Street, Nos. 53 & 54 Mitton Street, Nos. 28-30 Severn Road and No. 7 Mitton Street, some of which are also locally listed. The application site also abuts a Grade II Listed sandstone wall which separates the current Lichfield Basin development from Severn Road, however works to this wall are not proposed within this scheme.

The Outline Planning Approval (07/1105/EIA)

- 1.7 The current reserved matters application follows outline approval for a new Class A1 supermarket, customer car park and petrol filling station. The outline application (Ref. 07/1105/EIA) was the subject of an Environmental Impact Assessment and was reported to the Planning (Development Control) Committee on 4th March 2008. It was subsequently approved following the signing of a Section 106 Agreement on 19th May 2008.
- 1.8 The outline planning application was accompanied by the following technical reports:

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- Consultation Supporting Statement
- Retail Assessment
- Design and Access Statement
- River Stour Wetland Feasibility Study
- Traffic Assessment
- Noise Assessment
- Air Quality Assessment (and Supplementary Note)
- Flood Risk Assessment;
- Phases I & II Environmental Assessments
- Limited Site Investigation (Wetland Area)
- Preliminary Ecological Survey
- Phase II Bat and Otter Surveys
- Phase II Ecological Survey
- Repeat Phase II Ecological Survey

1.9 Approval was granted for access at the outline stage together with the siting and orientation of the store itself. The current reserved matters application seeks approval for the remaining reserved matters – layout, scale, appearance and landscaping.

1.10 As such approval has been granted for the following access matters:

- i) access to the site via new public highway running from a junction with Severn Road positioned opposite Nos. 12 and 14 and running to a roundabout from which access to the development is gained;
- ii) the provision of a new public highway link road and bridge over the River Stour connecting to the existing highway at Discovery Road;
- iii) the provision of a pedestrian footpath and bridge linking the site to Pinta Drive;
- iv) the provision of improvements to Lichfield Street;
- v) the provision of a signalised junction at Mitton Street/Severn Road junction;
- vi) the provision of pedestrian crossing facilities at the Mitton Street/Vale Road/Lion Hill junction; and
- vii) the provision of improvements on Mitton Street.

1.11 A Section 106 Agreement was also signed for contributions towards and legal obligations to ensure (in summary)

- a) that the car park is used only by customers for a maximum of 2 hours and 40 minutes and to enforce a charge for parking over this maximum time period;
- b) that the store does not open until the existing Tesco store at Lombard Street Stourport on Severn has been permanently closed;
- c) that a piece of public art is constructed on site prior to the opening of the store;
- d) the written approval of a trolley management plan;

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- e) payment of £20,000 to the District Council for signposting to improve the connectivity between the store and the town centre;
- f) that a post office is not operated within the store without the written consent of the Local Planning Authority;
- g) the implementation of a previously agreed Green Travel Plan prior to the first opening of the store;
- h) that the agreed Green Travel Plan is reviewed at regular intervals of no greater than one year and that reasonable modifications are implemented;
- i) an agreed construction programme identifying compounds for the storage of equipment and material, the movement of traffic and parking for site operatives;
- j) an agreed lorry routing agreement which will require heavy vehicles to approach via the link bridge and not along Mitton Street;
- k) payment of the County Council's costs in respect of those incurred in the promotion of Traffic Regulation Orders and the installation of crossings for pedestrians (to exclude the cost of constructing pedestrian crossings, signalised junctions and other measures);
- l) payment to the County Council of £95,000 as a bus service capital contribution – (to include all or any of the following measures) – kerbing, bus shelters, timetable information, highway surface improvements, the marketing of bus services and the provision of equipment to provide bus priority routes;
- m) payment to the County Council of £200,000 as a contribution to subsidise the bus service start up measures (to include all or any of the following) – the amendment of existing or award of new bus service contracts and the enhancement of vehicle quality and the enhancement of bus services; by the provision of a new or amended bus service linking Areley Kings, the site and the town centre and enhancing service nos. 914, 915 and 11
- n) payment to the County Council of £30,000 for improvements to the highway to enable improved access by pedestrians from the store along Lodge Road to the town centre;
- o) payment to the County Council of £20,000 for the installation of signage and street furniture to promote the use of sustainable forms of access/travel by pedestrians and cyclists from the site to and within the town centre;

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- p) payment to the County Council of £50,000 towards junction improvement measures along the route of bus services and/or junctions otherwise affected by traffic impact from the development which may include York Street/Bridge Street/New Street;
- q) that the development is not commenced until a detailed design of the link road has been agreed by the District Council and County Council with evidence submitted of land ownership and agreement to dedicate the relevant parts of the land to the County Council for adoption;
- r) that the development is not commenced until a detailed design of the pedestrian bridge and footpath has been agreed by the District Council with evidence submitted of land ownership and agreement to dedicate the relevant parts of the land to the District Council if required; and
- s) that the link road and pedestrian bridge and footpath are constructed prior to the opening of the store.

1.12 As stated previously, the siting and orientation of the store has been agreed and the size of the store has been consented. A condition attached to the outline consent restricts the floorspace to provide up to 4,209 sq.m. (45,309 sq. ft.) of gross floorspace of which up to 2,919 sq.m. can be used as the net retail sales area.

2.0 Planning History

- 2.1 Outline application for redevelopment of part of site to provide a Class A1 supermarket, petrol filling station, new road and bridge, other highway works, landscaping and other associated works - Not registered (June 2005).
- 2.2 Outline application for redevelopment of part of site to provide a Class A1 supermarket, customer car park, petrol filling station, new road bridge, new footbridge, other highway works, landscaping and other works - Not registered (December 2006); Non-determination appeal withdrawn May 2008.
- 2.3 Outline application 07/1105/EIA : Redevelopment of part of site to provide a Class A1 supermarket, customer car park, petrol filling station, new road bridge, new footbridge, other highway works, landscaping and other works. Submitted October 2007 - Approved 19th May 2008.

A High Court challenge was dismissed March 2009. A subsequent Court of Appeal challenge was dismissed 29th July 2010 and permission was refused to appeal to the Supreme Court on 18th November 2010.
- 2.4 Outline Application 08/1053/EIA : Construction of a new Class A1 supermarket with associated means of access, customer car park, petrol filling station, new road & bridge, footbridge, landscaping, highways & other works – Approved 22nd October 2009.

Permission was given to pursue a judicial review of the outline consent; this challenge has however been withdrawn.

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- 2.5 Reserved Matters Application 10/0299/RESE : Construction of a new Class A1 supermarket with associated means of access, customer car park, petrol filling station, new road and bridge, footbridge, landscaping, highways and other works (Reserved Matters following Outline Approval 08/1053/EIA - Appearance, Layout, Scale and Landscaping to be considered) - Approved 9th November 2010.
- 2.6 Reserved Matters Application 10/0590/RESE : Construction of a new Class A1 Supermarket with associated means of access, customer car park, petrol filling station, new road and bridge, footbridge, landscaping, highways and other works (Reserved Matters following Outline Approval 08/1053/EIA - landscaping to be considered) - Approved 9th November 2010.
- 2.7 As stated previously, two separate outline planning applications for the redevelopment of the balance of the Carpets of Worth site have been submitted by Arab Investments Ltd. (refs. 08/0768/OUTL and 09/0588/OUTL) to provide a mixed use development consisting of 159 no. residential properties, Class A retail uses, Class B employment, Class C1 hotel and Class D2 assembly and leisure. Both applications have yet to be determined. The former application was reported to the meeting of the Planning Committee in October 2010 when delegated authority was granted to approve the application subject to the signing of a Section 106 Agreement. The latter is the subject of an appeal against non-determination with the hearing date anticipated in 2011.

3.0 Consultations and Representations

- 3.1 Stourport on Severn Town Council – No comments received
- 3.2 Highway Authority : No objections subject to conditions requiring 17 disabled parking spaces, secure parking for 31 cycles and 15 motorcycles. (*Officer Comment – Confirmation of the total number of disabled spaces, motorcycle spaces and parent and child spaces are awaited. The location of the cycle spaces is also shown but no details have been submitted*).
- 3.3 Environment Agency – No comments received
- 3.4 Arboricultural Officer – No comments received
- 3.5 British Waterways – We have no comments to make.
- 3.6 Conservation Officer – No comments received
- 3.7 Countryside and Conservation Officer – A few of the drawings show a water level of 17.5m, this is not a true reflection of the water level. The planting plan is acceptable. The field gate showing access to the floodplain would be much better if it was at the top of the access slope just off the highway. It would be good to see a detail of what the pedestrian access fixtures are. One of the plans show a possible riverside walkway to the south of the Tesco's development.

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This would not be good as it is immediately adjacent to the River and would cause a significant amount of disturbance to the River corridor. (*Officer Comment – Conditions 7 and 8 attached to the outline consent require the submission of a riverside restoration and mitigation plan and a landscaping and biodiversity management plan. These will clarify the water level issue. No objection has been raised to the siting of the field gate previously. The design of the pedestrian bridge is to be agreed as part of the S106 Agreement*).

- 3.8 Worcestershire County Council (Planning, Economy & Performance) – No comments received
- 3.9 Worcestershire County Council (Historic Environment and Archaeology Service) – An archaeological evaluation was undertaken recently, as required as a condition of outline consent. The results must be submitted prior to determination of the reserved matters application. The report was not submitted with the application and therefore this should be requested from them before the application to be determination. (*Officer Comment – Conditions 31 and 32 of the outline consent regarding archaeology have not been submitted to or discharged by the Council. It is not reasonable to withhold approval of the reserved matters on this basis when outline planning consent has already been granted*).
- 3.10 Disability Action Wyre Forest – No comments received
- 3.11 Worcestershire Regulatory Services (Pollution Control) – No comments received
- 3.12 Inland Waterways Association – No comments received
- 3.13 Natural England – We have considered the proposal against the full range of Natural England's interests in the natural environment. Based on the information provided we have no comment to make.
- 3.14 Policy and Regeneration Manager – No comments received
- 3.15 Severn Trent Water – No objection subject to condition requiring details of surface and foul sewage disposal (*Officer Comment – Condition already attached to outline*)
- 3.16 West Mercia Police (Crime Risk Advisor) – No comments received
- 3.17 Worcestershire Wildlife Trust – No comments received
- 3.18 Chamber of Commerce – No comments received
- 3.19 Stourport on Severn Town Council – No comments received
- 3.20 Stourport on Severn Town Centre Forum – No comments received
- 3.21 Stourport on Severn Business Association – No comments received

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3.22 Stourport on Severn Civic Society – No comments received

3.23 Stourport Forward – No comments received

3.24 Neighbour/Site Notice/Press Notice - At the time of report preparation, 1 letter of objection had been received stating the following:

I originally commented on this development because I felt that it would result in traffic gridlock in this part of Stourport and nothing I have seen since has changed this view.

4.0 Officer Comments

4.1 As stated previously, outline planning consent for the store together with the means of access has already been approved (Ref. 07/1105/EIA). The remaining reserved matters which are to be considered as part of this application are:

- layout;
- scale;
- appearance; and
- landscaping.

4.2 The plans submitted are very similar in terms of layout and design to the plans approved in November 2010 for the reserved matters applications (Refs. 10/0229/RESE and 10/0590/RESE) following outline approval 08/1053/EIA. Therefore, the consideration of the current application follows the same approach as previously, albeit that local planning policy has been updated by virtue of the Adopted of the Core Strategy in December 2010. Many of the policies of this new document replace those of the previous Adopted Local Plan.

4.3 The application site forms part of the area designated under the Adopted Local Plan site specific Policy STC.2 (Carpets of Worth) together with the Severn Road Development Brief (2001), however there are many other policies which are relevant to the determination of the current reserved matters application as listed in the Adopted Local Plan (2004), the Adopted Core Strategy (2010), the Worcestershire County Structure Plan (2001) and various national planning guidance.

4.4 The relevant Adopted Local Plan Policies are listed with a brief summary below:

D.10 Boundary Treatment – Boundaries must be designed to a high standard, measured against six criteria/design principles.

D.11 Design of Landscaping Schemes – Where appropriate, schemes must be designed to accord with a list of ten criteria in order to complement and enhance the proposals and surroundings

D.12 Public Art – Works of art will be sought by the Local Planning Authority within major developments; such provision by developers will, however, be on a voluntary basis.

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- D.15 Car Park Design** – New or modified Surface car parking must pay due regard to a number of design principles and should ensure a secure and safe environment.
- CA.1 Development in Conservation Areas** - Development within a Conservation Area or which affects its setting will not be permitted unless it preserves or enhances the special character and appearance of the area
- LB.1 Development Affecting a Listed Building** – Development that would have an adverse effect on a listed building or structure, its curtilage, setting, or a curtilage building or structure, will not be permitted unless a number of specified criteria are met
- LB.5 New Development Affecting the Setting of Listed Buildings** – New buildings and structures affecting the setting of a listed building must relate well to and otherwise harmonise with it.
- NR.11 Noise Pollution** – Noise generating developments close to sensitive locations, buildings or activities will not be permitted unless the noise can be reduced to an acceptable level. Neither will noise-sensitive uses be permitted near existing significant noise sources, unless appropriate attenuation measures can be applied.
- NR.12 Light Pollution** – Proposals that involve or require external lighting shall include lighting schemes that do not cause light pollution by according with a number of identified principles.
- NC.2 Areas of Regional, County or Local Importance** – Development which may have an adverse effect on identified protected sites of nature conservation significance will not be permitted unless two criteria are met, i.e. no reasonable means of meeting the need for the development and the reasons for the development outweigh the nature conservation value of the site.
- NC.7 Ecological Surveys and Mitigation Plans** – Where development may affect Policies NC.1 to NC.5, planning applications must be accompanied by a detailed ecological survey and a mitigation plan.
- TR.17 Car Parking Standards and Provision** – New development will be required to provide on-site parking in accordance with the County Council’s standards and should not be exceeded
- RT.9 Petrol Filling Stations** – Proposals involving convenience retailing from petrol filling stations will only be permitted where they are in compliance with five specific requirements, i.e. need, limited size, ancillary to the petrol filling station use, sale of convenience goods and would not undermine the retail strategy

4.5 There is also the site specific Policy **STC.2** which seeks to ensure that proposals:

- i) provide for a mix of uses;
- ii) retain and use beneficially the important buildings and structures identified in the Severn Road Development Brief;
- iii) preserve or enhance the character of the Conservation Areas and the setting of the retained buildings;

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- iv) safeguard and enhance the natural assets of the site;
- v) taken full account of the care needed to develop the site which is contaminated and is liable to flooding;
- vi) take full account of flood risk;
- vii) be access via a new road to be provided as part of the redevelopment, linking the site with Discovery Road.

4.6 The relevant policies of the recently adopted Core Strategy are listed with a brief summary:

- CP01 Delivering Sustainable Development Standards** - Proposals must demonstrate how they reduce their impact on the environment through their design, layout, siting, orientation, construction method and materials
- CP02 Water Management** - New developments will be required to incorporate sustainable drainage measures and should seek to provide betterment in flood storage
- CP03 Promoting Transport Choice and Accessibility** - Proposals should have full regard to the traffic impact on the local highway network. Where appropriate new developments will be required to connect into the surrounding infrastructure. Development must take account of the Wyre Forest Transport Measures Package. Development should fully consider the impact on air quality
- CP11 Quality Design and Local Distinctiveness** - Emphasises the creation of successful places. New developments and their layouts should take into account heritage assets and where possible utilise historic streets, buildings, spaces and infrastructure. Design quality must be demonstrated
- CP12 Landscape Character** - New development must protect and where possible enhance the unique character of the landscape. Opportunities for landscape gain will be sought alongside all new development, such that landscape character is strengthened and enhanced
- CP13 Providing a Green Infrastructure Network** - The existing green infrastructure network will be safeguarded. New development will be required to contribute positively towards the District's green infrastructure network. The Rivers Severn and Stour are identified within the Policy as key assets and essential to the District's local distinctiveness
- CP14 Providing Opportunities for Local Biodiversity and Geodiversity** - Biodiversity sites and species and habitats recognised within the Worcestershire BAP will be safeguarded from development. New development will be required to contribute towards biodiversity within the site or by making a contribution to off site biodiversity projects.

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The biodiversity value of the Rivers Severn and Stour will be safeguarded. New development alongside these watercourses should maintain and enhance their biodiversity value

CP15 Regenerating the Waterways - All proposals for development in or adjacent to the District's rivers and/or within an area at risk of flooding must take into account Policy CP02. The river is to be enhanced as an integral part of the green infrastructure and a biodiversity corridor for the District

4.7 The relevant Worcestershire County Structure Plan Policies are listed with a brief summary below:

CTC.9 Impact on Watercourses and Aquifers - Proposals should demonstrate that pollution of groundwater or watercourse will not occur through surface water run off.

CTC.19 Areas and Features of Historic and Architectural Significance - Any development that adversely affects listed buildings and / or conservation areas and their settings will not normally be allowed.

CTC.20 Conservation Areas - Requirement to conserve Conservation Areas, with special attention to the desirability of preserving or enhancing those areas. Within Conservation Areas trees and open spaces will be protected and landscaping encouraged.

4.8 The following national planning policy and guidance notes are also considered to be relevant:

PPS1 (in summary) – promotes high quality inclusive design which is appropriate to its context and sustainable economic development.

PPS5 (in summary) – sets out policies on the conservation of the historic environment. Seeks to conserve England's heritage assets, an all embracing term which includes buildings, areas, sites and landscape.

PPS9 (in summary) – promotes sustainable development and seeks to conserve and enhance and the diversity of England's wildlife.

PPG13 (in summary) – identifies national maximum parking standards (1 space per 14 square metres gross retail floorspace). It also promotes more sustainable transport choices. Seeks to ensure that the needs of disabled people are taken into account in the design of individual developments.

4.9 There are also the following guidance documents for the area which are material planning considerations:

- Character Appraisal for Conservation Areas No.1, No.2 & Gilgal (all 2001);
- Design Quality – Supplementary Planning Guidance (2004); and
- Public Realm Design Guidance for Stourport-on-Severn (2006).

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LAYOUT

- 4.10 A layout is the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside of the development. There are many planning policies which are relevant to one or more of the reserved matters, however the most applicable with respect to layout are in terms of the Adopted Local Plan are D.15, CA.1, NR.11, NC.2, TR.17 and RT.9.
- 4.11 The Adopted Local Plan site specific policy of STC.2 seeks to ensure that the layout of redevelopment proposals safeguards and enhances the natural assets of the site provided by the River Stour.
- 4.12 With respect to the Adopted Core Strategy, the following policies are relevant – CP01, CP02, CP11, CP12, CP13, CP14 and CP15
- 4.13 The Severn Road Development Brief expects that the shape of development schemes including the proposed layout should be designed to relate to existing development and be harmonious with its setting and context. Action 7 of the Development Brief also states that the design should create focal points, open spaces and main pedestrian and vehicular thoroughfares where the most active uses and building entrances should be concentrated. Actions 4 and 8 advise that proposals should incorporate existing assets and create new features. This Action supports part (ii) of Adopted Local Plan Policy STC.2 which seeks to retain and use beneficially particular important buildings and structures. The Development Brief identifies the former carpet factory buildings and the screen wall to Stour Lane as these structures with strong group value. Specifically with respect to car parking Actions 30 to 32 seek to ensure that an appropriate level of parking is provided, that the design of parking areas should be to a high standard and that parking areas must incorporate surface treatments other than tarmac, sustainable drainage and provision for the safe movement of pedestrians.
- 4.14 Again the Design Quality SPG seeks to uplift or enrich the public realm in the town centre and improve the quality and setting of the riverside and the frontage to the Severn Road/Mitton Street junction. The overall aim with respect to the guidance for development in all three of the town centres within the district is to promote design excellence.
- 4.15 Officers consider that the priorities for the proposed layout as advised by the layers of planning policy are to ensure that there are pedestrian linkages through site, to address the 'gap' site or the north west corner of the site at the junction of Severn Road and Mitton Street and to make the most of riverside setting.
- 4.16 The proposed layout is as was shown albeit illustratively at the outline stage with the store positioned towards the northern boundary (as agreed at the outline stage), the petrol filling station to the south of the site close to the internal access road and the majority of parking in between.

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- 4.17 A total of 310 parking spaces including 16 disabled spaces and 13 parent and child spaces are proposed together with 15 motorcycle spaces and 32 spaces for bicycles. In terms of car parking (but excluding the number of disabled spaces) the total is 7 less than the maximum parking standard outlined in PPG13 for the gross retail floorspace proposed. The Highway Authority has raised no objections to the layout of the car park or the number of spaces. It is however noted that contrary to the comments made by the Highway Authority, 16 rather than 17 disabled spaces are proposed.
- 4.18 A pedestrian link from the south from Severn Road via the new public highway where a bus stop is provided, through the car park to the store has been provided, as has a pedestrian link via the proposed footbridge across the River leading to the store via the riverside footway. Once at the store pedestrians can then gain access to the junction of Mitton Street and Severn Road and the town centre beyond. Such a route is identified in the Public Realm Design Guide.
- 4.19 The layout proposes three entrances to the store. Two entrances are proposed for users of the car park and pedestrians walking from the south. The first is on the south elevation and the second on the west elevation both allowing access to the south west corner of the store. However there is an alternative third entrance for pedestrians to the north west corner at a higher level where once inside the foyer customers descend to the shop floor via stairs or a lift. This north west corner of the site is the 'gap' site as referred to in the Design Quality SPG, and by providing a focal point at this location it is considered that the layout complies with the guidance.
- 4.20 The proposed service yard is shown to be sited fronting the River. Whilst this is not ideal in terms of providing the riverside with an attractive active frontage it is considered to be the most appropriate location in terms of its impact upon neighbours. This is because the service yard will be separated from the residential properties on Stour Lane to the north by the frontage to the foodstore. Meanwhile a buffer strip measuring approximately 10m in width of landscaping between the yard and the River is proposed to screen this part of the development. Together with the landscape buffer a wall of approximately 4.2m in height is also proposed to screen the yard. The layout proposes minimal conflict between delivery vehicles and users of the car park as service vehicles would be separated from customer traffic after the access roundabout with their own dedicated route to the service area.
- 4.21 Furthermore in terms of the impact of the proposed layout on the amenity of neighbours conditions regarding the following are to be agreed via conditions attached to the outline consent:
lighting (9);
screening of the refuse area (13);
the enclosure of noise emitting plant and machinery (27);
a scheme for protecting the existing dwellings from noise and vibration during construction (28);
odour neutralising plant (29); and
the suppression of dust during construction (30)

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Plus there are conditions to restrict hours of deliveries, opening hours of the store and petrol filling station, and to prevent car sales, repair, washing and servicing from the petrol filling station.

- 4.22 The maintenance of a riverside buffer is considered to be in accordance with Policy STC.2 of the Adopted Local Plan, the Design Brief and the Design Quality Supplementary Planning Guidance which requires redevelopment to safeguard and enhance the natural assets of the site provided by the River Stour.
- 4.23 As illustratively proposed at the outline stage a riverside walkway still forms part of the proposed layout. It is considered that this feature addresses the River in a positive way and promotes foot and cycle access along the River. With part of the riverside walkway in place there is the potential for a full riverside promenade extending further to the north and south of the application site should the opportunity arise in the future. This ambition for a riverside walkway can be found in the Design Quality SPG.
- 4.24 Actions 4 and 8 of the Severn Road Development Brief seek to create interesting spaces that are unique in the design by incorporating existing assets or valued features into the design. The particular features located within the application site identified are the previous carpet factory building fronting Severn Road and the screen wall to the River Stour. However since the date that the Development Brief was approved in July 2001 the factory building has been demolished and it was not standing at the time of the determination of the outline consent. The same can be said of a landmark chimney located to the south east corner of the site and identified as a prominent landmark building in the Design Quality SPG. The ambitions to retain and reuse these buildings cannot therefore be achieved. Mitigation for the loss of the building is explained later in the section entitled appearance. The screen wall to Stour Lane, also recognised in the Development Brief is proposed to be retained albeit that details of the boundary treatment are to be agreed via condition No. 12 of the outline consent.
- 4.25 The siting of the petrol filling station is considered acceptable as it will be easily accessible for vehicles from the entrance to the site and the separation from the store means that its design will not compete with or detract from the design of the store. Due to the difference in site levels between the forecourt and Severn Road, with the forecourt measuring almost two metres lower, it is not considered that vehicle lights would significantly adversely affect neighbours. Again the principle of providing a petrol filling station was approved at the outline stage.
- 4.26 The Design Quality SPG seeks to ensure that development both internally and externally are accessible to all individuals regardless of age, race, gender or physical ability. The agents, on behalf of the applicants, have previously advised that externally in respect of the car park the walkways are to be maintained with the dedicated disabled and parent and child parking spaces allowing safe, unobstructed direct access to the store.

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Kerbing around the site and across the front of the store will be flush with the road surface to allow easy access to the main entrance for disabled users as well as able bodied users pushing trolleys and pushchairs. All customer parking will be at grade and laid to a maximum fall of 1:60.

- 4.27 Turning to the store itself an enclosed entrance is proposed to the main pedestrian access from the Mitton Street / Severn Road junction, and due to the level difference between the entrance level and the sales floor of approximately two metres there will be a platform lift for disabled access. It is the retailer's intention to provide spacious large aisle widths on the shop floor which are level throughout. Furthermore customer and staff facilities such as toilets and customer help desks are proposed to be designed to include a wide approach corridor, wide doors, dropped counters and wheelchair accessible toilets. Areas where it is likely that the design of the store will fail to meet standards and guidance have been highlighted and the agents have explained why. One such example is within the petrol filling station where a lowered counter is not proposed as it would present a security risk to kiosk staff. However staff are proposed to be available to help those with special requirements. It is considered that sufficient information has been provided to indicate that the store will be accessible by all to accord with the SPG.
- 4.28 With respect to other matters raised by Local Plan and Core Strategy policy, a floodplain compensation scheme plus a surface and foul water a drainage scheme is to be agreed via conditions attached to the outline consent (Nos. 42 and 26). The agreed scheme will provide for surface water drainage limitation and incorporate sustainable drainage principles. A further condition does not permit the infiltration of surface water drainage into the ground without consent (24), whilst remediation of the site's contamination is dealt with via condition numbers 20, 21, 22 and 23 in order to protect the water environment. The layout is not considered to adversely affect views into or out of the conservation areas or their settings, however this will be discussed in more detail later under appearance. The exact siting and design of the public art feature is required by the Section 106 Agreement as is the design of both the link road, footbridge and footpath.
- 4.29 In conclusion it is considered that the amount of parking is acceptable and its layout is legible providing a thoroughfare for pedestrians. The proposed layout is considered to respond positively to the elements of the site which make it distinctive such as the focal corner at the junction of Severn Road and Mitton Street and its riverside setting. Furthermore by retaining a riverside buffer it is considered that the layout adequately safeguards the biodiversity and wildlife associated with the River Stour whilst conditions 7 and 8 attached the outline consent will secure measures to enhance the riverside corridor.

APPEARANCE

- 4.30 The second reserved matter is that of appearance or the aspects of a building which determine the visual impression it makes. This includes the external built form of the development, its architecture, materials, decorations, lighting, colour and texture. The most applicable Adopted Local Plan Policies are considered to be Policies LB.1, LB.5, CA.1 and NR.12.

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- 4.31 Policy STC.2 of the Adopted Local Plan highlights the consideration of the impact of the proposal upon the character of the Conservation Areas.
- 4.32 An emphasis on design quality is advised by Policy CP11 of the Adopted Core Strategy which seeks to ensure that buildings and spaces are well designed to complement the layout throughout the appropriate use of scale, mass, properties and materials coherently brought together as part of a bespoke architectural approach.
- 4.33 The Severn Road Design Brief recognises that Severn Road has or had a predominantly industrial character which emanated from the earlier associations with the canal or water sources. As stated earlier Actions 4 and 8 of the Brief identify buildings and structures that it would be desirable to incorporate within a redevelopment scheme. Actions 1 and 2 advise that proposals must have due regard to the Conservation Area Character Appraisals and local distinctiveness and clearly relate to and complement the character of the surrounding area.
- 4.34 The Design Quality SPG builds on the above by stating that new development should conserve and make the most of the heritage townscape. Again it highlights the need to add value to the town of Stourport by enriching public realm.
- 4.35 The application site is currently vacant, the various former carpet factory buildings having been demolished, and the site lies on land approximately two metres lower than Severn Road. Residential properties predominantly two storeys in height are located to the north and west.
- 4.36 Three relatively small parts of the application site fall within the boundary of three Conservation Areas, namely the Stourport No.1 and Stourport No.2 Conservation Areas, and the Gilgal Conservation Area. These comprise a section of the highway in Severn Road (falling within Stourport No.1), and a separate part of the highway in Severn Road extending along and into a section of Mitton Street (Stourport No.2 and Gilgal). For the avoidance of doubt works within these areas are confined to off-site footpath/highway/ junction alterations and improvements; no part of the development site itself, i.e. the site of the proposed foodstore and petrol filling station or any of the substantive new roadworks lie within any of these Conservation Areas.
- 4.37 The closest listed building is located at No. 41. Mitton Street which is described in the Gilgal Conservation Area Character Appraisal as a seventeenth century square timber frame building. It lies at a distance of approximately 30m from the footprint of the building. There is also a locally listed building which lies outside of but within approximately 2m of the application site to the south east.
- 4.38 The position of the store measuring approximately 77m (excluding the canopy) by 67m at its widest points has already been approved at the outline stage, however the appearance of the building plus the petrol filling station is to be considered as part of the current application.

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- 4.39 The complicated roof plan arrangement shows four areas of different roofs. Firstly north lights are proposed to the roof area covering the majority of the retail floorspace. The triangular shaped glazed parts of the proposed north lights face Severn Road and the River Stour. Next there are two simple pitched roofs above the bulk store and the northern end of the retail floorspace. Finally there is a separate roof to the entrance foyer which fronts the junction of Severn Road and Mitton Street. At its highest point the proposed building would measure approximately 9.0m from the proposed ground level. This is the measurement to the top of the proposed north lights.
- 4.40 The palette of materials proposes a combination of red brick with blue brick detailing, with glazing prevalent to the elevations facing the car park and Severn Road and off white clad panels prevalent to the elevations to Stour Lane and the River. The entrance foyer which bridges the difference in levels between the retail floor and the junction of Severn Road and Mitton Street is proposed to be a mix of glazing and red brick. The entrance foyer has a large oversail and measures approximately 7.3m to the ridge at its highest point which lies closest to the highway junction.
- 4.41 The proposed petrol filling station indicates a total of four pumps under a canopy measuring approximately 22.2m by 17.8m at its widest points. The canopy would reach a height of approximately 6.0m and would be angular in design with white metal sheeting to the underside, grey metal sheeting to the top and curved white aluminium fascias. The accompanying kiosk would also be clad in white with glazing to the forecourt elevation. It is proposed to measure approximately 7.4m by 10m and would reach approximately 3.5m in height.
- 4.42 The agents have produced an Environmental Sustainability Statement to address the relevant sustainability planning policies and have listed the following enhancements to conserve energy.
- The ideal orientation for a glassed fronted supermarket would be north. To off-set the orientation for the south and west entrances, glazed canopies will be introduced above the window glazing and just under the roofline. This will provide shading when the sun is at its highest angle and therefore at its strongest;
 - To increase the spread and penetration of the desirable natural daylight 6 rows of north facing roof lights are proposed;
 - Energy efficient lighting including;
 - LED type lights in refrigerated display cases;
 - PIR activated lighting for selected areas;
 - photocells to turn off automatically in areas where daylight levels are sufficient;
 - Low pressure hot water instead of electric door heaters at entrance points;
 - Use of high efficiency evaporative and circulation fans and improved controlled bakery extract fans to reduce energy consumption;
 - The building envelope will be well insulated.

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- 4.43 The Statement also advises that the possibility of using wind power has been considered, however the wind speed is not sufficient at a turbine height of 15m to make this option viable. Wind power would be a possibility with a turbine height of 25m however this option has not been progressed in recognition of the visual impact of such a structure with its proximity to listed buildings, conservation areas and residential properties.
- 4.44 The use of photovoltaics is to be reviewed at the time of specification to assess whether they would be appropriate in conjunction with roof lights.
- 4.45 In summary, the Statement advises that an

“extensive array of measures to enable natural day lighting into the store combined with the intelligent lighting system will significantly reduce the lighting energy requirements. All possible measures have been taken to reduce the amount of unwanted solar heat entering the store. The energy efficient equipment will reduce the demands still further. These measures will combine to significantly reduce the energy demand of the store which accords with the Government’s recommendations and Wyre Forest District Council Policy.

The current design of the store does not preclude the inclusion of technology to provide on site generation and in accordance with best environmental practice this will be evaluated further and reviewed at the time of the specification to enable the latest and most appropriate equipment to be utilised.”

- 4.46 It is considered that the information submitted provides justification to meet the guidelines of PPS1 and outweigh the potential conflict with the strict requirements of Policy CP01 of the Adopted Core Strategy.
- 4.47 The character of the Carpets of Worth site in the Severn Road Development Brief is described as an industrial area with a large expanse of mostly brick Victorian factory buildings. The townscape to the Gilgal to the north is described in the Public Realm Design Guide as having red orange brick tones. The Gilgal Conservation Area Character Appraisal emphasises that the setting of the conservation area at the junction of Stour Lane, Mitton Street and Severn Road is important to the character of the conservation area and that redevelopment needs to be undertaken particularly sensitively. The Design Quality SPG pays attention to the heritage townscape.
- 4.48 At the outline stage indicative elevations were submitted to help depict the likely design and appearance of the store. They were described in the Committee report as modern and contemporary rather than traditional.
- 4.49 The illustrative designs submitted at outline showed a frontage to Severn Road which is very rhythmic by virtue of the brick, coloured cladding and glazing panels which are rotated along the frontage. Furthermore, the south elevation facing the car parking appears rather disjointed and fragmented in comparison to the designs submitted at this current reserved matters stage.

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- 4.50 Whilst the current designs could still be described as contemporary, the three previous roof lights have been replaced with a series of 6 north lights with glazing panels facing Severn Road and the River. The building has a more linear less fragmented feel.
- 4.51 The proposed design is very similar to the design approved under application reference 10/0229/RESE (the reserved matters application approved in November 2010 following outline approval reference 08/1053/EIA).
- 4.52 It should however be noted that the elevations propose a taller building than shown at the outline stage, with the highest part of the elevation facing Severn Road measuring approximately 9m in contrast to 8.4m at the outline stage. Again, the highest part of the north elevation facing Stour Lane measures approximately 11m in contrast to 10.6m. These measurements are however less than the dimensions shown on the approved plans under reference 10/0229/RESE which were approved at 10.0m and 11.8m respectively.
- 4.53 The proposed design of the building is not the first modern or contemporary style of building in a historic part of the town, and it is considered that by virtue of the materials chosen, its linear design and the inclusion of the proposed north lights the building reflects elements of the existing surrounding development together with elements of the past. A condition is proposed to secure appropriate materials and finish to all windows of the store and the entrance doors to the Mitton Street entrance prior to the commencement of development.
- 4.54 Aside from the building the proposed treatment of the boundaries will have an impact upon how the appearance of the development. Condition 12 of the outline consent requires details to be submitted and agreed to prior to the commencement of development. However the applicants envisage retaining or replacing the walls to Severn Road and Stour Lane.
- 4.55 It is considered that the proposed appearance of the foodstore and the petrol filling station are appropriate to their context, and whilst the submitted designs show a building which is taller in height than indicated at the outline stage, it is considered that the design of the development would not have an adverse impact upon the character or appearance of the Conservation Areas or the setting of the listed building to the north or the locally listed building to the south. The proposed designs are very similar in appearance to those approved under reference 10/0229/RESE which raised no objections from the Council's Conservation Officer, whose comments will be reported on the Addenda and Corrections sheet.

SCALE

- 4.56 The third and penultimate reserved matter is that of scale which is the height, width and length of the buildings proposed in relation to their surroundings. Again because of the matters of layout, appearance and scale are inter-related many of the Adopted Local Plan Policies are relevant once again, however the most applicable policies are considered to be LB.1, LB.5 and CA.1.

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- 4.57 Policy STC,2 of the Adopted Local Plan highlights the consideration of the impact of the proposal upon the character of the Conservation Areas and this consideration is reiterated in the Severn Road Development Brief in Actions 1 and 2. In terms of scale Action 6 of the Development Brief indicates that new development should reflect the scale, form and general pattern of existing housing in Lichfield Street, Mart Lane and Severnside. It states that less permeable suburban estate patterns will be resisted.
- 4.58 Again, Policy CP11 of the Adopted Core Strategy seeks to ensure that the design of buildings are appropriate to their surroundings and reflect a thorough understanding of their context.
- 4.59 The Design Quality SPG refers to the heritage townscape of Stourport which can be delineated into scales. These have arisen from the town's differing functions. The domestic scale of the core town creates, "*a fine grain and intimate scale in contrast to the larger mass of several industrial buildings located within the Severn Road area.*" It also goes on to indicate that one of the ten design principles for the town centre is that new development must respond positively to the character and distinctiveness of Stourport in terms of layout, massing, materials and design features. Thereafter it states that development on the Severn Road site "*should be intimate and tight knit reflecting a scale consistent with adjacent streets (particularly Mart Lane).*"
- 4.60 It is considered that the scale of the development has the potential to affect the setting of and views into and out of the Conservation Areas, the setting of the adjacent local and locally listed buildings and the amenity of neighbours. Furthermore, the scale of the retail floorspace of the petrol filling station should be considered against retail policy.
- 4.61 The petrol filling station has a gross external area of approximately 75 square metres. Whilst there will be some sale of convenience goods it is considered that, in respect of Policy RT9 of the Adopted Local Plan, due to the size of the building the sales will clearly be ancillary to the main use as a petrol station. Furthermore the floorspace is below the 250 square metres policy threshold and as such it is not considered that the sales would undermine the retail strategy of the district.
- 4.62 In response to Action 6 of the Development Brief it is recognised that the scale of development does not reflect the existing pattern of residential development in Lichfield Street, Mart Lane or Severnside. However the proposed scale does reflect the grander scale of the former industrial development on this part of the Carpets of Worth Site. The footprint of the previous carpet factory is significantly larger than the proposed foodstore. As the Design Quality SPG suggests there are two distinctive areas with respect to scale. First there is the scale of development of the residential areas to the north and west of the application site which is quite separate to development on this east side of Severn Road.
- 4.63 The application site is at a lower level than that of Severn Road with the proposed site level approximately 2m lower.

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Whilst the building would reach a height of approximately 11m it is considered that the difference in site levels together with the proposed north lights to break up the impact of the roof would reduce the overall scale of the development when viewed from outside of the site and conservation areas.

- 4.64 The closest residential properties lie at Nos. 1 and 2 Stour Lane at a separation distance of approximately 21m (excluding the oversail of the roof). Having taken the Council's 45° / 25° guide into account it is considered that there would be no significant loss of light to these closest residential properties. Neither would there be a significant loss of privacy by virtue of overlooking to these properties due to the separation distance and the proposed use of the building which is non habitable. Planning condition (No.9) attached to the outline consent relates to the submission of a lighting strategy which will ensure that the proposed lighting to the building pays due regard to the occupiers of adjacent residential properties.
- 4.65 Although the proposed scale cannot be described as intimate or tight knit it is considered that in recognition of the previous buildings on site it is appropriate. Whilst the proposal does not conform with Action 6 of the Development Brief the proposed scale of the development in terms of its impact upon the character of the area, views into the site, the setting of the listed building and locally listed building and impact upon neighbours it is considered acceptable.

LANDSCAPING

- 4.66 The final reserved matter is that of landscaping or the treatment of private and public space to enhance or protect the amenities of the site through hard and soft measures. The following Policies are particularly relevant from the Adopted Local Plan – D.10, D.11, D.15, NC.2, and NC.7. Policies CP11, CP12, CP13, CP14 and CP15 of the Adopted Core Strategy are also relevant.
- 4.67 With respect to the Severn Road Development Brief Action 3 states that new development should seek to incorporate existing tree and landscape features to reflect and enhance the adjoining natural corridor of the River Stour. Furthermore Action 10 advises that landscaping schemes must be appropriate which accentuate views and vistas; define public and private spaces, include appropriate use of lighting; optimise natural surveillance and provide a management plan. Action 11 pays particular attention to the application site and advises that landscaping must provide screening to the northern edge of the site and to Severn Road. Landscaping should also have regard to and enhance the biodiversity of the River corridor (Action 14) and involve additional planting at the river edge within the Environment Agency 10m maintenance zone. In terms of enhancing biodiversity the Brief advises the creation of new areas of scrub in areas of low ecological importance by planting hawthorn, blackthorn and alder and suggests that a few female and several male black poplars of approved genetic stock are included in the planting scheme along the River. Actions 26 and 27 advise appropriate planting to the new access road which pays due regard to the Environment Agency's requirements for flood alleviation.

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- 4.68 One of the interlocking design objectives of the Design Quality SPG seeks to promote the riverside whilst one of its design principles for Stourport seeks to improve the quality and setting of the River frontage.
- 4.69 A Landscape Master plan accompanied the outline planning application which indicated the potential for landscape enhancement of the river bank. It also proposed main areas of hard and soft landscaping described as the:
- screen planting to the boundary to Stour Lane to the north;
 - Severn Road frontage;
 - development entrance (at the junction of Severn Road and the internal access road);
 - store entrance (adjacent the internal roundabout);
 - pedestrian walkway through the car park;
 - car park;
 - River Stour bank;
 - footpath link across the River Stour; and
 - Mitton Street / Severn Road junction entrance
- 4.70 The siting of the planting areas as referred to above were considered acceptable as were the size of planting areas in relation to the scale of the development as a whole.
- 4.71 Following consideration of the Landscaping Master plan together with the relevant environmental, ecological and habitat surveys at the outline stage planning conditions were attached to the consent which require the submission of the following prior to the commencement of development:
- a detailed restoration and mitigation plan for the restoration and enhancement of the west bank of the River Stour corridor (No.7);
 - a detailed Landscape and Biodiversity Plan to improve and enhance the biodiversity of the site (No.8);
 - details of all walls fences and other means of enclosure (No.12);
 - details of both hard and soft landscape proposals (No.15); and
 - a tree survey indicating details of works to trees, proposed alterations to existing ground levels and details of protective fencing (No. 16).
- 4.72 The site is relatively flat with few landscape features. A group of three relatively young sycamores and a leyland cypress are located just off site between No. 41 Mitton Street and the application site. A further four ash trees, one silver birch and a sycamore tree are located within the application site and are shown to be retained. This area between the store and the residential properties at Stour Lane is to be supplemented by an additional 11 extra heavy standard ash trees within an area of woodland block planting containing alder, hazel, hawthorn, black wild poplar, blackthorn and oak trees. The frontage to Severn Road is proposed to be planted with small leaved limes, horse chestnuts, whitebeams, and ornamental shrubs. It is considered that the planting will achieve the aim of screening the development from the north and west.

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- 4.73 At the junction of Severn Road and the internal access road twelve extra heavy standard whitebeam trees are proposed with seven Japanese flowering cherry trees adjacent to the internal roundabout. Eight extra heavy standard hornbeams are proposed to align the pedestrian walkway through the car park with small leaved limes, whitebeams, streetwise field maple and horse chestnuts located within the main car park.
- 4.74 It is intended to create a natural wooded riverside bank with opportunities for otter, nesting birds, commuting and foraging bats on the re-profiled riverbank. A total of 11 wild black poplars are proposed, five common alders and four white willows. This is in addition to seven areas of willow shrub planting and wildflower and grass seed planting. The landscaping either side of the footpath link is to be maintained as grass however five common alder trees are proposed to the east bank of the River adjacent to the footbridge and two white willows to the west bank.
- 4.75 The area surrounding the entrance to the store at the junction of Mitton Street and Severn Road is to be hard landscaped however it is envisaged that this will be the area where some form of public art is proposed, as required by the Section 106 Agreement.
- 4.76 Whilst the proposed boundary treatment to the site is conditioned to require details prior to the commencement of development it is anticipated that the existing or a replacement wall is proposed to Severn Road and Stour Lane with knee rails to the junction of the access road with Severn Road, the internal access road itself and the riverside walkway.
- 4.77 With respect to Adopted Local Plan Policy D15 whilst there is a pre-dominance of tarmac indicated for the hard surfacing of the car park it is considered that this large expanse will be adequately broken up by landscaping and a treed pedestrian thoroughfare to reduce its visual impact. Lighting of the car park and a drainage scheme for surface water to include sustainable drainage techniques are to be agreed by condition numbers 9 and 26 attached to the outline consent.
- 4.78 It is considered that the proposed landscaping scheme incorporates the few landscape features that exist on the site, would sufficiently screen views from the north into the site and would soften and improve the views of the store from Severn Road and from the east bank of the River. An appropriate mix of predominantly native species is proposed together with an acceptable management plan to meet the policy requirements.

5.0 Conclusions and Recommendations

- 5.1 The principle of providing a store at this location has been agreed at the outline stage as has the proposed means of access to the store. The current application seeks approval for the remaining reserved matters of layout appearance, scale and landscaping.

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- 5.2 The total number of spaces and the proposed layout of the car park are considered to be acceptable and would allow pedestrian routes across the River through the site to Stourport on Severn beyond. It is also considered that the layout of the site would enhance its riverside setting and by providing a buffer would safeguard its biodiversity and wildlife. Conditions attached to the outline consent will secure measures to enhance the biodiversity of the riverside corridor.
- 5.3 The proposed siting and design of the store will obviously have a great impact upon views into the site and particularly upon the street scenes of Severn Road, Stour Lane together with the vista across the River. However whilst it is acknowledged that the proposed chosen design is modern and different in appearance to the illustrative designs submitted at the outline stage, it is considered that it is acceptable at this location and would not detract from the historic character and appearance of the Stourport and Gilgal Conservation Areas. Neither would it be detrimental to the setting of the adjacent listed and locally listed buildings or their settings.
- 5.4 A combination of the lower site levels in comparison to Severn Road and the design of the buildings are such that it is considered that the scale of the development would not adversely affect views out of the Conservation Areas and the proposed scheme would not have a significantly detrimental affect upon the amenity of neighbours.
- 5.5 Finally the proposed landscaping scheme follows the advice of the development brief regarding species and would provide a scheme which would screen the views from north, soften views to the west and improve the appearance of the site in the context of its riverside setting.
- 5.6 The recommendation is therefore for **APPROVAL** subject to the following conditions (the following conditions are in addition to those attached to the Outline Consent 07/1105/EIA -
1. Notwithstanding the details shown on the approved plans no development shall commence until details of the proposed cycle parking for 32 cycles have been submitted to and agreed in writing by the Local Planning Authority. The store shall not be open for customer sales until the scheme has been implemented in accordance with the agreed details and retained for the life of the development unless otherwise agreed in writing by the Local Planning Authority.
Reason – To ensure that the design is practical to accommodate the proposed number of cycles to accord with Policy TR.17 of the Adopted Wyre Forest District Local Plan and Policy CP03 of the Adopted Wyre Forest Core Strategy.
 2. The 17 disabled spaces as shown on the approved Site Layout shall be retained for disabled parking and no other use at all times.
Reason – To ensure that the designated bays are retained at all times for use by disabled persons in accordance with Policy TR.17 of the Adopted Wyre Forest District Local Plan and Policies CP03 and CP11 of the Adopted Wyre Forest Core Strategy.

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3. Prior to the commencement of development large scale sections (1:10) and details of the proposed materials and finish to all windows of the store shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be strictly adhered to.
Reason – To ensure that the appearance of the development is appropriate to its setting in accordance with Policies LB.1, LB.5 and CA.1 of the Adopted Wyre Forest District Local Plan and Policy CP11 of the Adopted Wyre Forest Core Strategy.

Reason for Approval

The principle of redeveloping the site for a retail foodstore and petrol filling station has been agreed at the outline stage by virtue of approval of planning application 07/1105/EIA. The means of access to the site together with the location and orientation of the store has also been agreed as has the amount of retail floorspace.

The proposed layout is considered to be legible to pedestrians, to respond adequately to its riverside setting and road frontages and safeguards ecology and biodiversity. Sufficient parking, cycle and motorcycle parking spaces have been provided. It is considered that the proposed layout of the site would not have a significant adverse impact upon the amenity enjoyed by existing residential occupiers.

Whilst the design of the store building is different to that submitted illustratively at the outline stage, it is considered that both the store and the petrol filling station will appear appropriate to their setting without harming the character and appearance of the Conservation Areas or the listed building to the north or the locally listed building to the south.

Whilst the scale of the development contrasts to the scale of the existing residential development to the north and west it is considered appropriate in light of the previous carpet factory development on the site. It is considered that the scale of the store and the petrol filling station would not harm the character and appearance or views into or out of the Conservation Areas the setting of the listed building to the north or the locally listed building to the south.

A detailed landscaping scheme has been submitted which incorporates the few existing trees on site and would provide an appropriate setting for the development, whilst screening views to the north and softening views across the River. It is considered that the proposed planting would enhance the natural corridor of the River Stour both visually and in terms of its biodiversity and ecology.

For these reasons it is considered that the development accords with the following policies of the Adopted Local Plan:

- D.10 Boundary Treatment** – Boundaries must be designed to a high standard, measured against six criteria/design principles.

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- D.11 Design of Landscaping Schemes** – Where appropriate, schemes must be designed to accord with a list of ten criteria in order to complement and enhance the proposals and surroundings
- D.15 Car Park Design** – New or modified Surface car parking must pay due regard to a number of design principles and should ensure a secure and safe environment.
- CA.1 Development in Conservation Areas** - Development within a Conservation Area or which affects its setting will not be permitted unless it preserves or enhances the special character and appearance of the area
- LB.1 Development Affecting a Listed Building** – Development that would have an adverse effect on a listed building or structure, its curtilage, setting, or a curtilage building or structure, will not be permitted unless a number of specified criteria are met
- LB.5 New Development Affecting the Setting of Listed Buildings** – New buildings and structures affecting the setting of a listed building must relate well to and otherwise harmonise with it.
- NR.11 Noise Pollution** – Noise generating developments close to sensitive locations, buildings or activities will not be permitted unless the noise can be reduced to an acceptable level. Neither will noise-sensitive uses be permitted near existing significant noise sources, unless appropriate attenuation measures can be applied.
- NR.12 Light Pollution** – Proposals that involve or require external lighting shall include lighting schemes that do not cause light pollution by according with a number of identified principles.
- NC.2 Areas of Regional, County or Local Importance** – Development which may have an adverse effect on identified protected sites of nature conservation significance will not be permitted unless two criteria are met, i.e. no reasonable means of meeting the need for the development and the reasons for the development outweigh the nature conservation value of the site.
- NC.7 Ecological Surveys and Mitigation Plans** – Where development may affect Policies NC.1 to NC.5, planning applications must be accompanied by a detailed ecological survey and a mitigation plan.
- TR.17 Car Parking Standards and Provision** – New development will be required to provide on-site parking in accordance with the County Council’s standards and should not be exceeded
- RT.9 Petrol Filling Stations** – Proposals involving convenience retailing from petrol filling stations will only be permitted where they are in compliance with five specific requirements, i.e. need, limited size, ancillary to the petrol filling station use, sale of convenience goods and would not undermine the retail strategy

and the following policies of the Adopted Wyre Forest Core Strategy:

- CP01 Delivering Sustainable Development Standards** - Proposals must demonstrate how they reduce their impact on the environment through their design, layout, siting, orientation, construction method and materials

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- CP02 Water Management** - New developments will be required to incorporate sustainable drainage measures and should seek to provide betterment in flood storage
- CP03 Promoting Transport Choice and Accessibility** - Proposals should have full regard to the traffic impact on the local highway network. Where appropriate new developments will be required to connect into the surrounding infrastructure. Development must take account of the Wyre Forest Transport Measures Package. Development should fully consider the impact on air quality
- CP11 Quality Design and Local Distinctiveness** - Emphasises the creation of successful places. New developments and their layouts should take into account heritage assets and where possible utilise historic streets, buildings, spaces and infrastructure. Design quality must be demonstrated
- CP12 Landscape Character** - New development must protect and where possible enhance the unique character of the landscape. Opportunities for landscape gain will be sought alongside all new development, such that landscape character is strengthened and enhanced
- CP13 Providing a Green Infrastructure Network** - The existing green infrastructure network will be safeguarded. New development will be required to contribute positively towards the District's green infrastructure network. The Rivers Severn and Stour are identified within the Policy as key assets and essential to the District's local distinctiveness
- CP14 Providing Opportunities for Local Biodiversity and Geodiversity** - Biodiversity sites and species and habitats recognised within the Worcestershire BAP will be safeguarded from development. New development will be required to contribute towards biodiversity within the site or by making a contribution to off site biodiversity projects. The biodiversity value of the Rivers Severn and Stour will be safeguarded. New development alongside these watercourses should maintain and enhance their biodiversity value
- CP15 Regenerating the Waterways** - All proposals for development in or adjacent to the District's rivers and/or within an area at risk of flooding must take into account Policy CP02. The river is to be enhanced as an integral part of the green infrastructure and a biodiversity corridor for the District

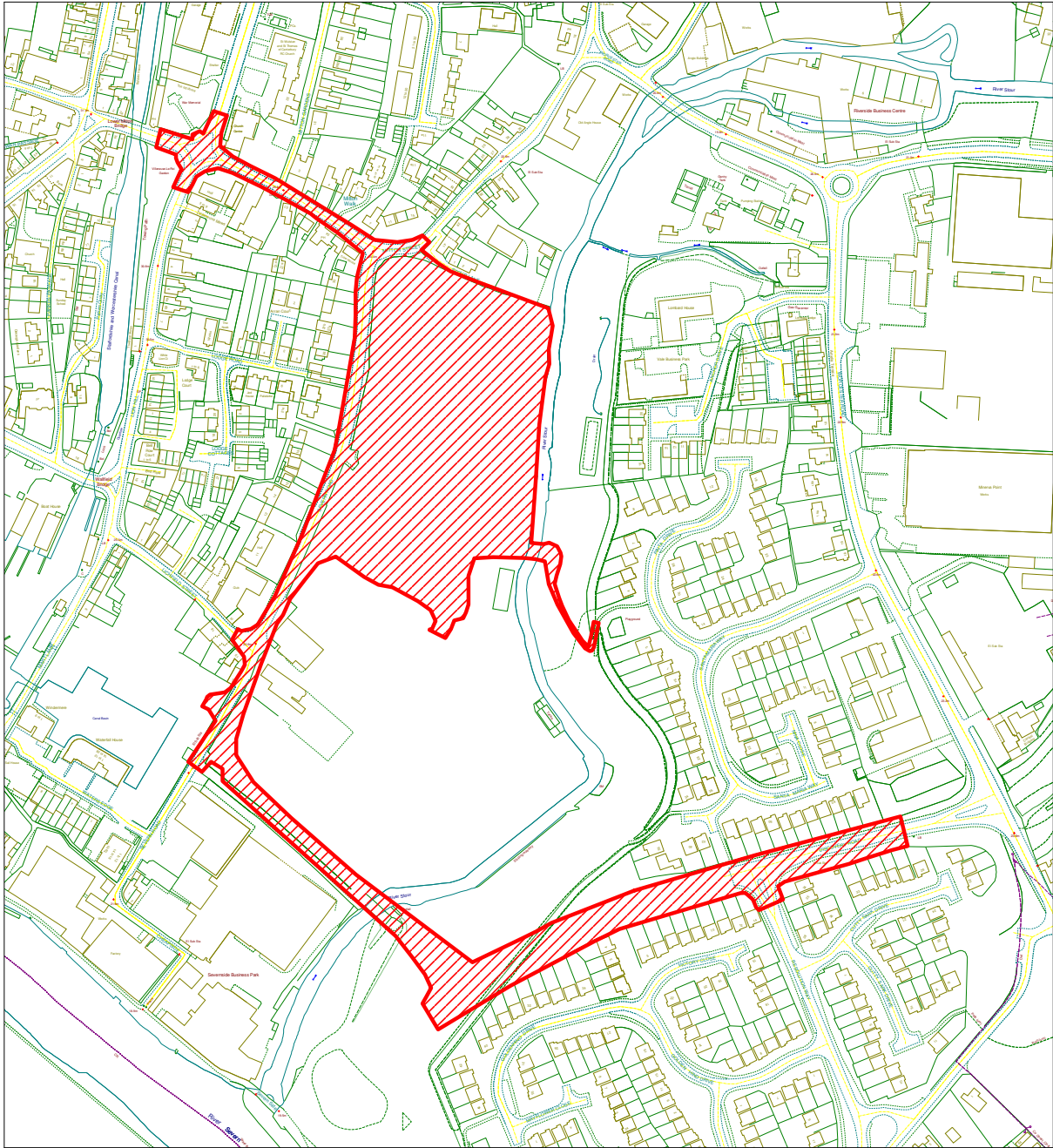
Date:- 17 December 2010

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Severn Road
Stourport-on-Severn**



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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
11TH JANUARY 2010

PART B

Application Reference:	10/0573/LIST	Date Received:	29/09/2010
Ord Sheet:	378904 275414	Expiry Date:	24/11/2010
Case Officer:	Paul Round	Ward:	Wribbenhall

Proposal: Internal works to second floor to create three bedrooms with en-suite

Site Address: 14 KIDDERMINSTER ROAD, BEWDLEY, DY12 1AG

Applicant: MRS S BALDWIN

Summary of Policy	LB.2 (AWFDLP) CP11 WFCS CTC.19 (WCSP) QE.5 (WMRSS) PPS5
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 No. 14 Kidderminster Road is located adjacent to the Black Boy Hotel and opposite the Police Station on the east side of the River Sever within the Bewdley Town Centre inset boundary.
- 1.2 The application is for Listed Building Consent for internal alterations to the property. The accompanying planning application for change of use was withdrawn last month due to adverse comments received from the Highway Authority in respect of parking and Officers comments with respect to amenity issues.
- 1.3 The painted brick and tiled property is a Grade II Listed Building built in the late 17th Century having early 19th Century and some late 20th Century alterations.

2.0 Planning History

- 2.1 WF.673/92 – Change of Use to domestic dwelling : Approved
- 2.2 WF.977/01 – Change of Use to Hotel Annex : Approved

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2.3 WF.270/02 (LBC) – Re-opening of rear doorway and installation of new door : Approved

2.4 10/0572/FULL – Change of use to form house in multi occupation : Withdrawn

3.0 Consultations and Representations

3.1 Bewdley Town Council – Objection and recommend refusal. For a house intended for multiple occupation (five flats) and in particular with two of the units being on the second floor, there was no evidence from the plans of any fire escape other than the main staircase. The committee would welcome the comments of the Fire Officer. [*Officer Comment – The views of Hereford & Worcester Fire and Rescue Service that were received in response to the accompanying full application have been forwarded to the Town Council*]

3.2 Conservation Officer – Whilst in terms of impact on the Listed Building, the works indicated in these proposals are for the most part acceptable, there are several areas of concern. However, these tend to relate more to the viability of the scheme than anything else.

In terms of design, the splitting of the upper room may be acceptable in some form, but the division as shown leaves one room as an extremely small room, to the point of almost being unusable, something which would not be acceptable in terms of the Listed Building – by making this space so small, and therefore unusable, will effectively moth-ball this area of the house, which in terms of maintenance, especially with regards to a house in multi-occupation, is of great concern.

However, the general impact of the works on the Listed Building are of an acceptable form, and would not be detrimental to the character or appearance of the building.

Whilst I note that other parties do have concern over the scheme, from their various specialities, and I echo those concerns, in terms of the impact on the historic fabric of the Listed Building I do not find that the proposals are detrimental to the building.

I have no objections to the scheme, subject to the following conditions:

- that all new pipe-work, flues, svps, etc are annotated and approved prior to the commencement of works on site;
- that details of sound insulation and heat insulation are submitted to and approved by the Local Planning Authority, with special consideration of their impact on the Listed Building;
- that the position, and extraction of kitchen appliances, including boilers, cooker hoods/ extraction, are approved prior to the commencement of works on site.

3.3 Neighbour/Site Notice : 2 letters of objection received raising the following issues:

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- First Letter - *We object to this application, principally because of the lack of detail. Quite clearly there will be alterations to the inside of this listed building, but none are specific. It is not appropriate to deal with this omission by condition and we ask that the Application be refused because of insufficient supporting detail.*
- Second Letter – Planning issues in respect of the change of use, but no specific objection to the Listed Building Consent.

4.0 Officer Comments

- 4.1 This listed building application is for works to the Listed Building only and consideration must be separated from the planning application for change of use application which has been withdrawn.
- 4.2 The application seeks approval for internal works to the second floor in order to subdivide the existing accommodation of two bedrooms to provide three bedrooms all with en-suites. The works involve the removal of an existing stud partition and the erection of new stud partitions and installation of plumbing. The proposed drawings show the provision of six bedrooms in total.
- 4.3 Whilst there are a number of concerns over the internal layout in respect of housing standards and fire safety, the works have to be considered in respect of the impact on the special and historic character of the Listed Building. Members will note that the Conservation Officer has no objection to the works as they involve stud partitioning which will have no detrimental impact to the character or the integrity of the Listed Building.

5.0 Conclusions and Recommendations

- 5.1 The proposed internal works involving the removal and erection of stud partitions and plumbing works are considered to be acceptable and will not impact on the character or integrity of this Grade II Listed Building. It should be advised that decisions should not seek to duplicate other legislation.
- 5.2 It would be prudent in any listed building consent that the owner is made aware that this decision does not give approval for a change of use of the property and of the various contacts for agencies involved in the Houses in Multiple Occupation process.
- 5.3 It is therefore recommended that **APPROVAL** be granted subject to the following conditions:
1. A7 (Listed Building/Conservation Area consent)
 2. A11 (Approved plans)
 3. All new pipe-work, flues, svps, etc. approved prior to the commencement of works on site
 4. Details of sound insulation and heat insulation with special consideration of their impact on the Listed Building to be agreed

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Notes

- A This consent relates to works to the Listed Building and **does not** approve a change of use of the property from Use Class C1 (Hotel) or indicates that such an approval would be forthcoming. The Applicant should contact the Development Control section for further advice.
- B Any works undertaken should be strictly in accordance with the approved plans, any alterations to whatever extent will require a new consent, which should be sought prior to any works continuing.
- C The applicant is also advised that this consent **does not** give or infer any approval or licence under the Building Regulations Act 2000, Regulatory Reform (Fire Safety) Order 2005 or the Housing Act 2004. The Applicant should contact the following for further advice:
 - i Principal Building Control Officer - WFDC
 - ii Strategic Housing Services Manager - WFDC
 - ii Hereford & Worcester Fire and Rescue Service

Reason for Approval

The proposed internal works involving the removal and erection of stud partitions and plumbing works are considered to be acceptable and will not impact on the character or integrity of this Grade II Listed Building.

Application Reference: 10/0617/FULL	Date Received: 14/10/2010
Ord Sheet: 379099 275643	Expiry Date: 09/12/2010
Case Officer: Stuart Allum	Ward: Wribbenhall

Proposal: Single storey side extension and store building

Site Address: YEW TREE COTTAGE, GREY GREEN LANE, BEWDLEY, DY121LR

Applicant: Mr & Mrs Hadley

Summary of Policy	D17 (AWFDLP) CP11 (WFCS)
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 Yew Tree Cottage is a detached dwelling located in an allocated residential area to the north east of Bewdley town centre.
- 1.2 The site is flanked to the north by three detached dwellings at a slightly higher level, with a fourth positioned further away from the immediate boundary.
- 1.3 To the south, the site is bounded by three properties at a lower level, which are accessed from a spur off Kidderminster Road.
- 1.4 Grey Green lane is very narrow, and the dwelling is accessed by way of a steep driveway leading from the highway which has no pedestrian path.
- 1.5 The proposal involves the erection of a ground floor extension on the north facing side of the dwelling together with a small ground floor storage extension to the existing car port, and adjacent to the southern boundary of the site.

2.0 Planning History

- 2.1 WF/0811/86 – Extension and alterations : Approved

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – No objection to the proposal and recommend approval.
- 3.2 Neighbour/Site Notice – 3 letters of objection and one of ‘observation’ received.

10/0617/FULL

Main points summarised:-

- It appears that what exists now complies with WF/0811/86. The footprint and volume of the house has therefore been more than doubled from the original, and the car port increases the footprint to some 185% over the original.
- Proposal fails the test of Policy D17 as it is:
 - i) Not subservient to the original building
 - ii) Not in keeping with the architectural characteristics of the original building. The roof over the dining room does not harmonise with the main roof of the house.
 - iii) Not in accordance with the suggestion that 'flat roofed extensions will not be allowed'. The extension features a flat roof over the study and utility, and also features uPVC windows which we do not consider to be in keeping with the area.
 - iv) Not in accordance with the requirement to harmonise with the existing townscape. The proposal will represent overdevelopment of the plot when judged against the locality. The plot is too small for what is proposed. Furthermore it will be necessary to remove the established hedge on the northern boundary, therefore trees will be affected ('NO' ticked on application form) and trees not shown on plans.
 - v) Not in compliance with the requirements to preserve the residential amenity of neighbouring properties. The side extension will be clearly seen from principle lounge, breakfast/sitting room and bedroom windows.

Furthermore, the proposal to add windows to the first floor on the existing north elevation reinforces such an infringement. Preliminary works on these windows has already been undertaken.

- Parking is very limited at this property and in Grey Green Lane generally. We can only foresee that future needs will increase if the cottage is extended. With regard to health and safety, in particular vehicular access on to a narrow lane, either reversing on/off with numerous young children using the lane to and from school with no footpath or lighting is far from ideal. Grey Green Lane is very narrow and without a pavement at the entrance of this property. School children pass the entrance in the morning and afternoon. There is nowhere for vehicles involved with the building process to park near the property, without causing serious obstruction, doing so would force pedestrians to walk in the road on a corner of the lane that is blind to traffic from both directions. This would cause a serious health and safety risk. During previous recent building works serious obstruction was caused to vehicles passing by the property.

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We would like to see the measures that would be taken to avoid such health and safety risks and obstruction, before this application is taken any further.

- We note that there is no general notice regarding this proposal warning other regular uses of Grey Green Lane of the plans.

4.0 Officer Comments

- 4.1 Proposals involving the extension or alteration to an existing residential property, including curtilage buildings and previous extensions, must in the context of Policy D.17 of the Adopted Wyre Forest District Local Plan.
- be in scale and in keeping with the form, materials, architectural characteristics and detailing of the original building;
 - be subservient to and not overwhelm the original building, which should retain its visual dominance;
 - harmonise with the existing landscape or townscape and not create incongruous features and;
 - not have a serious adverse effect on the amenity of neighbouring residents or occupiers.
- 4.2 In this case, reference to the 1986 planning permission reveals that the two storey original building was of very diminutive proportions indeed. The building was certainly in use for living accommodation at that point, but there is evidence to suggest that the extension approved at that time transformed what had been an extremely rudimentary living unit into a larger and more sustainable dwelling.
- 4.3 If the literal meaning of Policy D.17, as it refers to 'original building' is to be adhered to rigidly in this case, then there could only be one outcome – a recommendation for refusal. However, the interpretation of policy could be more flexible if the individual circumstances of this site are taken into account.
- 4.4 Certainly, if the dwelling as extended in 1986 is interpreted as being the 'original', then the extensions being applied for now would have no difficulty in meeting the requirements of paragraphs (i) and (ii) of Policy D.17.
- 4.5 The side extension which propose a dining room, study and utility features a flat roof over half of its length. This design is not vetoed absolutely by policy, which seeks primarily to prevent such features from appearing on two storey extensions. The inclusion of a flat roof in these circumstances would, therefore, not be in conflict with paragraph (i) of Policy D.17.
- 4.6 Regarding the size of the plot, or domestic curtilage, this is small, but not so small that the proposal would represent an overdevelopment, as suggested by the neighbours properties. A reasonable amount of amenity space would exist even after the erection of the extensions, particularly at the front of the property bounding Grey Green Lane.

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- 4.7 Turning now to issues associated with neighbour amenity, the rights enjoyed by the neighbouring properties under the Provisions of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998 have been balanced against the scope and scale of the proposal in that context. Following careful consideration of all the objections, including site visit appraisal of the application site from the dwellings in Gerlensta Court to the north, no breach has been identified. This is also the view in relation to the appropriate planning policies.
- 4.8 To clarify matters, the applicant intends to retain the existing boundary conifer hedge (approximate height 3 metres). Even if this were not the case, the orientation and design of the proposed side extension is not judged to seriously impede upon the amenity, privacy and outlook of the neighbours, as has been suggested in the correspondence. In addition, the first floor bathroom window already installed on that northern elevation, in addition to another planned, are not changes which would attract a planning application in their own right (subject to official confirmation).
- 4.9 The other matters raised, including proportionality and local character have been addressed, and the remaining issue of road safety highway parking and the risk of obstruction are substantially 'non-material' issues which are subject to other legislative enforcement.

5.0 Conclusions and Recommendations

- 5.1 Though this is an unusual case, and a degree of interpretation has been necessary in relation to the appropriate policies, the weight of evidence is with the applicant on this occasion, and, therefore, **APPROVAL** is recommended subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved Plans)
 3. B6 (External materials – approved plan)

Reason for Approval

With reference to the special circumstances of the case, the proposed extensions are considered to be of an appropriate size, scale and design in relation to the original dwelling and dwelling curtilage as defined, and will have no perceptible impact upon the local streetscene. The impact of the extensions upon neighbouring properties has been carefully assessed and it is considered that no undue loss of privacy or amenity would occur as a result of the development. Accordingly, the proposal is considered to be in compliance with the policies listed above.