

Exempt

Planning Committee

Agenda

6.00pm
Tuesday, 14th June 2011
The Earl Baldwin Suite
Duke House
Clensmore Street
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor S J Williams
Vice-Chairman: Councillor G C Yarranton

Councillor J Aston

Councillor D R Godwin

Councillor M J Hart

Councillor C D Nicholls

Councillor M Price

Councillor G W Ballinger

Councillor I Hardiman

Councillor H J Martin

Councillor F M Oborski

Councillor M A Salter

Information for Members of the Public:-

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

An update report is circulated at the meeting. Where members of the public have registered to speak on applications, the running order will be changed so that those applications can be considered first on their respective parts of the agenda. The revised order will be included in the update.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

Delegation - All items are presumed to be matters which the Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply an appropriate indication will be given at the meeting.

Public Speaking

Agenda items involving public speaking will have presentations made in the following order (subject to the discretion of the Chairman):

- Introduction of item by officers;
- Councillors' questions to officers to clarify detail;
- Representations by objector;
- Representations by supporter or applicant (or representative);
- Clarification of any points by officers, as necessary, after each speaker;
- Consideration of application by councillors, including questions to officers

All speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Sue Saunders, Committee/Scrutiny Officer, Civic Centre, Stourport-on-Severn. Telephone: 01562 732763 or email susan.saunders@wyreforestdc.gov.uk

DECLARATIONS OF INTEREST - GUIDANCE NOTE

Code of Conduct

Members are reminded that under the Code of Conduct it is the responsibility of individual Members to declare any personal or personal and prejudicial interest in any item on this agenda. A Member who declares a personal interest may take part in the meeting and vote, unless the interest is also prejudicial. If the interest is prejudicial, as defined in the Code, the Member must leave the room. However, Members with a prejudicial interest can still participate if a prescribed exception applies or a dispensation has been granted.

Section 106 of the Local Government Finance Act 1992

If any Member is two months or more in arrears with a Council Tax payment, they may not vote on any matter which might affect the calculation of the Council Tax, any limitation of it, its administration or related penalties or enforcement.

NOTES

- Councillors, who are not Members of the Planning Committee, but who wish to attend and to make comments on any application on this list or accompanying Agenda, are required to give notice by informing the Chairman, Director of Legal and Corporate Services or Director of Planning & Regulatory Services before the meeting.
- Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officers to avoid unnecessary debate on such detail at the Meeting.
- Members should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.
- Please note if Members wish to have further details of any application appearing on the Schedule or would specifically like a fiche or plans to be displayed to aid the debate, could they please inform the Development Control Section not less than 24 hours before the Meeting.
- Members are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to the Committee for determination where the matter cannot be resolved by the Director of Planning & Regulatory Services.
- Councillors and members of the public must be aware that in certain circumstances items may be taken out of order and, therefore, no certain advice can be provided about the time at which any item may be considered.
- Any members of the public wishing to make late additional representations should do so in writing or by contacting their Ward Councillor prior to the Meeting.
- For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers" in accordance with Section 110D will always include the case Officer's written report and any letters or memoranda of representation received (including correspondence from the Highway Authority, Statutory Undertakers and all internal District Council Departments).
- Letters of representation referred to in these reports, together with any other background papers, may be inspected at any time prior to the Meeting, and these papers will be available at the Meeting.
- **Members of the public** should note that any application can be determined in any manner notwithstanding any or no recommendation being made.

Wyre Forest District Council

Planning Committee

Tuesday 14th June 2011

The Earl Baldwin Suite, Duke House, Clensmore Street, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, notice of which has been given to the Director of Legal & Corporate Services, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interest In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any personal or personal and prejudicial interests in the following agenda items. Members should indicate the action they will be taking when the item is considered. Members are also invited to make any declaration in relation to Section 106 of the Local Government Finance Act 1992. (See guidance note on cover.)	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 19th May 2011.	6
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	10
6.	Applications Pending Decision To receive a schedule of planning and related applications which are pending.	65

7.	<p>Planning and Related Appeals</p> <p>To receive a schedule showing the position in relation to those planning and related appeals currently being processed and details of the results of appeals recently received.</p>	82
8.	<p>Monthly Progress Report on performance against NI157 targets for determining planning applications</p> <p>To consider a report from the Director of Planning & Regulatory Services that provides Members with a monthly progress report on performance against National Indicators (NI 157, formerly BV109).</p>	98
9.	<p>To consider any other business, details of which have been communicated to the Director of Legal and Corporate Services before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	
10.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.</p>	

Part 2

Not open to the Press and Public

11.	<p>Planning Enforcement Matters</p> <p>To receive a report from the Director of Planning and Regulatory Services regarding a number of new planning enforcement matters.</p>	103
12.	<p>Live Enforcement Cases</p> <p>To receive a report which lists live enforcement cases as of the 1st June 2011.</p>	110
13.	<p>To consider any other business, details of which have been communicated to the Director of Legal and Corporate Services before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

THE EARL BALDWIN SUITE, DUKE HOUSE, CLENSMORE STREET,
KIDDERMINSTER

19TH MAY 2011 (6.00PM)

Present:

Councillors: S J Williams (Chairman), G C Yarranton (Vice-Chairman),
G W Ballinger, D R Godwin, J Greener, I Hardiman, P B Harrison, H J Martin,
C D Nicholls, F M Oborski, M Price and M A Salter.

Observers:

There were no members present as observers.

PL.1 Apologies for Absence

Apologies for absence were received from Councillors J Aston, M J Hart and
J W Parish.

PL.2 Appointment of Substitutes

Councillor G W Ballinger was appointed as a substitute for Councillor J W Parish.
Councillor P B Harrison was appointed as a substitute for Councillor M J Hart.
Councillor J Greener was appointed as a substitute for Councillor J Aston.

PL.3 Declaration of Interests

Councillor J A Greener declared that she was a Member of Bewdley Town Council
Planning Committee and had discussed application number 11/0098/FULL, 2 Park
Dingle, Bewdley but came to the meeting with an open mind.

PL.4 Minutes

**Decision: The minutes of the meeting held on 12th April 2011 be confirmed as
a correct record and signed by the Chairman.**

PL.5 Applications To Be Determined

The Committee considered those applications for determination (now incorporated
in Development Control Schedule No. 485 attached).

**Decision: The applications now submitted be determined, in accordance with
the decisions set out in Development Control Schedule No. 485 attached,
subject to incorporation of any further conditions or reasons (or variations)
thought to be necessary to give full effect to the Authority's wishes about any
particular application.**

PL.6 Applications Pending Decision

The Committee received a schedule of planning and related applications that were pending decision.

Decision: The schedule be noted.

PL.7 Planning and Related Appeals

The Committee received details of the position with regard to planning and related appeals, still being processed, together with particulars of appeals that had been determined since the date of the last meeting.

Decision: The details be noted.

PL.8 Monthly Progress Report on performance against NI157 targets for determining planning applications

The Committee considered a report from the Director of Planning and Regulatory Services that provided Members with a monthly progress report on performance against National Indicators (NI 157, formerly BV109).

Decision: The details be noted.

PL.9 Development Control Customer Satisfaction Survey - 2010

The Committee considered a report from the Director of Planning and Regulatory Services that informed Members of the outcome of the 2010 Development Control Customer Satisfaction Survey and to agree a further Survey in 2012.

Decision: The findings of the 2010 Development Control Customer Satisfaction Survey be noted and that a Development Control Customer Satisfaction Survey be undertaken in 2012.

PL.10 Department for Communities and Local Government (DCLG) – Planning Performance Statistics

The Committee considered a report from the Director of Planning and Regulatory Services which informed Members of the published performance statistics relating to Development Control.

Decision: The report be noted.

PL.11 Section 106 Obligation Monitoring

The Committee considered a report from the Director of Planning and Regulatory Services that gave details of the most current Section 106 Obligations which required monitoring.

Members were informed that in relation to application number 10/0633/FULL, (Puxton Drive, Kidderminster), as a result of a correction to the submitted details by the agents for the applicants, the amount of shared ownership housing should read 14 with the rented housing 11.

Decision: The details be noted.

The meeting ended at 6.15pm.

PLANNING COMMITTEE

Thursday 19th May 2011– Schedule 485 Development Control

The schedule frequently refers to various standard conditions and notes for permission and standard reasons and refusals. Details of the full wording of these can be obtained from the Director of Planning and Regulatory Services, Duke House, Clensmore Street, Kidderminster. However, a brief description can be seen in brackets alongside each standard condition, note or reason mentioned.

PART A

Application Reference: 11/0122/FULL

Site Address: 4 AGGBOROUGH CRESCENT, KIDDERMINSTER, DY10 1LG

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Materials)
4. J7 (Windows; obscure glazing) [in the east elevation facing No. 3]

Note

Landfill gas

Reason for Approval

The proposed extension is considered to be of an appropriate scale and design to the main dwelling and will have an acceptable appearance in the street scene. The impact of the extension upon neighbouring properties has been carefully assessed and it is considered that there will be no undue impact upon their amenity. For these reasons the proposal is considered to be in accordance with policies D.17 (Adopted Wyre Forest District Local Plan), CP11, CP03 (Adopted Wyre Forest Core Strategy), Design Quality Supplementary Planning Guidance and Planning Policy Statement 1.

Application Reference: 11/0097/FULL

Site Address: 7 MERTON CLOSE, KIDDERMINSTER, DY10 3AE

APPROVED subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Finishing materials to match)

Reason for Approval

The proposed extension is considered to be of an appropriate scale and design to the main dwelling and will have an acceptable appearance. The impact of the extension upon neighbouring properties has been carefully assessed and it is considered that there will be no undue impact upon their amenity.

Application Reference: 11/0098/FULL

Site Address: 2 PARK DINGLE, BEWDLEY, DY12 2JY

APPROVAL subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Vehicle access construction
4. Access closure - use of site - vehicular
5. Driveway gradient
6. Access, turning and parking

Notes

- A. Alteration of highway to provide new or amend vehicle crossover.
- B. No drainage to discharge to highway.

Reason for Approval

The proposed drop kerb and driveway is considered acceptable; the access would not appear atypical or incongruous in the context of the street scene or the character of the area. The existing drive is to be removed and it has been demonstrated that sufficient space exists within the site to provide both parking and manoeuvring space; as such, it is considered that the development would have no adverse effect on highway safety. The development would be considered to accord with the requirements of Policy TR.17 of the Adopted Wyre Forest District Local Plan (2004) and Planning Policy Statement 13: Transport.

Application Reference: 11/0239/FULL

Site Address: LAND ADJACENT TO MINSTER ROAD AND, FIRS INDUSTRIAL ESTATE, KIDDERMINSTER, DY11 7QN

APPROVAL be given subject to:-

- a) no objections from the Highway Authority; and
- b) the following conditions:
 1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B6 (External details – approved plan)

Reason for Approval

The principle of the development is acceptable in the Green Belt and would maintain openness. The design and position of the gates is considered acceptable in this context and will provide appropriate entrance to the Cemetery and Crematorium. Consideration of highway safety matters have been fully considered and found acceptable.

**EXECUTIVE SUMMARY TO REPORT OF
DEVELOPMENT MANAGER**

Planning Committee

14/06/2011

PART A		Reports	
Ref.	Address of Site	Recommendation	Page No.
11/0179/FULL	8 BRIAR HILL CHADDESLEY CORBETT KIDDERMINSTER	APPROVAL	11
11/0249/FULL	SINKERS COTTAGE THE SHORTYARD WOLVERLEY	APPROVAL	20
11/0254/FULL	SLINGFIELD MILL WEAVERS WHARF KIDDERMINSTER	APPROVAL	24
11/0255/LIST	SLINGFIELD MILL WEAVERS WHARF KIDDERMINSTER	APPROVAL	24
11/0268/FULL	SUTTON ARMS SUTTON PARK ROAD KIDDERMINSTER	APPROVAL	33

PART B		Reports	
Ref.	Address of Site	Recommendation	Page No.
10/0695/FULL	THE TYTHE HOUSE BROOME STOURBRIDGE	APPROVAL	41
11/0109/FULL	CONVEYOR UNITS LTD SANDY LANE, TITTON STOURPORT-ON-SEVERN	DELEGATED APPROVAL	44
11/0141/FULL	BLAKEMORE COTTAGE TENBURY ROAD, CLOWS TOP, KIDDERMINSTER	APPROVAL	52
11/0201/FULL	14 SEVERN WAY BEWDLEY	APPROVAL	56
11/0217/FULL	36 FRANCHE ROAD KIDDERMINSTER	APPROVAL	59
11/0293/FULL	WEST MIDLAND SAFARI PARK, SPRING GROVE, BEWDLEY	DELEGATED APPROVAL	62

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
14TH JUNE 2011

PART A

Application Reference:	11/0179/FULL	Date Received:	21/03/2011
Ord Sheet:	389331 274054	Expiry Date:	16/05/2011
Case Officer:	John Baggott	Ward:	Blakedown and Chaddesley

Proposal: Two storey rear extension and retention of front porch

Site Address: 8 BRIAR HILL, CHADDESLEY CORBETT, KIDDERMINSTER, DY104SQ

Applicant: Mr & Mrs D Warren

Summary of Policy	D.17, GB.1, GB.2, GB.6 (AWFDLP) CP11 (AWFCS) D.39 (WCSP) QE.6 (WMRSS) Design Quality SPG PPS1; PPG2, PPG18
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 property consists of a modestly sized semi-detached dwelling located on the eastern side of Briar Hill, to the north of Chaddesley Corbett village centre, within the Green Belt.
- 1.2 The property forms part of a development of post war semi-detached properties which appear to have been built by the local authority. Most, if not all, now appear to be privately owned.
- 1.3 The properties on the eastern side of Briar Hill back onto open agricultural land. Whilst modest in size, the properties benefit from sizeable gardens, both in terms of their width and depth.
- 1.4 Briar Hill rises from the south to north, and as such the rear elevations of the properties on the eastern side of the road appear elevated and are clearly visible when viewed from land to the east.

11/0179/FULL

- 1.5 The application as submitted is retrospective in nature, with both the two storey rear extension and front porch already completed on site.

2.0 Planning History

- 2.1 08/0469/OUTL – Erection of a detached dwelling : Refused
- 2.2 08/0856/FULL – Erection of a two storey extension to the rear; front porch; and retention of an existing container for a 12 month period : Refused
- 2.3 08/1056/CERTP – Certificate of Lawfulness application for a proposed rear extension : Refused, but subsequently allowed on Appeal.
- 2.4 09/0341/FULL – Reduction in roof height and design to existing extension recently constructed under permitted development. (Re-submission of 08/0856/FULL) : Withdrawn.

3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council – The Parish Council comment that they have no objection to the application with regard to the extension at the rear of the property, but feel the porch is not in keeping with the property or adjacent buildings and concern has been expressed about the building line and its effect on neighbouring properties.
- 3.2 Highway Authority – No objection.
- 3.3 Neighbour/Site Notice – Direct neighbour notification and the posting of a site notice has generated a single letter of objection from the owners/occupiers of the adjoining semi-detached property (i.e. No. 10 Briar Hill). The letter as submitted refers to officers by name and the content has, therefore, been suitably edited for the purposes of this report as highlighted by bracketed inserted/replaced text, however the specific comments regarding the application and related history remain as submitted and in full. The substantial section of the letter reads:

The 45/25 degree code at the rear our property is definitely compromised after reading the initial leaflet and guidance. We realise that the height and length of the wall of the extension is permitted under PD but this situation is just farcical. At the rear, the extension has been built under the new permitted development guidelines which give rise to ambiguity and interpretation which we believe (the applicant) and his architect have used to their maximum benefit and beyond. Under permitted development we understand that the maximum height of a wall at the eaves is 3m within 2m of the boundary.

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During a site meeting with (a named officer) in June 2009, we measured the wall; it is 3.10 m high to the underside of the tiles at 127mm from the boundary. This wall exceeds the maximum height of the permitted development guidelines and so does not conform to the revised PD guidelines. This was highlighted by the Planning Inspector and noted in his summary that these measurements were unchallenged by the planning system. Will the maximum height of this wall now be enforced; or as with other elements of this planning process, will (the applicant) be allowed to do as he pleases?

At our meeting with (named officer), we discussed the aesthetic look of the roofline and the current roof tie-in of the extension to the existing house. We understand it is built against the revised permitted development guidelines. The aesthetic roofline favored (and built) by (the applicant) makes little difference to our light issue on our side of his extension, with this in mind; we would prefer (the applicant) to amend his building to the plans covered by the Certificate of lawfulness as identified by the planning inspector and therefore approved. This proposed action would at least give us some faith in what appears to be a very broken and one sided planning process.

4.0 Officer Comments

4.1 As previously identified under paragraph 1.5 of the report, the application as submitted and now before Members for consideration is retrospective, with all elements of the application having been substantially completed on site. Members are reminded that national planning guidance in the form of PPG18, relating to Planning Enforcement, makes it clear that it is not a criminal offence to carry out development without first obtaining consent. Furthermore, in this particular case there is something of a complicated and rather drawn-out planning history which warrants due consideration.

4.2 The planning history to the site is summarised under paragraph 2.1 of the report, but further comment is necessary for Members to fully appreciate how the application now before Planning Committee has come about.

PLANNING HISTORY AND BACKGROUND

4.3 Having been refused planning permission under application 08/0856/FULL for, amongst other things a two storey extension to the rear of the property, principally on the grounds that the extension would breach the 45 degree code in October 2008, the applicant subsequently submitted an application for a Certificate of Lawfulness for an alternative form of development. This application (08/1056/CERTP) sought to take advantage of the newly revised Householder Permitted Development Rights which were issued by DCLG in October 2008.

11/0179/FULL

- 4.4 Officers duly considered the Application for a Certificate of Lawfulness for the then proposed rear extension, and concluded that it did not satisfy the criteria as set out in the 2008 Order and as such did not constitute permitted development. The application was therefore refused. No appeal was initially lodged against this decision, but Members are advised that in the case of Certificates of Lawfulness there currently exists no time limit on the submission of an appeal to the Planning Inspectorate. This fact is a critical component in what has followed since.
- 4.5 Officers were subsequently alerted to the fact that work had already commenced on site, but it was not immediately clear as to what was being constructed. It subsequently emerged that the applicant was progressing towards building an extension, seemingly in accordance with the by now refused Certificate of Lawfulness, the decision to refuse the applicant disagreed with, but failed to appeal formally.
- 4.6 In April 2009, a further application was submitted in an apparent attempt to salvage the building work already commenced, albeit in a revised form. This application was subsequently withdrawn by the applicant when it became apparent that officers were unable to support the applicant's contention that there would be no breach of the 45 degree code. What followed were a number of meetings with the applicant and his agent with the applicant presenting a series of proposed amendments in an attempt to address the permitted development requirements to the satisfaction of officers. Ultimately, however, no agreement could be reached, despite the best efforts of officers to identify a mutually acceptable alternative. During this period work on site temporarily ceased. However the building work by this time was so far advanced that officers were left with little choice but to seek Planning Committee support for the serving of an Enforcement Notice to remove the extension as constructed. Planning Committee support was duly forthcoming. In the meantime, negotiations continued between officers and the applicant in an attempt to find an amicable solution. Even so, the Enforcement Notice was served in July 2010.
- 4.7 The applicant took the decision not to appeal the Enforcement Notice, allowing the 28 day period for any appeal submission to pass. However, and crucially to the consideration of the application now before Planning Committee, the applicant did appeal the previous decision to refuse the Certificate of Lawfulness for a different form of extension. The differences principally relating to the roof structure, with the actual footprint identical.

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- 4.8 Notwithstanding the fact that the Enforcement Notice was in place to secure the removal of the extension as constructed, officers considered it appropriate to await the outcome of the appeal against the decision to refuse the Certificate of Lawfulness due to the similarities between what had been built (and which was the subject of the Enforcement Notice) and the extension as proposed under the Certificate of Lawfulness. Furthermore, by this time a DCLG Technical Guide had been published which the duly appointed Planning Inspector would need to consider also, with this guide seeking to provide a clearer, if not completely clear, indication as to how the revised Householder Permitted Development Rights are to be interpreted in view of the various anomalies in the Order itself. Members are advised that the applicant's appeal in respect of the Certificate of Lawfulness was ultimately successful.

THE CURRENT PROPOSAL

- 4.9 The application before Members is essentially the same form of development to that which was the subject of the previous, and outstanding, Enforcement Notice, albeit with the addition of the porch to the front of the property. Members may also wish to note that it is also essentially the same as the previously submitted, and withdrawn, application (09/0341/FULL). As has previously been mentioned the footprint of what has been built (and which is the subject of this application) and the now allowed Certificate of Lawfulness proposal is identical with dimensions of 2.9 metres deep by 4.98 metres wide (i.e. essentially the width of the original property). The acceptability of these dimensions in terms of the permitted development arguments has never been in dispute. The key issue has been in relation to the roof and in particular the height of the eaves of the roof and the proximity to the boundary with the adjoining semi-detached property. Whilst successful with the arguments made to the Planning Inspector with regard to the Certificate of Lawfulness application, the applicant and his agent concede that the current proposal (i.e. that which has been built already) does require planning permission.
- 4.10 In order to constitute permitted development, the Certificate of Lawfulness application indicated a maximum eaves height of 3 metres, within 2 metres of the boundary with the adjoining property. However, this also necessitated the provision of a single mono-pitched roof extending upwards to almost the same height as the original roof of the property (at some 8.1 metres), culminating in a sizeable expanse of resulting blank side wall. All in all, not a particularly attractive design solution, but as determined by the Planning Inspector, permitted development all the same. The applicant can, therefore construct such an extension without the need for planning permission.

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- 4.11 The current application, as previously confirmed, consists of the same footprint to that approved under the Certificate of Lawfulness, and repeats the 3 metre high eaves within 2 metres of (essentially at) the boundary with the adjoining property although this height is challenged by the neighbour. The roof design, whilst not entirely conventional, is pitched and ties-in to the existing main roof at a height of 6.6 metres, and also avoids the use of the above-mentioned excessive blank wall. In design terms, whilst unconventional, it is a more appealing solution. It is on this basis that the application has been submitted by the applicant, who presents such an argument secure in the knowledge that following the Inspector's decision he has a fall-back position which will still deliver the same level of accommodation.
- 4.12 To the rear of No.10 Briar Hill (the adjoining semi-detached property) there are two rear facing kitchen windows, the closest of which is only 0.5 metres from the shared boundary with No. 8 Briar Hill, and as such looks immediately out onto the extension as constructed, for which planning permission is now retrospectively sought. Despite the fact that there is a second window to serve the kitchen, there is clearly an obvious and significant breach of the 45 degree code. It was this breach that officers had previously highlighted and which had prompted the applicant to withdraw the earlier application (09/0304/FULL). It is worthy of note that there is an existing, shared, outbuilding to the rear of the properties which straddles the shared boundary, and in some regards the outlook from the rear of No.10 is already inhibited. However, even allowing for this, the proximity of the existing window to the wall of the extension cannot be ignored.
- 4.13 It is, however, also a fact that the depth and extent of the side wall of the extension is the same as that which is permissible under the permitted development rights, in accordance with the extension as approved, on appeal, under the Certificate of Lawfulness. The 45 degree code is a local guide and is only of relevance in cases where planning permission is required. Furthermore, the extension as built, whilst requiring planning permission and thereby falling within the parameters of the 45 degree code is, in overall appearance and design terms, a better solution than the permitted development proposal. Officers, whilst in no way wishing to condone or otherwise promote the course of action and chain of events perpetrated by the applicant, are mindful of this and identify this as a material consideration in the determination of the current application. At the same time, officers have every sympathy for the occupiers of the adjoining property who are now, whilst obviously disappointed accepting of the Planning Inspector's decision, calling for "fair play".

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- 4.14 The decision to be made in respect of the rear extension is whether to, albeit reluctantly, accept that given all the similarities, and in particular the identical situation with regard to the relationship with the kitchen window at No.10, it is appropriate to accept the extension as built on the basis of the more acceptable design solution and overall appearance; or, to refuse the current application and require the extension as built to be demolished, or otherwise converted, so as to be in accordance with the plans which accompanied the Certificate of Lawfulness application as granted on appeal.
- 4.15 As has previously been highlighted, the occupiers of No. 10 have challenged the accuracy of the submitted plans in terms of the eaves height, claiming that the critical eave measurement as constructed is 3.1 metres, as opposed to the 3.0 metres required by the 2008 Order. In light of this claim, Officers are to revisit the site to recheck all dimensions and Members will be further advised in this regard via the Addenda Sheet. However, even if the relevant dimension, which was not verified by the Planning Inspector at the time of his site visit, is found to exceed the 3.0 metres by the claimed 100 millimetres, it must be considered whether it is reasonable to require the height to be adjusted accordingly given that this would have a negligible impact in terms of improving the outlook from the rear of the neighbouring property.
- 4.16 The remaining element of the application relates to the erection of a porch to the front of the property. Notwithstanding the comments raised by the Parish Council, officers consider that the porch is acceptable in design terms. The porch, at 3 square metres in area, would actually constitute permitted development were it not for the height of the roof, which stands at a ridge height of 4 metres. Even so, the roof design appears to reflect that of the existing roof detail of the main house, and is therefore considered to be acceptable.
- 4.17 The requirements of Articles 1 of Protocol 1 and Article 8 of the human Rights Act 1998 have been considered. Given that the extension can be delivered, albeit with a revised roof design, via permitted development rights it is considered that the application would have no greater impact on the occupiers of the neighbouring property than that which can be erected as permitted development.

5.0 Conclusions and Recommendations

- 5.1 The application under consideration is the culmination of a rather complicated and drawn out process. At every turn the applicant has challenged officers' opinion and has, eventually, been successful via the appeal route in securing the level of accommodation he has sought in the form of an extension to the rear of the property which can be delivered via the Permitted Development route.

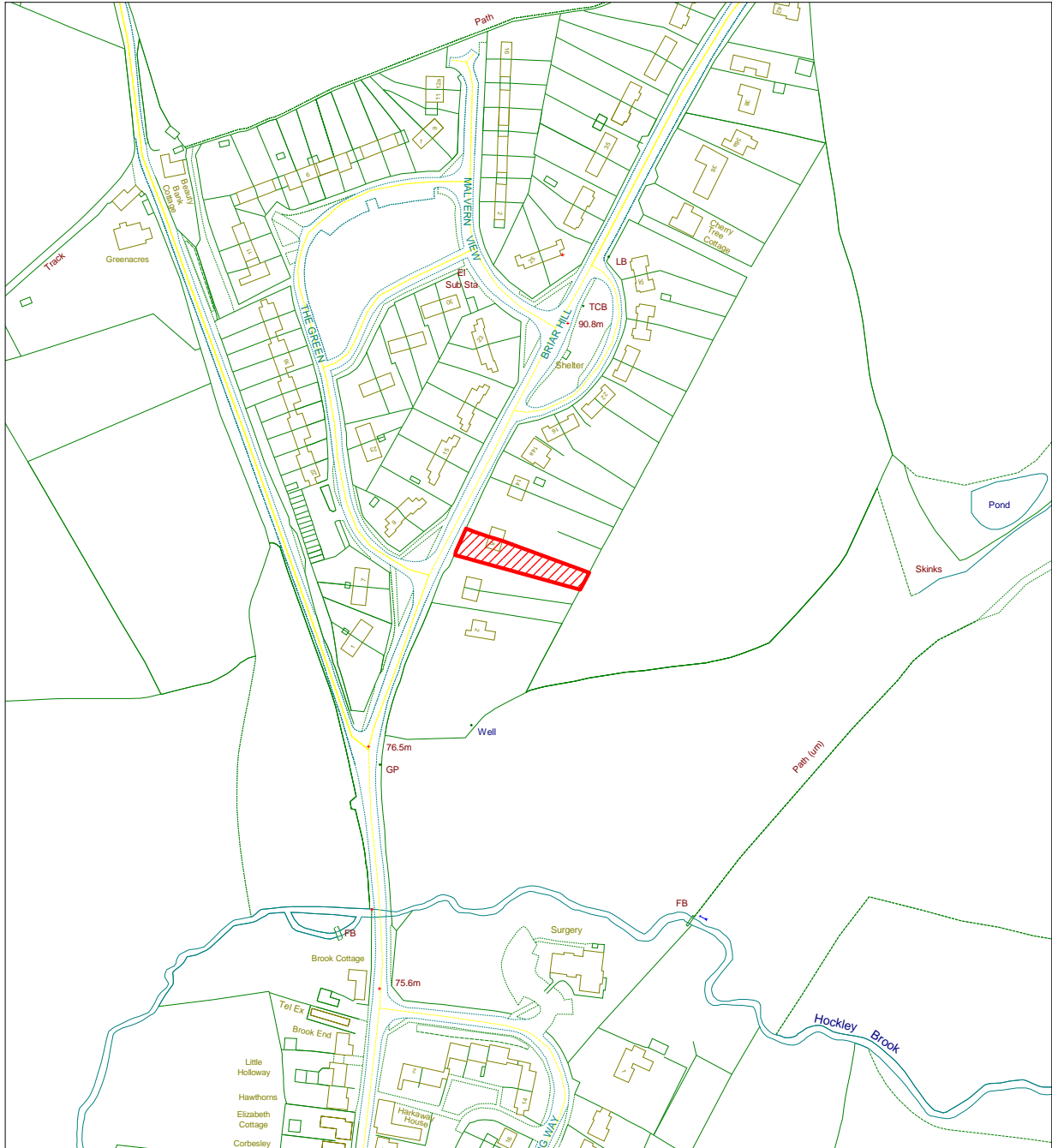
11/0179/FULL

- 5.2 In the meantime, the applicant has constructed an extension which, whilst identical to that allowed on appeal in terms of footprint and associated dimensions, differs in terms of the roof detail to the extent that for that reason alone planning permission is required.
- 5.3 Officers in no way condone the actions of the applicant but in making a recommendation to Members they must be particularly mindful of the appeal decision and the fact that, as perverse as it may seem, the application which is to be determined relates to an extension which, in officers' opinion, is of a more acceptable design than that which has been accepted as permitted development by the Planning Inspectorate. At the same time, the actual size and bulk of the extension would be less, whilst having no greater impact on the adjoining property than that allowed on appeal as permitted development.
- 5.4 Due consideration has been given to Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998, both in terms of the rights of the applicant and the neighbours. Notwithstanding the clear breach of the Council's 45 degree code in this case, given the fall back position of the arguably less attractive extension allowed under permitted development rights this must be a material consideration in reaching a recommendation in respect of the current application.
- 5.5 It is recommended, on balance, that the application be **APPROVED**.

Note
Drawings

Reason for Approval

Whilst the proposed extension would breach the Council's 45 degree code guidance, the fact remains that an extension of the same dimensions, albeit with a differing roof design, could be constructed as permitted development as confirmed by the appeal Inspector's decision in relation to application number 08/1056/CERTP. The extension is considered to be of a more appropriate design and the impact upon the neighbouring property would be no greater than that approved as permitted development. For these reasons the application is considered to be acceptable and in accordance with the above listed policies.



Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**8 Briar Hill
Chaddesley Corbett
DY10 4SQ**

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



Application Reference:	11/0249/FULL	Date Received:	21/04/2011
Ord Sheet:	383035 279664	Expiry Date:	16/06/2011
Case Officer:	James Houghton	Ward:	Wolverley

Proposal: Retention of greenhouse building

Site Address: SINKERS COTTAGE, THE SHORTYARD, WOLVERLEY,
KIDDERMINSTER, DY115XF

Applicant: Mr J Harlow

Summary of Policy	GB.1, GB.2, GB.6, CA.1, LB.1 (AWFDLP) CP11 (AWFCS) D.39 (WCSP) QE.3, QE.6 (WMRSS) PPS1, PPS5, PPS7, PPG2
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application property is a relatively modern building within the Wolverley Conservation Area and within land designated as part of the West Midlands Green Belt. The property is adjacent to the Grade II* Listed Wolverley House.
- 1.2 The property is accessed from the private driveway to Wolverley House from The Shortyard to the north of the village.
- 1.3 The applicant seeks retrospective approval for the erection of a greenhouse (footprint: 4.57 metres x 2.44 metres eaves: 1.57metres ridge: 2.69 metres).

2.0 Planning History

- 2.1 WF/0267/95 – Erection of conservatory (side elevation) : Approved 01/06/95

3.0 Consultations and Representations

- 3.1 Wolverley and Cookley Parish Council - Recommend refusal. The greenhouse is within 2m of the boundary of the property and is approx. 9ft in height. The greenhouse is in the Conservation Area and in close proximity to listed buildings and has an adverse effect on the privacy of a neighbouring property.

11/0249/FULL

- 3.2 Conservation Officer – Does not consider the glass house to have any adverse impact on the setting of the listed building or the conservation area and therefore have no objection.
- 3.3 Neighbour/Site Notice – One letter of objection has been received. The objection refers to the Byelaws of the Conservation area of Wolverley and states that a structure built of combustible material may not be erected within 2m of the boundary and that the frame of the greenhouse is wood. In addition there is an objection on the grounds that the position of the greenhouse would result in a reduction in the levels of privacy currently enjoyed by the occupant of the neighbouring property approximately 12m away.

4.0 Officer Comments

- 4.1 The greenhouse requires permission by virtue of the orientation of the dwelling; the greenhouse would be positioned forward of the principal elevation of the house and as such would not be considered permitted development as defined by Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 4.2 The application site is within the West Midlands Green Belt; Planning Policy Guidance Note 2: Green Belts sets out a list of those new buildings that would be appropriate within the Green Belt. Appropriate developments are agricultural and forestry, essential facilities for outdoor sport and recreation, limited extension, alteration and replacement of dwellings, limited infilling in existing villages and limited infilling or redevelopment of major existing developed sites. Development not falling within these uses would require the submission of very special circumstances in order to justify any impact on the Green Belt. In this case it is not considered necessary to provide very special circumstances as the building would be incidental to the use of the dwelling house and is of a size appropriate to the host property, which benefits from only minor alterations and extensions and as such, is considered to constitute appropriate development in the Green Belt.
- 4.3 The greenhouse is of a size and design appropriate to the host property and would not appear incongruous or overbearing. The greenhouse is of a traditional design constructed of glass within stained Cedarwood frames and has a volume of 23.75m³ and is considered to be proportionate to the house and garden.
- 4.4 The erection of the greenhouse did not require the grading or levelling of the site and the greenhouse is positioned approximately 1 metre inside the boundary which is 15 metres from the habitable room windows of the neighbouring dwelling. Given this separation and that the levels of the site have not been altered, it is not considered that there has been any significant change in the levels of privacy enjoyed by the occupant of the neighbouring dwelling as a result of the erection of the greenhouse.

11/0249/FULL

- 4.5 The extension would not be visible from the road and would have no significant impact on the character, appearance or openness of the Green Belt or the surrounding countryside
- 4.6 The site is adjacent to the Grade II* Listed Wolverley House. Having taken advice of the Conservation Officer it is felt that, by virtue of its position and design, the greenhouse has no impact on the character or setting of the listed building or the appearance of the Conservation Area.

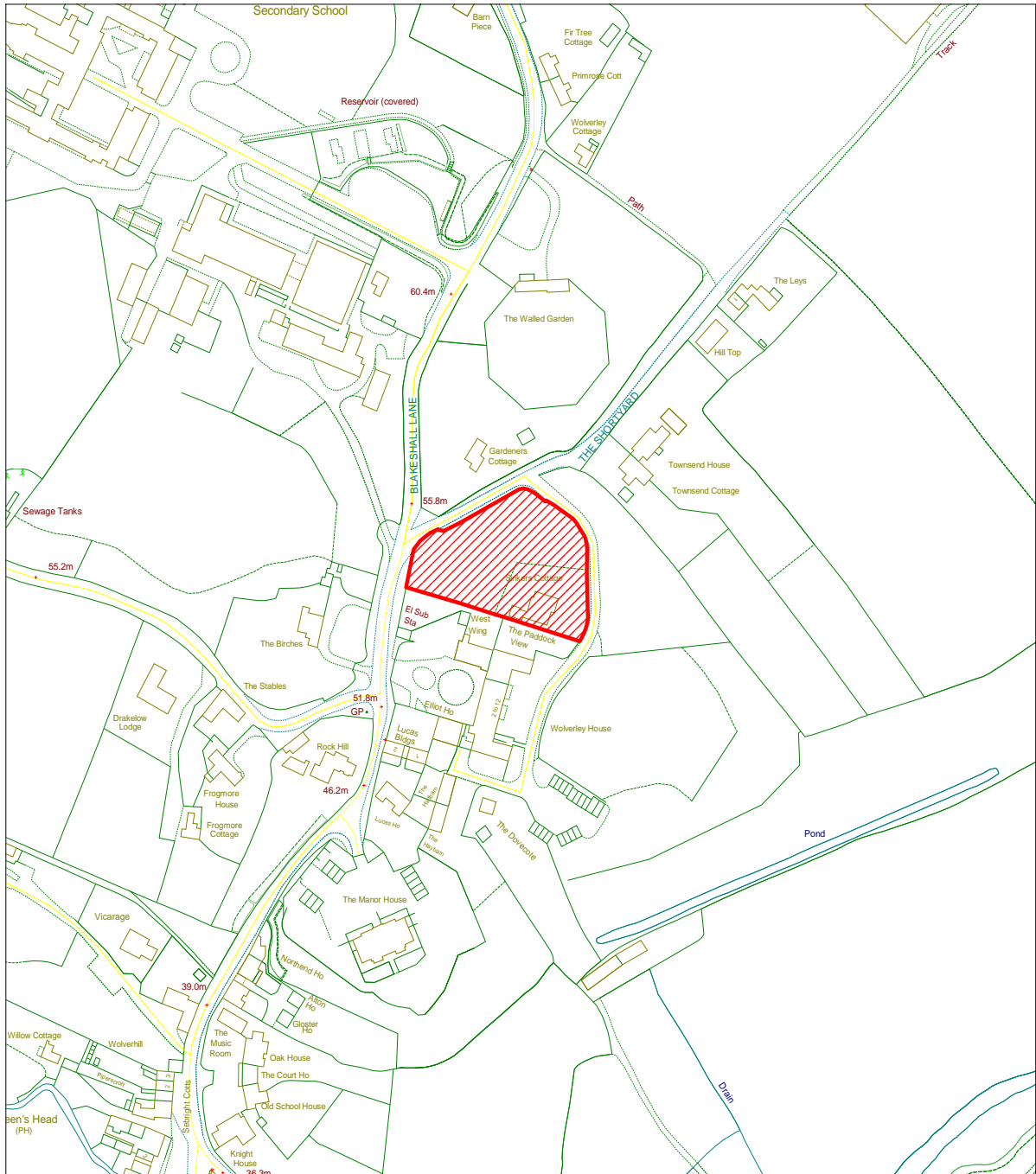
5.0 Conclusions and Recommendations

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

- 1. A11 (Approved plans)

Reason for Approval

The greenhouse is considered acceptable in terms of both scale and design and constitutes appropriate development in the Green Belt. The structure would have no significant adverse impact on the amenity enjoyed by the occupants of any neighbouring properties and would not detract from the character, setting or appearance of the adjacent listed building or Conservation Area. The greenhouse offers no detriment to the character appearance and openness of the Green Belt. The greenhouse is considered to accord with the requirements of Policies CA.1, LB.1, GB.1, GB.2 and GB.6 of the Adopted Wyre Forest District Local Plan (2001) and Policy CP11 of the Adopted Core Strategy (2010).



Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

Sinkers Cottage
The Shortyard
Wolverley DY11 5XF



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

Application Reference:	11/0254/FULL 11/0255/LIST	Date Received:	26/04/2011
Ord Sheet:	382970 276549	Expiry Date:	26/07/2011
Case Officer:	Paul Wrigglesworth	Ward:	Habberley and Blakebook

Proposal: FULL: Amendment of planning permission 08/0164/FULL comprising deletion of ground floor retail unit including demolition of partition wall and creation of hotel entrance lobby, linen and food deliveries holding areas, refuse storage and ancillary hotel facilities, reduction in hotel bedrooms to 56 rooms, creation of restaurant / bar and hotel reception at fourth floor and external changes to west elevation comprising the creation of a new door opening. (Reference 11/0254/FULL)

LIST: Internal and external alterations to facilitate hotel (Reference 11/0255/LIST)

Site Address: SLINGFIELD MILL, WEAVERS WHARF, KIDDERMINSTER, DY101AA

Applicant: PREMIER INN HOTELS LTD

Summary of Policy	LB1LB.2 LB3 CA1 TR17 RT.2 TC.2 KTC.1 (AWFDLP) DS02 DS03 DS04 CP02 CP03 CP10 CP11 CP14 (AWFCS) CTC.19 CTC20 CTC21 (WCSP) UR3 QE1 QE3 QE5 (WMRSS) Design Quality SPG Planning Obligation SPD
Reason for Referral to Committee	'Major' planning application
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 Slingsfield Mill is a Grade II Listed Building located within the Weavers Wharf area of Kidderminster town centre and is at present occupied by the Debenhams Store at ground and first floor levels. The site lies within an area that can be regarded as a principal shopping area and adjacent to the Canal Conservation Area.

11/0254/FULL and 11/0255/LIST

- 1.2 The vacant upper three floors which have consent for a hotel use (together with a small ground floor lobby) and the approved ground floor retail Kiosk are the subject of the current applications. The planning application seeks to amend the permission for the hotel use and ground floor retail kiosk (the Debenhams store element of that permission remains unchanged) at this building in order to meet the operational needs of the Premier Inn hotel chain. The principal differences proposed are that the scheme shows a restaurant/bar on the fourth floor; reduces the number of bedrooms from 70 to 56; introduces a reception at fourth floor level; and, removes the approved retail kiosk in order to create a store for linen, food deliveries and refuse on the ground floor. A window opening is proposed to be replaced with a new door opening to the refuse store on the west elevation.
- 1.3 The Listed Building consent application relates to a number of necessary changes that in addition to those mentioned above as part of the planning application includes the provision of a water tank enclosure on the ground floor; the creation of a hole in stairwell for new gas pipe; over cladding with timber of staircase treads; replacement of handrail and new lighting; insertion of new lifts into existing shafts; raising the level of the second floor to accommodate drainage, raising of an arch to goods lift on the second floor; creation of new internal walls; provision of secondary glazing to provide acceptable noise attenuation; holes through floors to accommodate water, svp's/ air intake/extract; additional plant space; 3 small boiler flues to roof on west elevation; additional structural steel and timber for floor supports and localised strengthening of trusses and roof.

2.0 Planning History

- 2.1 06/0659/LIST - Erection of new glazed two storey extension, formation of additional openings by enlarged window openings & removal of doors & frames : Withdrawn
- 2.2 08/0164 FULL - Extension and alterations to Slingfield Mill, including two storey glazed extension (east and west elevations) to accommodate enlarged ground and first floor retailing (Use Class A1) with ancillary accommodation, subdivision of part ground floor to provide retail unit (Use Class A1/A2/A3/A4) and hotel lobby, change of use of upper floors (second, third, fourth) to hotel (Use Class C1), installation of plant (part fourth floor), reconfiguration of existing servicing arrangements and car parking, landscaping and associated works : Approved

11/0254/FULL and 11/0255/LIST

- 2.3 08/0165/LIST - Alterations to existing Slingfield Mill (external and internal) comprising addition of two storey glazed extension (east and west elevations), creation of four double height openings in existing facade, removal of existing windows to create door openings, reinstatement of historical openings, subdivision of existing floor space, internal alterations to accommodate proposed new uses and associated plant, insertion of roof lights and louvres, signage zones, new ground level entrance canopy, salvage of materials and re-use in elevational alterations/repairs and enabling works : Approved
- 2.4 08/0655/LIST - Listed Building Consent for alterations to existing Slingfield Mill (external and internal) comprising addition of two storey glazed extensions creating four double height openings on existing façade, removal of existing windows to create door openings, reinstatement of historical openings, subdivision of existing floor space, internal alterations to accommodate proposed uses and associated plant, insertion of roof lights and louvres, signage zones, new ground level entrance lobby, salvage of materials and reusing in elevation alterations, forward/repairs and enabling works : Approved
- 2.5 09/0241/LIST - Extension of opaque film to rear elevation, installation of suspended ceiling, extension of display walls to front elevation (6 No) removal of 6No. display walls to rear elevation : Approved
- 2.6 09/0289/FULL - Extension of opaque film to rear elevation, installation of suspended ceiling, extension of display walls to front elevation (6 No) removal of 6 No. display walls to rear elevation : Approved
- 2.7 09/0293/LIST - Alterations (external & internal) comprising addition of 2 storey glazed extensions creating 4 double height openings in existing facade, removal of existing windows to create door openings, reinstatement of historical openings, subdivision of existing floor space, internal alterations to accommodate proposed uses and associated plant, insertion of roof lights and louvres, signage zones, ground level entrance lobby, salvage of materials and re-use in elevational alterations/repairs and enabling works (minor revisions to approved scheme) : Approved
- 2.8 09/0386/LIST - Placement of a heritage plaque on the side elevation : Approved

3.0 Consultations and Representations

3.1 Highway Authority – No objection

3.2 Severn Trent Water - No objection subject to drainage condition

11/0254/FULL and 11/0255/LIST

- 3.3 Environmental Services Manager – No comment
- 3.4 British Waterways – No objection. Note to be attached to any permission.
- 3.5 Environment Agency – No objection subject to Notes.
- 3.6 Conservation Officer – No objection (see ‘Officer Comments’)
- 3.7 Worcestershire County Council (Historic Environment and Archaeology Service) – No response to date
- 3.8 Worcestershire Regulatory Services (Environmental Health) – No response to date
- 3.9 Hereford & Worcester Fire and Rescue Service (Fire Officer) – No response to date
- 3.10 Forward Planning and Regeneration – The proposal seeks to amend an earlier planning permission for Slingfield Mill which allowed for the use of a hotel on the upper floors of the building. As the principle for the development of a hotel in this location has already been established through the previous planning permission, the main changes, from a policy perspective, are therefore considered to be:
- The introduction of a restaurant/bar on the fourth floor; and
 - The removal of a retail kiosk at ground floor level.

Taking each of these matters in turn, the loss of the retail floorspace (75sqm) within this central location is not considered to be detrimental to the overall viability of the shopping centre. This is because the proposal seeks to provide a town centre hotel, which will benefit the area as a whole and it is considered that the harm caused by the loss of this small amount of floorspace will be outweighed by the investment proposed within this location. It is also important to note that this retail kiosk has remained vacant since 2009, despite its location in a popular retail location, and only comprises 75sqm in total. Since the previous permission the Wyre Forest Core Strategy has also been adopted and the current proposal is in conformity with Policy DS02 and CP10 of the Core Strategy, which actively seeks new tourist accommodation within the town.

The introduction of a restaurant/bar on the fourth floor of the building is considered to be consistent with Policy RT.13 which permits food and drink proposals within the town centre boundary, subject to a number of caveats. Furthermore, this element of the proposal is ancillary to its main use and performs a complementary role to the main function as a hotel.

11/0254/FULL and 11/0255/LIST

The principle of the development has already been established and in policy terms the proposed alterations to the existing planning permission appear to be consistent with current planning policy and aspirations for the future development of the town as a whole.

- 3.11 Inland Waterways – no response to date
- 3.12 Kidderminster Civic Society – no response to date
- 3.13 Neighbour/Site Notice/Advertisement – No response to date

4.0 Officer Comments

4.1 The principle of allowing a hotel in this location has already been established by dint of the existing planning consent as summarised above. This being the case the main considerations with regards to the current planning application is whether the scheme is acceptable with regards to:

- i) the loss of an approved retail kiosk at ground floor level
- ii) the introduction of the restaurant/bar on the fourth floor of the building
- iii) the effect on the character and appearance of the listed building

4.2 The listed building considerations relate to the effect of the proposal on the character and appearance of the listed building and can be assessed under heading iii) below.

- i) The loss of the retail kiosk in a principal shopping area is slightly regrettable when looked at in isolation. However, the approved unit is only small (approximately 65 sq m) for this environment and this probably accounts for the fact that there has been no take up following a marketing exercise.

The use of the kiosk for other purposes will have the advantage of simplifying the front elevation of Slingfield Mill in that it will reduce the need for kiosk signage and it will also give the hotel entrance a clearer definition. In addition to these arguments the hotel need this space in order to function as the internal alterations will provide essential storage for linen, food storage and for the storage of bins, as the previously approved area has largely been taken up by the Debenhams store.

Any loss of retail floor space will clearly be outweighed by the benefits of facilitating the provision of a town centre based hotel and the relatively small loss in retail space that is now proposed should be judged against the background that the original consent enabled the ground and first floor of this building to be used by a major retail outlet.

11/0254/FULL and 11/0255/LIST

- ii) The use of part of the fourth floor as a restaurant/bar area is a use that is incidental to the operation of the hotel and in any case there is no conflict with Policy RT2 of the Adopted Wyre Forest District Local. There are no practical problems with this use as it will not affect the amenity of nearby property and can only enhance the attractiveness of the hotel to paying guests.
 - iii) As stated the loss of the kiosk will not harm the appearance of Listed Building. The new external doorway proposed in the elevation facing towards Frankie & Benny's will be created by increasing the depth of an existing opening in the side elevation of the building and extending the length of an existing recess in the wall. This area incidentally has already been the subject of later brickwork and the doorway and new surrounds will complement the appearance of the building.
- 4.3 In addition to the matters already described the more detailed matters listed above in the description of development are essentially the domain of the listed building application. All of these issues have been carefully assessed on site by the Conservation Consultant acting for the Council prior to the submission of the application and suggestions have been incorporated into the submitted drawings. The Conservation Consultant's comments on the applications are as follows:
- 'The proposals are in line with the discussions we had on site with the agent and I do not have any reason to object to them. We did ask whether the applicant could provide some interpretation boards explaining the history of the building and it may be possible to condition this item. It would be necessary to condition the materials to ensure that the new brickwork proposed matches exactly the existing – so a brick panel needs to be built for approval. Other than this no comment and recommend approval subject to conditions'*
- 4.4 I would agree with these comments and add that the development has no impact on the adjacent Canal Conservation Area.
- 4.5 Other issues have been considered including the revised waste disposal arrangements, the revised flood risk assessment and car parking/highway safety issues but the responses from consultees demonstrate that there are no grounds to withhold consent on these grounds.
- 4.6 There is no requirement for a Section 106 contribution on the planning application.

11/0254/FULL and 11/0255/LIST

5.0 Conclusions and Recommendations

5.1 These works are considered to be necessary in order to enable the upper floors of this listed building to be brought into use as a hotel. The alterations proposed have been sensitively handled and any harm that does arise will be minor and can be justified by the significant benefits of bringing the upper floors of the building into a viable use and providing Kidderminster with a town centre based hotel.

5.2 It is recommended that **APPROVAL** be given to application **11/0254/FULL** subject to the following conditions:

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans) as amended by submitted drawings
3. Materials (e.g. Colour, material and style/section of all new rainwater goods; colour and design of all escalators including placement of machinery; sample of proposed roof membrane; colour or tint of glass for all elevations; colour of all aluminium flashings and fascias; all materials for making good brickwork, where removed.; bin storage)
4. Ensuring completion of the drainage works to Market Square
6. Bat roof/boxes
5. Lighting of building
6. Glass to be kept clear of all applied material unless otherwise agreed with Local Authority (e.g. during sales periods)
7. Highway conditions
8. Construction times shall be restricted to 7.00 a.m. to 8.00 p.m. Monday to Friday; 7.00 a.m. to 6.00 p.m. Saturday and no working on Sundays or Bank Holidays.

Note

Environment Agency

Reason for approval

The application has been carefully considered in terms of the principle of allowing the development; with respect to the loss of a retail kiosk; the effect on the character and appearance of this Listed building; the effect on neighbouring property and the benefits of finding a viable use of the upper floors of the building and the benefits to the town centre as a whole and the application is judged to be acceptable and compliant with the above mentioned policies in the Development Plan.

5.3 It is recommended that **APPROVAL** be given to application **11/0255/LIST** subject to the following conditions:

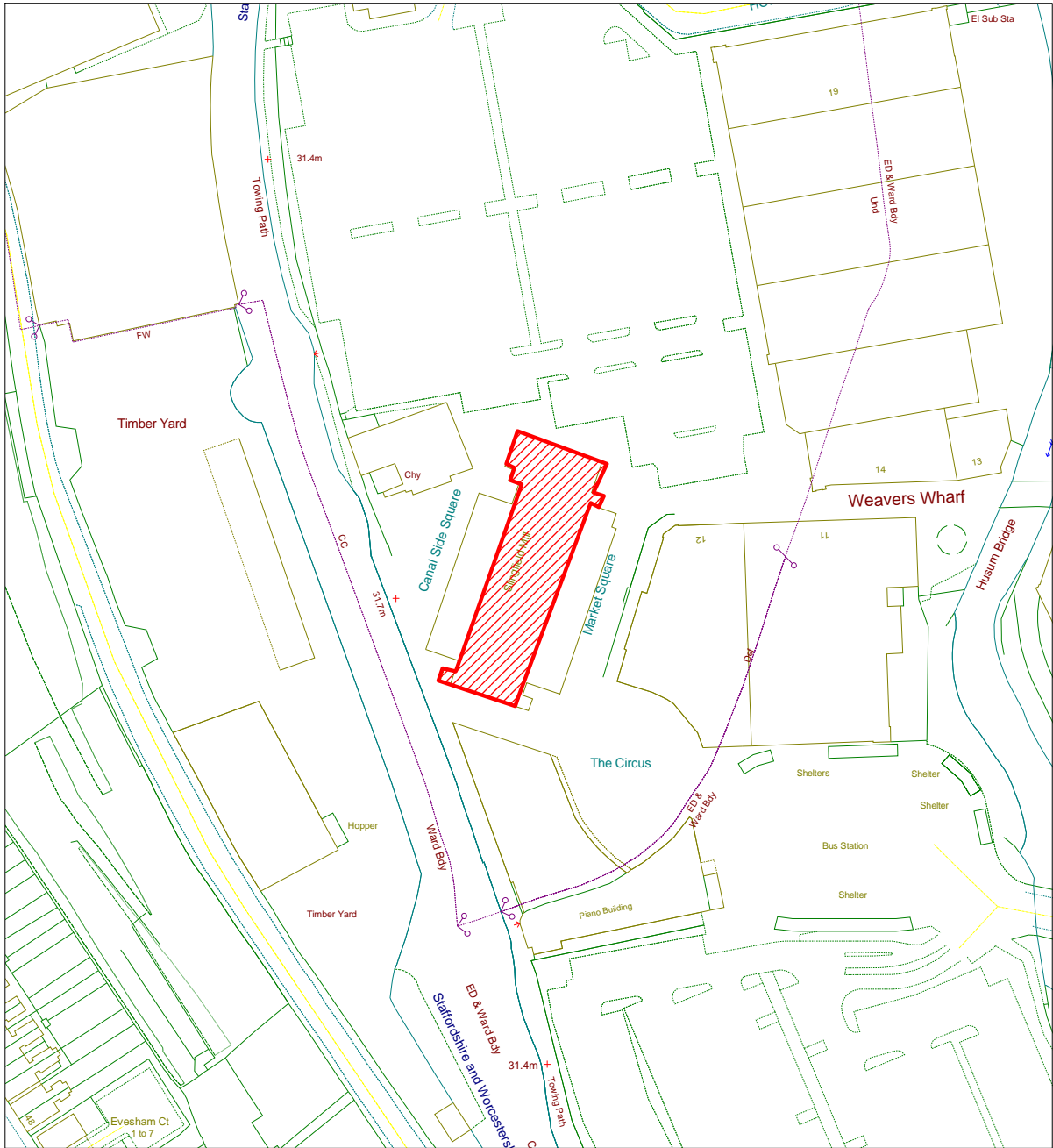
1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved Plans)
3. B1 (Materials)
4. B2 (Materials)

11/0254/FULL and 11/0255/LIST

5. Materials (e.g. Colour, material and style/section of all new rainwater goods; colour and design of all escalators including placement of machinery; sample of proposed roof membrane; colour or tint of glass for all elevations; colour of all aluminium flashings and fascias; all materials for making good brickwork, where removed.; bin storage)
6. Control of external lighting
7. Control of applied materials to windows
8. Introduction of internal information board.

Reason for approval

The proposal is considered to be sensitive to the character and appearance of the listed building in terms of retaining as much of the original fabric of the building as possible in bringing a viable use to the upper floors of this former Mill. On balance the proposal is judged to be acceptable and compliant with the above mentioned policies of the Development Plan.



Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Slingfield Mill
Weavers Wharf
Kidderminster DY10 1AA**



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

Application Reference: 11/0268/FULL **Date Received:** 06/05/2011
Ord Sheet: 381927 275345 **Expiry Date:** 01/07/2011
Case Officer: Paul Wrigglesworth **Ward:** Sutton Park

Proposal: Removal of condition 5 ii) of Outline Planning Permission 08/0538 (Demolition of Sutton Arms and redevelopment of site for residential dwellings) to permit shared access arrangements to Sutton Park Road

Site Address: SUTTON ARMS, SUTTON PARK ROAD, KIDDERMINSTER, DY116LE

Applicant: Banner Homes Midlands Ltd

Summary of Policy	H.2, TR.9, D.4 (AWFDLP) DS01, CP05, CP07 (AWFCS) Design Quality SPG PPS1
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application site is a corner plot of land located in a residential area of Kidderminster. The site measures approximately 3,800 square metres and was occupied by a detached public house known as the Sutton Arms with its associated car park. The land has been cleared of buildings and is now screened by the developer’s hoardings. The site is bounded to the south by Sutton Park Road and to the east by Parry Road. Residential properties in Sutton Park Road are situated to the west of the site and properties situated at a lower level in Parry Road and Tomkinsons Drive lie to the south.
- 1.2 The site constitutes previously developed land and lies within an area allocated for residential development. It is affected by a Tree Preservation Order.

2.0 Planning History

- 2.1 08/0538/OUTL - Demolition of existing public house and redevelopment of the site for residential dwellings : Approved 31.3.09

11/0268/FULL

2.2 10/0532/RESE – Erection of 11 detached houses (Reserved matters following outline approval 08/0538/OUTL) : Refused 8.12.10

3.0 Consultations and Representations

3.1 Highway Authority – No objection

3.2 Arboricultural Officer – I have no objection to the removal of condition 5 ii) as it will have no influence on the London Plane tree on the site.

3.3 Severn Trent Water – Views awaited

3.3 Neighbour/Residents Association/Site Notice : Letter of objection received from the Hillcrest Residents Association raising the following issues -

- The Committee report on the reserved matters application refers to the highway authority being concerned about the number of access points to Sutton Park Road but no reference was made in this report that a shared access was included despite condition 5(ii) of the outline approval.
- The Residents Association were not in favour of the reserved matters application which was refused against Officer recommendation citing seven access points as too many.
- In our opinion the Committee would not be in favour of an arrangement with slightly less access points and we intend to allow them the opportunity of refusing this application to have condition 5ii) removed. I will speak as an objector. During discussions the Committee made reference to the fact that that layout wouldn't encourage community spirit and they were not impressed by access on foot from parking areas to plots 4 and 8. The wishes of the Committee have been imparted to the developer by a Council Officer.
- We have considered alternative schemes including single access point from either Sutton Park Road or Parry Road and we would be willing to meet the developer. We understand that the Council would be willing to pass these ideas to the developer. A layout plan with access from Sutton Park Road showing 11 dwellings is attached (*Officer Comment – This has been forwarded to the developer*).
- The applicant thinks that there is conflict between condition 5(ii) and the Committee ruling that too many access points are proposed -this is a flawed argument since there are other alternatives to building the dwellings around the perimeter of the site.

(Officer Comment – The removal of clause ii) of condition 5 does not mean that the reserved matters application has to have shared access points to Sutton Park Road all it would do is not rule it out in principle).

11/0268/FULL

4.0 Officer Comments

- 4.1 Outline planning permission was granted for the redevelopment of this previously developed site for residential purposes on the 31st March 2009 subject to 13 conditions. The outline permission reserved all matters for subsequent approval including the means of access to the site and this will remain the case if the current application is approved. Condition 5 of the outline planning permission states:

The plans and particulars of the reserved matters shall show the following:

- i) the number of dwellings shall be between 11 and 14 units*
- ii) no shared vehicular access to Sutton Park Road*
- iii) dwellings of two storeys in height*

Reason

To define the permission which is for development subject to approval of the reserved matters and to ensure that the development accords with the density, design and affordable housing requirements of Policies D.1, D.3, H.5, TR.9 and IMP.1 of the Adopted Wyre Forest District Local Plan .

- 4.2 The current application seeks to remove clause ii) of Condition 5 to enable shared access onto Sutton Park Road.
- 4.3 In order to understand why the current application has been submitted, it is necessary to look at the refusal reason of the reserved matters application (10/0532/RESE) which was refused planning permission on the 8th December 2010. That application was refused for the following reason:

1. The application site is located at the junction of Sutton Park Road and Parry Road, which is heavily trafficked and on an established bus route. The layout as proposed incorporates a total number of seven vehicle access points into and out of the site which is considered excessive. In addition, the vehicle accesses to serve plots 1 to 4 inclusive make no provision to enable vehicles to turn within the confines of those plots and exit onto the highway in a forward gear. The reversing of vehicles onto Parry Road and the total number of accesses incorporated into the layout is considered to be detrimental to highway safety. As such, the proposed layout would be contrary to Policy TR.9 of the Adopted Wyre Forest District Local Plan, the aims of the Design Quality SPG (2004), and Policy CP11 of the emerging Core Strategy DPD.

11/0268/FULL

- 4.4 All reserved matters applications must be in conformity with the conditions of the outline planning permission. The applicant wishes to remove clause 5 ii) of the permission in order to be able to make a reserved matters application which will address the above described refusal reason by amongst other things providing shared access points on to Sutton Park Road. There does not appear to be a good reason any more for the inclusion of this clause since the Highway Authority has raised no objection to the removal of the clause and because to refuse permission would frustrate the applicant from attempting to address the Council's refusal reason of the reserved matters application. That application was refused on highway safety grounds and, consequently, there is no reason either in my view to withhold consent on the grounds that the introduction of shared access points would be detrimental in any way to the character of the area.
- 4.5 It should be noted that when judging an application for the removal of a condition it is possible for the Local Planning Authority to review the whole permission in line with current policies. However, in this case it is considered that this would be unreasonable because the application seeks permission for just one clause of the condition; there is still the fall back position of utilising the outline consent in its original form; there does not seem to be any justification for the clause and the applicant as stated is only submitting the application to try to overcome a refusal reason imposed by the Council.

5.0 Conclusions and Recommendations

- 5.1 Clause 5 ii) of the outline planning permission seeks to prevent a reserved matters application which includes shared access points onto Sutton Park Road rather than single access points. This is not only over-restrictive and without strong reasoning but it prevents a further reserved matters application which attempts to address a refusal reason issued by the Council.
- 5.2 The application is considered to be acceptable and it is recommended that **APPROVAL** be given subject to the following conditions:
- (1) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
 - (2) The development hereby approved shall be carried out strictly in accordance with the following plans/drawings:

Drawing 0837/001 insofar as it relates to a site location plan.

stamped "Approved" unless other minor variations are agreed in writing after the date of this permission and before implementation with the Local Planning Authority.

11/0268/FULL

- (3) The approval of the Local Planning Authority shall be obtained in writing with respect to the plans and particulars of the following reserved matters (hereinafter called “the reserved matters”) before any development is commenced:
 - Layout of the site
 - Design of the buildings
 - External appearance of the buildings
 - Means of access
 - Landscaping of the site
- (4) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- (5) The plans and particulars of the reserved matters shall show the following:
 - i) The number of dwellings shall be between 11 and 14 units.
 - ii) Dwellings of two storeys in height
- (6) No development shall take place until samples/details of types and colours of all external materials, including hard surfacing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- (7) No development shall take place until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site.
- (8) No development shall take place until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted and approved in writing by the Local Planning Authority. There shall be no variation in these levels without the written approval of the Local Planning Authority.

11/0268/FULL

- (9) Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until a chestnut pale or similar form of protective fencing, to BS 5837 : 2005 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no further work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. The fencing shall be located at least 1.00 metre beyond the line described by the furthest extent of the canopy of each tree/tree group or hedge. Within the areas so fenced, the existing ground level shall be neither raised nor lowered, all excavations shall then be carried out by hand. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.
- (10) No works or development shall take place until full details of all proposed planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all planting shall be carried out in accordance with those details and at those times.
- (11) All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard [4428 : 1989]. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.
- (12) Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, have been submitted to and approved in writing by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed/occupied.
- (13) The development hereby permitted shall not be brought into use until the access, turning space and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

11/0268/FULL

Reason for Approval

The application has been carefully considered in terms of highway safety and there is no reason in principle why shared access points should not be introduced onto Sutton Park Road. The principle of introducing shared access points would potentially reduce the number of access points and this concept is not judged to be detrimental to the character and appearance of the area. Approval of the application is considered to be acceptable and compliant with the above mentioned policies in the Development Plan.

PLANNING COMMITTEE

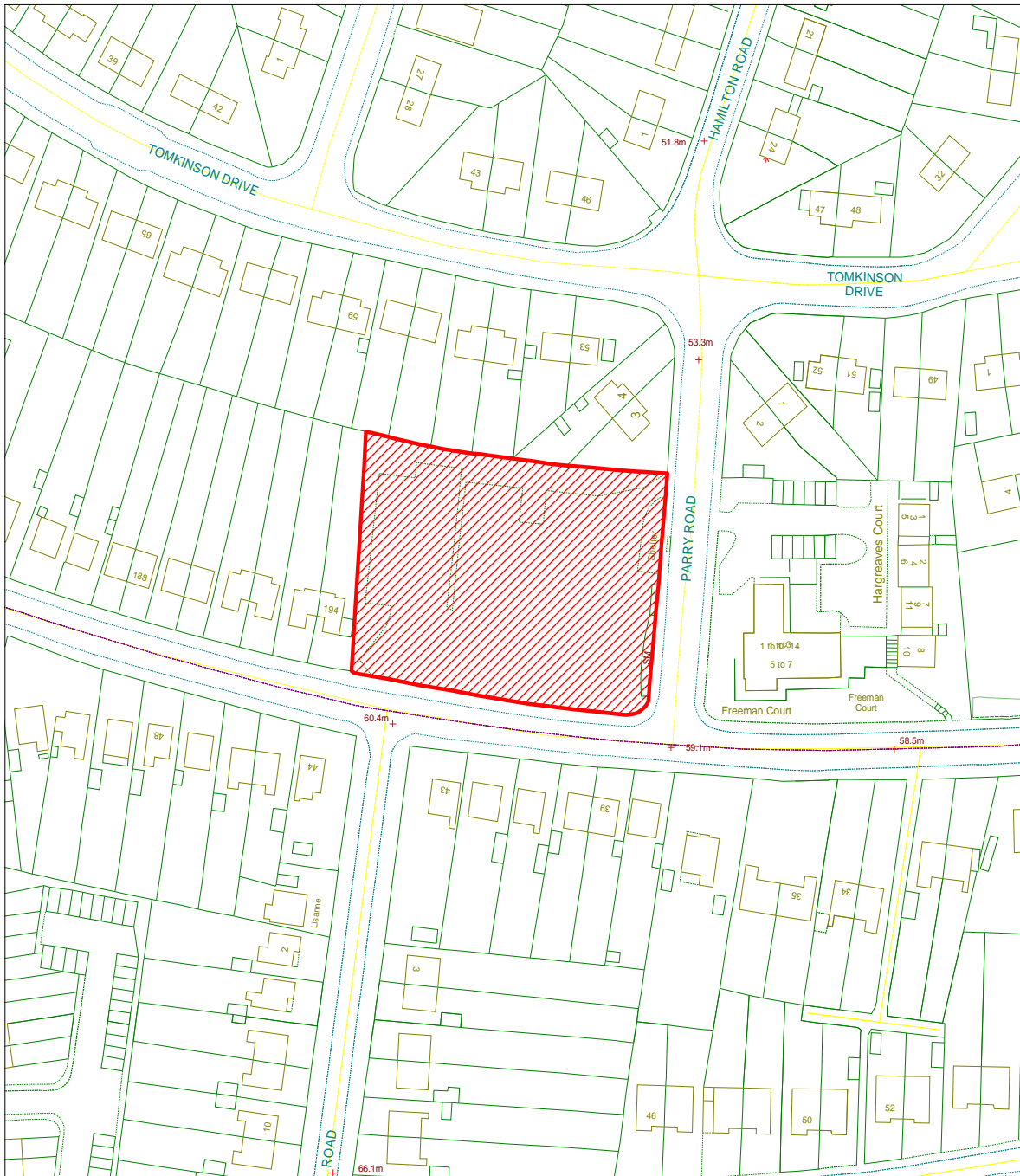
11/0268

Date:- 26 May 2011

OS sheet:- S08175SE

Scale:- 1:1250

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

**Sutton Arms
Sutton Park Road
Kidderminster DY11 6LE**



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

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

14TH JUNE 2011

PART B

Application Reference:	10/0695/FULL	Date Received:	19/11/2010
Ord Sheet:	389989 278564	Expiry Date:	14/01/2011
Case Officer:	Stuart Allum	Ward:	Blakedown and Chaddesley

Proposal: Erection of Timber stables and Tack room (To replace Planning Permission 06/1287/FULL)

Site Address: THE TYTHE HOUSE, BROOME, STOURBRIDGE, DY9 0ET

Applicant: Mr & Mrs D Potter

Summary of Policy	GB.1, GB.2, GB.3, GB.6, NR.10 (AWFDLP) DS04, CP11, CP12 (AWFCS) CTC.19, D.39 (WCSP) QE.1, QE.3, QE.6 (WMRSS) Design Quality SPG PPS1; PPG2; PPS4, PPS7
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 lies within an area of land approximately 2 hectares in area, located to the north of Tythe House, in the Green Belt.
- 1.2 This land is to the west of Broome Village, and is outside the immediate setting of the Grade II Listed barn adjacent to the dwelling.
- 1.3 The proposed stable building is shown to be located in the north west corner of the paddock adjacent to the boundaries of two adjacent dwellings. These boundaries are characterised by established trees, hedgerows and palisade/post and rail style fencing.
- 1.4 The definition of 'paddock' incorporates a planning permission for the 'keeping of horses' issued in 2007 and since implemented.

10/0695/FULL

2.0 Planning History

- 2.1 WF/1098/01 - Erection of timber stables and tack room : Approved 22.1.02
- 2.2 06/1287/FULL - Renewal of planning permission WF/1098/01 for the erection of timber stables and tack room : Approved 16.2.07
- 2.3 07/1129/FULL - Erection of replacement hay barn and agricultural store : Refused 2.1.08
- 2.4 09/0565/FULL - Erection of a storage building : Refused (Appeal Dismissed) 20.11.09

3.0 Consultations and Representations

- 3.1 Broome Parish Council – No objections to the proposal and recommend approval.
- 3.2 Highway Authority – No objections
- 3.3 Arboricultural Officer – No objections
- 3.4 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 Since the refusal of planning application 09/0565/FULL and its subsequent dismissal at appeal, the applicant has taken the decision to seek to use that site in the corner of the paddock for the previously approved stable block (Reference 06/1287/FULL), which was originally to be located 25m further to the east, adjacent to the hedgerow boundary. In contrast to the refusal of the larger storage building in 2009, the provision of a building specifically to support outdoor recreation can be regarded as appropriate development in the Green Belt.
- 4.2 The stable building, albeit in its more easterly position within the site, successfully met that criteria under the same policy regime in 2006, and there is no change in relation to the ‘saved’ Green Belt policies from the Local Plan. The new site for the stable hereby proposed would also have no greater impact upon Green Belt openness and visual amenity than before.
- 4.3 To ensure that the ‘status quo’ is protected in terms of Green Belt development, the application is accompanied by a signed Unilateral Undertaking, so worded to require the surrender of the previous planning permission on the original site.

10/0695/FULL

- 4.4 As previously reported, the size, design, materials and location of this stable building conform to the requirements of the appropriate Green Belt policy and other design/environment criteria. Suitably weathered and stained, this structure will blend into the backdrop provided by the existing vegetation.
- 4.5 Regarding issues of amenity and privacy, the rights enjoyed by the occupiers of adjacent residential properties under the provisions of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998, no potential breach has been identified, which is also the case in relation to the appropriate planning policy.

5.0 Conclusions and Recommendations

- 5.1 This proposal complies with the appropriate policies and other guidance. In consideration of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998, it is recommended that this application be **APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
Drawing nos. 425/s100, 425/s101 and 425/s102
– all date stamped 19 November 2010
3. Within 3 months from the date of completion of the construction, the fascias, soffits, doors and door/window frames shall be stained in a dark brown colour, thereafter these aspects of the developments shall be maintained in that colour.
4. The stables/tack room hereby approved shall be used for the stabling of horses owned by or leased to the occupier of The Thythe House, Broome (including any purpose incidental thereto) and shall not be used for any commercial purposes whatsoever.

Note

SN2 (Section 106 Agreement)

Reason for Approval

The proposal is considered to be appropriate development in the Green Belt because the stable building is scaled, sited and designed in such a way that the openness and visual amenity of the Green Belt would not be harmed. Other interests, such as neighbour amenity and highways safety, would also not be seriously harmed by the proposal.

Application Reference:	11/0109/FULL	Date Received:	28/02/2011
Ord Sheet:	381797 270184	Expiry Date:	30/05/2011
Case Officer:	Julia Mellor	Ward:	Mitton

Proposal: Proposed covered store for use in association with Conveyor Units (use Class B8)

Site Address: CONVEYOR UNITS LTD, SANDY LANE, TITTON, STOURPORT-ON-SEVERN, DY139PT

Applicant: CONVEYOR UNITS LTD

Summary of Policy	D.10, D.18, NR.2, NR.11, NR.12, NC.1, NC.2, NC.7, TR.17 (AWFDLP) DS01, CP01, CP02, CP08, CP11, CP13, CP14 (AWFCS) T4, D25, CTC8 (WCSP) T7, PA1, PA5, PA6, QE9 (WMRSS) PPG1, PPS4, PPG24, PPS9
Reason for Referral to Committee	'Major' planning application
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The application site encompasses 1.865 hectares in area and is sited on land between Sandy Lane to the south and Hartlebury Common to the north. The site is occupied by Conveyor Units who manufacture roller conveyers, belt conveyers and other conveyor systems.

- 1.2 The current application seeks consent for an open fronted covered storage building. The building would be L shaped to align the north-west boundary with Sai Wen and the full extent of the application 'sites' north-east boundary to the Hartlebury Common and Hilditch Coppice Site of Special Scientific Interest (SSSI).

- 1.3 The building would measure approximately 6 metres to the eaves and 8.7 metres to the ridge. It would front almost the entire boundary with the adjacent property known as Sai Wen measuring approximately 57 metres along the north-west boundary and would encompass the site's entire boundary to Hartlebury Common which measures in excess of 120 metres. It would have a floorspace of approximately 2,009 square metres and it is proposed that the building be used for the storage of materials and equipment. The building would be open fronted for easy access and covered to protect the materials and equipment from the weather.

11/0109/FULL

2.0 Planning History

- 2.1 WF.183/99 – Erection of extension to form cupboard loading bay : Approved 20.4.99
- 2.2 WF.301/99 – Erection of single storey office and toilet extension : Approved 18.5.99
- 2.3 WF.907/99 – Erection of extensions to form additional workshop, storage and dispatch areas and new compression house : Approved 10.12.99
- 2.4 WF.321/01 – Erection of extension to existing workshops : Approved 19.6.01
- 2.5 WF.48/03 – Extension to existing workshop : Approved 11.3.03
- 2.6 WF.583/03 – Erection of office extension : Approved 11.8.03
- 2.7 07/0057/FULL - Extensions to side & rear of unit 1; provision of new car park; new access off Sandy Lane : Approved 19.3.07
- 2.8 08/0919/FULL - Proposed extension to form materials store : Approved 14.1.09

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – No objection and recommend approval.
- 3.2 Highway Authority – No objection subject to conditions to ensure that the development is restricted solely for Use Class B8 and to require that the access, turning area and parking facilities are properly consolidated, surfaced and drained in accordance with details to be submitted.
- 3.3 Environment Agency – Flood Risk standing advice to Local Planning Authorities is applicable which indicates that a Flood Risk Assessment with minimum requirements should accompany the application to the Local Planning Authority for their consideration. To be acceptable the Flood Risk Assessment by the applicant should confirm as a minimum (1) a level survey to Ordnance Datum/GPS showing the known or modelled 1% (1 in 100 chance each year) river flood level including climate change; (2) an assessment of the risks posed to the site including that based on 1% modelled flooding (including climate change), on any documented historical flooding and risks associated with the surface water run-off from the site (including climate change); (3) proposed mitigation measures to control those risks for the life-time of the development; (4) residual risks after mitigation including risk during an extreme 1:1000 year event incorporating climate change.

11/0109/FULL

- 3.4 Natural England – Objects to the proposed development on the basis that the application contains insufficient information to satisfy us that there would be no adverse effects on features of interest for which the SSSI is notified. We recommend your Authority refuse planning permission on the grounds of likely adverse effect on the SSSI. We also object to the proposed development on the basis that there is a reasonable likelihood of legally protected species being present and adversely affected by the development. The application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. For this reason we recommend that you either refuse planning permission or defer a decision pending a revised proposal that addresses the deficiencies. *(Officer Comment – Additional comments are awaited following a visit to the site by the Council's Countryside and Conservation Officer).*
- 3.5 Conservation and Countryside Officer (Pre Site Visit Comments) – On the basis of Natural England's advice, this application will require a bio-diversity assessment. (Post Site Visit Comments) – The comments from Natural England have been noted, however in response to the queries they raise the construction of the building will not require access from the SSSI; the building once constructed will be accessed from within the site or from the existing access from Heathfield Road not via the SSSI; the building will drain via soakaways into the site and away from the SSSI; and with respect to the concern regarding shading, it is not considered that having viewed the proposed development from within the site and from the SSSI that the building will shade any habitats of principal importance. The application site is industrial in character with a corrugated steel fence topped with barbed wire physical boundary to the SSSI. The position where the store is proposed is within an operational working yard where there are lots of materials moved around on a regular basis. The concerns regarding the presence of protected species within the site are noted and it is accepted that there is a possibility that reptiles may have migrated onto the site or could migrate from the SSSI at any time. It is therefore the intention to recommend approval subject to a condition requiring the presence of a suitably qualified ecologist on site whilst clearance works are undertaken. This would seem a reasonable approach.
- 3.6 Wychavon District Council – No objection
- 3.7 Worcestershire County Council (Public Path Orders Officers) – I am concerned that the proposal shows the development obstructing Footpath 573. The applicant states that footpaths previously running through the site have been considered closed and a diversion has been agreed with the County Council. A misunderstanding may have occurred, as it is correct that the previously nearby footpath 574 was legally extinguished in 1999 under Section 119 of the Highways Act 1980, whereas although the applicant may consider Footpath 573 closed, it has not been extinguished or diverted. Until a legal Order to divert/extinguish the path is confirmed and becomes operative, the path should remain unobstructed.

11/0109/FULL

We therefore must object to this application although we may be able to withdraw the objection if you can supply an indication of how the Public Right of Way is to be accommodated and how the following obligations will be met:

- no disturbance of or change to the surface of the path or part thereof carried out without our written consent
- no additional barriers shall be placed across the Right of Way
- no diminution in the width of the Right of Way available for use by the public
- no buildings, materials to be stored on the Right of Way
- vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the Right of Way
- the safety of the public using the Right of Way is to be ensured at all times.

If it is necessary to divert or stop up a Public Right of Way in order for a permitted development to take place, this should be completed to confirmation stage before any development affecting the Public Right of Way is started. Such diversions are normally carried out under the Town and Country Planning Act and an application should be made to the Planning Authority.

- 3.8 Worcestershire Regulatory Services (Environmental Health) – Awaiting comments
- 3.9 Ramblers' Association – Awaiting comments
- 3.10 Worcestershire Wildlife Trust – No comments received
- 3.11 Hartlebury Parish Council – No comments received
- 3.12 Neighbour/Site Notice/Press Notice – No representations received

4.0 Officer Comments

- 4.1 The application seeks consent for an open fronted building for the storage of materials and equipment with a floorspace in excess of 2,000 square metres. The building would be sited to the rear of the existing Conveyor Units' site which is accessed to the front via Sandy Lane and to the rear via Heathfield Road.
- 4.2 Part of the building with a frontage measuring in excess of 120 metres would align Hartlebury Common and Hillditch Coppice SSSI to the north. A small part of the building lies within the administrative area of Wychavon District Council and further information with respect to the impact that this has on the decision making procedure is explained later.

11/0109/FULL

PRINCIPLE OF THE DEVELOPMENT

- 4.3 The L shaped building, as stated previously, would be sited within the yard to the existing industrial premises. The existing premises are located on land allocated for commercial and industrial B1, B2, B8 use classes and therefore the principle of the proposed development on this brownfield site is acceptable.
- 4.4 It should however be acknowledged that the building would be sited immediately along the common boundary to the adjacent site known as Sai Wen where there is an existing recently refurbished residential property, one lawful caravan and a current application for a gypsy and traveller site. It is therefore considered that the impact upon the outlook currently enjoyed by the residential occupiers should be considered. In this case due to the height of the building coupled with the difference in site levels with the application site being higher, it is clear that the proposal would not meet the Council's 45 degree code. However, as the code suggests it should be applied flexibly and in this instance due to the location of Sai Wen within a long standing industrial estate, it is considered that the expectations regarding outlook should not be so great as to restrict the expansion of existing businesses and, as such, in this case the 45 degree code should not be rigorously applied.

PARKING

- 4.5 The application site has three areas of parking, two car parks are accessed off Sandy Lane and a third off Heathfield Road.
- 4.6 It is proposed to increase the number of parking spaces from an existing total of 79 to 104. The increase in the number of spaces would be achieved by providing additional spaces within the rear yard area. The proposed total of 104 spaces however is significantly below the Adopted Local Plan standard of 166 spaces required for the existing and proposed B2 and B8 uses on site.
- 4.7 However, whilst the proposed development is significant in terms of floorspace, the increase in the number of employees is not. Officers have been advised that the number of employees would increase from 100 to 105 or 106. The existing number of spaces adequately serves employees at present and it is considered that the proposed storage building would not create a requirement for a significant number of additional spaces. The Highway Authority has raised no objections subject to a condition restricting the use of the proposed development to use class B8 (storage or distribution).

FOOTPATH

- 4.8 An existing footpath (no. 573) runs through the middle of this existing industrial site, from Sandy Lane to the south to Hartlebury Common to the north. The siting of the proposed building would obstruct part of this footpath which aligns the common boundary with Sai Wen to the west.

11/0109/FULL

- 4.9 The applicants have managed to extinguish another footpath (formerly known as footpath no. 574) which was also routed through the site, however no. 573 still remains following previous failed attempts to extinguish it under the Highways Act 1980.
- 4.10 The applicants were, until recently, unaware that Footpath no. 573 is still on the Definitive Footpath Map; it is clear that the footpath has not been in use for a number of years. They have however submitted a plan for information which shows a possible diversion. This alternative route appears sensible and the County Council has informally raised no objection in principle. Should the current planning application be approved, the applicants could apply to divert footpath no. 573 under Section 257 of the Town and Country Planning Act 1990. This Section confers on Local Planning Authorities the power to make Orders authorising the stopping up or diversion of a footpath where it is satisfied that it is necessary to do so in order to allow authorised development to be carried out.
- 4.11 The submission of formally amended plans are awaited to accommodate the proposed diverted route. In contrast to the existing route of Footpath no. 573 which runs through the middle of the site, the proposed diversion would arrive at Hartlebury Common via Heathfield Road. This alternative is more straight-forward and shorter. A reconsultation exercise would however be necessary.

BIODIVERSITY

- 4.12 The application site lies immediately adjacent to the Hartlebury Common SSSI and Natural England has raised objections relating to insufficient information regarding the impact upon the SSSI and the potential impact upon protected species on site.
- 4.13 It has to be acknowledged that the comments made by Natural England are without the benefit of a visit to the site. This is in contrast to the Council's Conservation and Countryside Officer who has visited the site and advised that the effect on the SSSI is not significant. Furthermore, it is considered that the impact upon any protected species which may have migrated from the SSSI onto the existing working yard could be resolved by a suitably worded planning condition. A response to the Conservation and Countryside Officer comments from Natural England is awaited.

FLOODING

- 4.14 The site lies in Flood Zone 2. The plans submitted indicate that floor levels would satisfy the flood risk requirements. Furthermore, the Agent has advised that the site has not flooded within the last 40 years during which it has been in the ownership of the current applicants, Conveyor Units.

11/0109/FULL

WYCHAVON DISTRICT COUNCIL

- 4.15 As stated previously, a small part of the building (approximately 260 square metres) which equates to just over 10% of the overall building lies within the administrative area of Wychavon District Council. In the circumstances where an application site crosses the administrative boundary between two Local Planning Authorities two identical applications should be submitted, one to each Authority seeking planning permission for the development of land falling within each Authority's administrative area. In this case the applicants have submitted an identical application to Wychavon District Council (reference W/11/00868/PN). In accordance with Circular 04/2008 the planning fee is payable solely to the Authority of whichever area contains the larger or largest part of the whole of the application site. Therefore, in this case the fee has been paid to Wyre Forest District Council.
- 4.16 Each planning application should be determined by the Local Planning Authority in whose administrative area the development is proposed to be carried out. In the case of cross-boundary applications such as this, this can lead to two Authorities making individual determinations, imposing different conditions on the permissions and entering into separate Section 106 Agreements. This does not however promote a co-ordinated approach to development control and the permissions granted by each Local Planning Authority may be inconsistent.
- 4.17 However, Section 101(1) of the Local Government Act 1972 authorises a Local Authority to arrange for the discharge of functions by any other Local Authority. This provision could be relied on by a Local Planning Authority to delegate its development control function to another Local Authority in respect of a specific cross-boundary planning application.
- 4.18 On 28 April 2011 Members of the Development Control Committee at Wychavon District Council resolved to delegate its decision-making powers regarding application reference W/11/00868/PN for the part of the building lying within its administrative area to Wyre Forest District Council. Particularly as the part of the application site within Wychavon is small (just over 10% of the total floorspace of the proposed development) whilst the fee has also been paid to Wyre Forest District Council.

5.0 Conclusions and Recommendations

- 5.1 There still remains an outstanding matter regarding the existing footpath which has not been formally diverted to date. It is however considered that the submission of amended plans could accommodate the proposed diversion to allow the extension of the existing premises, the principle of which is acceptable.

11/0109/FULL

5.2 It is therefore recommended that **delegated** authority be given to **APPROVE** this application subject to:

- (i) no objection from Natural England to the current plans;
- (ii) submission of amended plans indicating the route of the proposed diversion of Footpath no. 573 via Heathfield Road;
- (iii) no objections to the amended plans received during the reconsultation process; and
- (iv) the following conditions:
 - 1. A6 (Full with no reserved matters)
 - 2. A11 (Approved plans)
 - 3. Details of materials to be submitted
 - 4. Floor levels in accordance with approved drawing
 - 5. No development until an Order has been made and confirmed for footpath No. 573 to be diverted or stopped up
 - 6. Restriction of development hereby approved to B8 use only
 - 7. Access, turning area and parking facilities to be consolidated, surfaced and drained in accordance with details to be agreed
 - 8. All site clearance works to be undertaken in the presence of a suitably qualified ecologist

Any additional conditions as considered reasonable during the reconsultation process

5.3 There is however a second recommendation regarding application reference W/11/00868/PN for which Wyre Forest District Council has received delegated powers to determine under Section 101(1) of the Local Government Act 1972.

5.4 The second recommendation is for **delegated APPROVAL** to be given to application W/11/00868/PN made to Wychavon District Council **subject to items (i) to (iv) under paragraph 5.2.**

Application Reference:	11/0141/FULL	Date Received:	09/03/2011
Ord Sheet:	371788 272137	Expiry Date:	04/05/2011
Case Officer:	Stuart Allum	Ward:	Rock

Proposal: Conversion of existing detached double garage to create accommodation for single disabled dependant relative, with associated ground floor link extension to main dwelling

Site Address: BLAKEMORE COTTAGE, TENBURY ROAD, CLOWS TOP, KIDDERMINSTER, DY149HE

Applicant: Mr J Martin

Summary of Policy	H.18, D.17, TR.17 (AWFDLP) CP03, CP11, CP12 (AWFCS)
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 Blakemore Cottage is a detached dwelling located in a rural setting to the north-east of the Clows Top settlement, and adjacent to the A456 Kidderminster-Tenbury Road. There is a neighbouring dwelling, located on the opposite side of the highway.
- 1.2 The dwelling is well set back from the highway on rising ground, and the frontage is well screened by established hedges and trees. The local area is identified in the Worcestershire County Council Landscape Character Assessment as being within an area of ‘Timbered Plateau Farmlands’. This is briefly described as:
- “a varied, mixed farming landscape of hedged fields, scattered farms, woods and wooded valleys associated with upstanding areas of undulating relief”.*
- 1.3 The proposal is to convert an existing detached garage located 1.15 metres from the main dwelling to accommodation for a dependant relative, incorporating a ground floor link to the main dwelling. The accommodation would provide a living room, bedroom and bathroom/shower, but no kitchen.

2.0 Planning History

- 2.1 WF.89/03 - Reduce canopy of an ash tree by 40% : Approved
- 2.2 WF.119/91 – Extensions and alterations, detached garage : Approved

11/0141/FULL

- 2.3 WF.1251/04 – New access and extension of existing domestic curtilage :
Withdrawn
- 2.4 WF.63/05/FULL – Creation of new vehicular access (resubmission of
WF.1251/04) : Approved
- 2.5 08/0388/FULL : Revision of approved access drive position (approval
WF.63/05) including change of use from agricultural to domestic : Approved

3.0 Consultations and Representations

- 3.1 Rock Parish Council (ORIGINAL PLANS) – No objection to the proposal and
recommend approval, subject to restriction that the dwelling is not sold
separate to Blakemore Cottage and a Section 106 Agreement is enforced.

(REVISED PLANS AND REVISED DESCRIPTION) - Council objects to this application.
they believe the garage should stay as a garage and no further development
take place at Blakemore Cottage, which is already oversized from its original
build.

- 3.2 Highway Authority – No objections
- 3.3 Policy and Regeneration – Policy H.18 of the Adopted Wyre Forest District
Local Plan is of relevance to this application. Consideration should be given
to the extent to which the proposals meet the criteria set out within this policy.
- 3.4 Severn Trent Water Ltd – Views awaited
- 3.5 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 Applications for accommodation for dependant relatives are considered in the
light of Policy H.18 of the Adopted Wyre Forest District Local Plan. This policy
stipulates that the annex will only be permitted where it is physically
incorporated into the main dwelling, with a shared entrance and strong links at
ground and first floor levels (where applicable) and both the dwelling and
annex share vehicular and pedestrian access.
- 4.2 The scheme as originally submitted incorporated a separate access door to
the front elevation of the existing garage. The scheme has subsequently
been revised to omit this independent means of access.
- 4.3 The proposed annex would benefit from shared vehicular and pedestrian
access and would be strongly linked on the ground floor.

11/0141/FULL

- 4.4 Policy D.17 of the Adopted Wyre Forest District Local Plan (Design of residential extensions) states that extensions to residential properties must be in scale and in keeping with the form, architectural characteristics and detailing of the original building, be visually subservient to and not overwhelm the original building, not create incongruous features and not have a serious adverse effect on the amenities of neighbouring properties.
- 4.5 This dwelling has previously benefitted from two storey side and rear extensions, and the subject detached garage, approved in 1991 and located 1.15 metres from the flank wall of the main dwelling.
- 4.6 The proposed link, formed principally by roofing over the rear part of the existing gap between the two elements would increase the footprint of this building by a further 3.68 square metres, and the proposed front bay window by a further 1 square metre. Although the original building has already been extended considerably, this link extension is considered to be acceptable given its modes size and its location.
- 4.7 Furthermore, by virtue of the proposed materials and position, the proposed link extension would not further visually detract from the overall character of the property, as extended, nor would the character and quality of the local landscape setting be harmed. The views of Rock Parish Council have been taken into account in this context.
- 4.8 With regard to issues of amenity and privacy, the rights enjoyed by the occupier(s) of the nearby residential property under the provisions of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998 have been balanced against the scope and scale of the proposal in that context. No potential breach has been identified, which is also the case in relation to the appropriate planning policy.
- 4.9 In response to the Parish Council's original concern regarding occupation, whilst a Section 106 Agreement would not be necessary a condition is recommended which would be sufficient to ensure the use is restricted for purposes ancillary to the main residential use.

5.0 Conclusions and Recommendations

- 5.1 In accordance with the tenor of the case as laid out above, it is recommended that this application be **APPROVED**, subject to the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B6 (External details – approved plan)

11/0141/FULL

4. The former garage and link extension hereby permitted shall not be occupied at any time other than for purposes incidental to Blakemore Cottage

Reason for Approval

The conversion of the existing garage, together with the external alterations, to enable accommodation to be created for a dependant relative, is considered to be acceptable in principle. The proposed link extension is of an appropriate scale and design in relation to the original dwelling and is capable of being assimilated into the landscape setting of the local area. The proposal would accord with the criteria set out in Policy H.18 of the Adopted Wyre Forest District Local Plan in that the accommodation would be physically incorporated with the main dwelling with shared pedestrian and vehicular entrances. No undue loss of privacy or amenity would occur in relation to the nearby residential neighbour. Accordingly, the proposal is considered to be in compliance with the policies listed above.

Application Reference:	11/0201/FULL	Date Received:	30/03/2011
Ord Sheet:	377549 275096	Expiry Date:	25/05/2011
Case Officer:	James Houghton	Ward:	Bewdley and Arley

Proposal: 2 storey side & single storey front and rear extensions with garage conversion for additional bedroom and reception room

Site Address: 14 SEVERN WAY, BEWDLEY, DY122JQ

Applicant: Mr T Orme

Summary of Policy	D.17, TR.17 (AWFDLP) CP11 (AWFCS) QE.3 (WMRSS) Design Quality SPG PPS1
Reason for Referral to Committee	Statutory or non-statutory Consultee has objected and the application is recommended for approval
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application property is a pitch roofed, two storey dwelling set back from the road behind a front drive and gardens. The property benefits from a flat roofed porch to the front and a flat roofed garage to the side, to the rear of the property is a kitchen extension.

- 1.2 The property is located on Severn Way on the Hales Park side of Bewdley to the west of the Town Centre. It is within an area allocated for residential purposes.

2.0 Planning History

- 2.1 None relevant.

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Object to the proposal and recommend refusal on highway grounds in that the conversion of the garage to living space will create the risk of vehicles having to be parked on the highway as the car parking facilities in the front garden are inadequate to accommodate the number of vehicles for which a parking condition would normally be imposed for a dwelling of this size.

11/0201/FULL

3.2 Highway Authority – No objections.

3.3 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

4.1 The applicant seeks approval for the erection of a first floor side extension over the existing garage, extensions to the front of the garage to provide and conversion to form habitable rooms and the addition of a single storey rear extension. The extensions and converted garage would provide a reception room at first floor, and enlarged dining room and a bedroom with en suite wet room.

4.2 The proposed extension would be set back from the front elevation of the host property at first floor by 0.75m and the ridge stepped down accordingly, as such the extension would appear subservient to the original building. It is considered that the proposed extension is appropriate in both scale and design and would offer no detriment to the appearance of the property, the street scene or the character of the area.

4.3 The proposed extension would offer minimal detriment to the outlook, privacy and daylight enjoyed by the residents of neighbouring properties. The 45° Code and 25° guidelines would not be breached.

4.4 Revised plans have been submitted reducing the forward projection of the garage extension in order to provide a parking space to the front of the dwelling.

4.5 The existing property benefits from three bedrooms and one off street parking space, the extended property as proposed would have four bedrooms and would retain the parking space within the curtilage. Worcestershire County Council Adopted Highway Design Guide does not recognise garages as providing parking spaces, echoing the guidance laid out in Department for Communities and Local Government's Manual for Streets. The car parking threshold for three and four bed properties is two parking spaces however, in light of the existing property having only one space, it is considered appropriate that the extended property benefits from one parking space as it falls within the same car parking threshold as the unextended property. Whilst the fears of the Parish Council are noted it is not considered that highway safety will be compromised given its location within the residential estate. On this basis and in light of the No Objection response from the Highway Authority, it is not felt that a refusal could be substantiated.

11/0201/FULL

5.0 Conclusions and Recommendations

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B3 (Materials)

Reason for Approval

The proposed extension is considered appropriate in terms of scale and design. The development would offer no detriment to the character of the area or the street scene and the impact on the amenity currently enjoyed by the occupants of neighbouring properties would be minimal. The development would have no significant impact on car parking provision or highway safety. The extension would accord with the provisions of Policies D.17 and TR.17 of the Adopted Wyre Forest District Local Plan (2004) and Policy CP11 of the Adopted Wyre Forest Core Strategy (2010).

Application Reference:	11/0217/FULL	Date Received:	06/04/2011
Ord Sheet:	382062 277495	Expiry Date:	01/06/2011
Case Officer:	Julia McKenzie-Watts	Ward:	Habberley and Blakebook

Proposal: Erection of a conservatory to the rear

Site Address: 36 FRANCHE ROAD, KIDDERMINSTER, DY115AL

Applicant: Mr M Smith

Summary of Policy	D.17 (AWFDLP) CP11, CP12 (AWFCS) RST3 (WCSP) Design Guide SPG PPS1
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 Number 36 Franche Road is a semi detached property with a large rear garden backing onto public open space
- 1.2 It is proposed to erect a conservatory to the rear of the existing kitchen at the property.

2.0 Planning History

- 2.1 WF/0401/02 - Kitchen extension – Approved 14 June 2002

3.0 Consultations and Representations

- 3.1 Worcestershire County Council (Public Path Orders Officer) - Object as concerned that the development will obstruct a public right of way.
- 3.2 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 It is proposed to erect a conservatory to the rear of the property measuring 3.4m x 5.7m with a pitched roof 1.4m from the boundary with the neighbouring property. The structure would sit behind a previously erected kitchen extension which measures 3.3m x 5.7m with a mono pitch roof.

11/0217/FULL

- 4.2 Policy D.17 of the Wyre Forest District Local requires that residential extensions should be in scale and in keeping with the form, materials 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. The adopted Supplementary Planning Guidance document on Design Quality includes a section on householder extensions and supports the view that extensions should be visually subservient and should ideally be positioned to the rear or side of properties where the effect of the new building is less likely to impact on the street scene
- 4.3 The conservatory structure would infringe the 45 degree rule when measured from the neighbour's rear window at number 35 Franche Road, however the 25 degree rule would remain unaffected and therefore it is considered that there would not be a huge light loss to this room. The conservatory would have no significant impact on the attached property at number 37, as there are two openings on the rear elevation providing light.
- 4.4 An objection has been received from Worcestershire County Council relating to a public footpath, which runs through the site. The applicant has not shown the footpath on their submitted plans as they were not aware that the path existed. It appears that the path has not been used since the properties were erected along this section of the Franche Road in the 1930's as the house at number 35 was erected over the line of the footpath. In addition, there is a further footpath, which runs between Nos. 39 and 40 Franche Road and this is clearly marked out. It is my opinion that this second footpath would be utilised over the one that runs through the actual property on the site of number 35 Franche Road. Therefore, I do not feel in this instance that it would be acceptable to expect the applicant to take on board the comments / concerns raised by the Public Path Orders Officer. A further response received from the County Council states that: 'We can only advise that the route does legally exist, and has been built over and that it appears the proposal would further obstruct. We cannot withdraw our objection as it is a statement of fact. However, as the planning Authority you might wish to exercise your judgement when considering the application'.
- 4.5 Notwithstanding the objection raised by the County Council in relation to the route of the public footpath it appears to officers to be unreasonable to withhold a planning permission on these grounds given that the route has previously been built over. The route referred to crosses through what are now a number of domestic curtilages and the fact remains that an alternative defined route remains available within the immediate vicinity. Officers can only conclude that when this latter route was provided at the time of the development of these properties, the previous route was not deleted, arguably by way of an oversight.

11/0217/FULL

- 4.6 With regard to issues of amenity and privacy, the rights enjoyed by the neighbouring properties under the provisions of Article 1 of Protocol 1 and Article 8 of the Human rights Act 1998 have been balanced against the scope of development in that context.

5.0 Conclusions and Recommendations

- 5.1 Overall, the proposal is acceptable in policy and design terms and in consideration of Article 1 of Protocol 1 and Article 8 of the Human Rights Act 1998, it is considered that the application be **APPROVED** subject to the following conditions:

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. B3 (Materials)

Reason for Approval

The proposed extension is considered to be of an appropriate scale and design to the main dwelling. The impact of the extension upon neighbouring properties has been carefully assessed and it is considered that there will be no undue impact upon their amenity. For these reasons the proposal is considered to be in accordance with the above policies of the Adopted Wyre Forest District Local Plan.

Application Reference: 11/0293/FULL **Date Received:** 19/05/2011
Ord Sheet: 380465 275591 **Expiry Date:** 14/07/2011
Case Officer: Paul Round **Ward:** Wribbenhall

Proposal: Erection of structure to provide handwash facilities

Site Address: WEST MIDLAND SAFARI PARK, SPRING GROVE, BEWDLEY, DY121LF

Applicant: WEST MIDLAND SAFARI PARK

Summary of Policy	GB1, GB2, GB3, GB6, NR11 (AWFDLP) CP10, CP11, CP12 (AWFCS) D39 (WCSP) QE6 (WMRSS) PPS1, PPG2, PPS7, Good Practice Guide on Planning for Tourism
Reason for Referral to Committee	Development Control Manager considers that application should be considered by Committee
Recommendation	DELEGATED APPROVAL

1.0 Site Location and Description

- 1.1 The West Midlands Safari Park is the one of the District’s major tourist attractions located on the Kidderminster Road between the towns of Kidderminster and Bewdley, falling with the parish boundaries of Bewdley Town Council.
- 1.2 The site is located within the West Midlands Green Belt
- 1.3 The application relates to the part of the park outside the main pedestrian entrance that leads from the car parks to the pets corner and amusements.

2.0 Planning History

- 2.1 Numerous – but none related to this particular part of the park

3.0 Consultations and Representations

- 3.1 Bewdley Town Council – Views Awaited

11/0293/FULL

- 3.2 Worcestershire Regulatory Services (Environmental Health) – No objections to the application.

In response to the Godstone Park Farm (Surrey, 2009) E. Coli outbreak of a couple of years ago, an Investigative Committee report came out which champions hand washing, along with a number of other issues.

HSE's Agricultural Information Sheet No23 has been revised, and requires managers and owners of animal contact attractions to provide "adequate" numbers of wash hand basins to allow the public to wash their hands after animal contact, prior to eating etc. The number of proposed basins, plus existing is suitable.

In addition, we are awaiting the release of "Guidance on Management of Zoonoses in Zoos" which place similar requirements upon owners of zoos.

- 3.3 Neighbour/Site Notice (neighbour consultation period expires 15th June 2011) - No representations at the time of writing.

4.0 Officer Comments

- 4.1 Policy GB.1 of the adopted Local Plan sets out the criteria for allowing new buildings within Green Belt areas. One such allowance is where essential facilities for outdoor sport or recreation or other land uses that preserve the openness of the Green Belt. Policy GB.3 goes on to require such buildings to directly related to the land and restricts to be of the minimum size necessary.
- 4.2 The building will be an open sided structure supported by de-barked Pine poles and with a box profile metal roof which will be finished with Chinese water reed to provide natural roof covering. The Building measures 8.1m x 3.09m and reaches 3.83m in height and will be sited adjacent to the main entrance. It is considered that the design of the building is appropriate for its context and will not unduly impact on the Green Belt or the environs of the Park.
- 4.3 This additional handwash facility is required following latest advice from the Health Protection Agency and Health and Safety Executive which require handwashing facilities rather than sanitising gels to be provided. The comments from Worcestershire Regulatory Service under paragraph 3.2 above adequately set the context for the proposed development. The number of basins is a set out within guidance and as such the size of the building is construed accordingly. On this basis I do consider the proposal to provide essential facilities for the Park are of the minimum size necessary.

11/0293/FULL

- 4.4 The building construction ensures that it is only suitable for the purpose of hand washing facilities, however I do feel that it is prudent to impose a restrictive condition restricting its use to that applied for. Should the facility be no longer be required the condition will also require the removal of the structure. This will ensure that there is not a proliferation of buildings in this location.

5.0 Conclusions and Recommendations

- 5.1 The proposed handwash facility is considered to be an essential facility for the Safari Park given latest guidance and is of size that is the minimum size necessary. The proposal is thus appropriate development in the Green Belt. The design and position of the structure is appropriate to the context of its location and will not result in significant harm to the Green Belt.

- 5.2 I therefore recommend **delegated APPROVAL** subject to

- i) The expiry of the consultation period on 15th June 2011 and no new issues that have not been addressed by this report being raised.
- ii) The following conditions:
 - 1. A6 (Full with No Reserved Matters)
 - 2. A11 (Approved Plans)
 - 3. B6 (Materials)
 - 4. The structure to be used for handwashing facilities only and to be removed should the need for the facility cease.

Note

Contact Worcestershire Regulatory Services

Reason for Approval

The proposed handwash facility is considered to be an essential facility for the Safari Park given latest guidance and is of size that is the minimum size necessary. The proposal is thus appropriate development in the Green Belt. The design and position of the structure is appropriate to the context of its location and will not result in significant harm to the Green Belt. For these reasons the proposal is in compliance with the policies listed above.

Wyre Forest District Council

Planning Committee Meeting 14 June 2011

List of Pending Applications

NB This list includes all applications upon which no decision has been issued, including applications proposed to be determined at this Committee

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
WF/0469/05	29/04/2005	24/06/2005	1 OX BOW WAY KIDDERMINSTER DY102LB	Full : Change of use of 3m strip of land, enclosure with timber fence - Variation to Conditions 11 and 12 of WF.222/94; Variation to Section 106 Agreement, 3 metre strip of land to rear of	The Owners of,	Paul Round
08/0034/LIST	17/01/2008	13/03/2008	20, 21 & 22 HORSEFAIR KIDDERMINSTER DY102EN	Demolition of 20, 21 & 22 Horsefair	Wyre Forest Community Housing Ltd	Paul Wrigglesworth
08/0035/FULL	17/01/2008	13/03/2008	20,21,22 & 23 HORSEFAIR KIDDERMINSTER DY102EN	Demolition of existing buildings and erection of 5 No affordable dwellings	Wyre Forest Community Housing Ltd	Paul Wrigglesworth

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
08/0445/S106	01/05/2008	26/06/2008	FORMER STOURVALE WORKS DEVELOPMENT OFF OXBOW WAY KIDDERMINSTER DY102LB	Variation of S106 Agreement to allow alternative access arrangements to Puxton Marsh and non-provision of on site play area.	Cofton Ltd	Paul Round
08/0495/FULL	19/05/2008	18/08/2008	THE OLD POST OFFICE SITE BLACKWELL STREET KIDDERMINSTER DY102DY	Retention/Refurbishment of Old Post Office frontage building, demolition to rear and construction of 54 apartments with undercroft parking.	Regal Executive Homes	Paul Wrigglesworth
08/0500/FULL	22/05/2008	21/08/2008	LAND AT CORNER OF THE TERRACE/TENBURY ROAD CLOWS TOP KIDDERMINSTER DY14 9HG	Erection of 12 dwellings with associated parking & access	Marcity Developments Ltd	Paul Round
08/0787/FULL	12/08/2008	07/10/2008	93-94 NEW ROAD KIDDERMINSTER DY101AE	Erection of 8 flats, one shop and 2 office units, after demolition of existing shops.	Gordon Strain	Paul Wrigglesworth
08/1044/FULL	12/11/2008	11/02/2009	FORMER VICTORIA SPORTS FIELD SPENNELLS VALLEY ROAD KIDDERMINSTER	Erection of a hotel (C1); public house/restaurant (A4); indoor and outdoor bowling facility (D2), access, car parking, landscaping and associated works (Resubmission of 07/1165/FULL)	Victoria Carpets Ltd	Julia Mellor
09/0156/S106	03/03/2009	28/04/2009	TARN 1-16 SEVERN ROAD STOURPORT-ON-SEVERN	Variation of S.106 agreement attached to WF1208/04 to change tenure of affordable housing units	West Mercia Housing Group	Paul Round
09/0181/FULL	13/03/2009	08/05/2009	LOWER HOUSE BARN ARELEY LANE STOURPORT-ON-SEVERN DY130TA	Retrospective application for the retention of the use of land for inclusion within the residential curtilage including retention of the shed and decking	Mr B Young	Stuart Allum

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
09/0223/FULL	30/03/2009	25/05/2009	39 LOAD STREET BEWDLEY DY122AS	Change of use from shop (A1) to tattoo studio (Sui Generis)	Etch Body Art	Stuart Allum
09/0575/CERTE	12/08/2009	07/10/2009	30 MALHAM ROAD STOURPORT- ON-SEVERN DY138NR	Storage of motorcycles in own garage for use as motorcycle training establishment	Mr T Meola	Paul Round
09/0598/CERTE	21/08/2009	16/10/2009	STABLE COTTAGE FOXMEAD CALLOW HILL ROCK KIDDERMINSTER DY149XW	Use of existing former stable block building as a dwelling.	Mr & Mrs M Kent	Julia Mellor
10/0056/FULL	05/02/2010	02/04/2010	SAIWEN LOWER HEATH STOURPORT-ON-SEVERN DY139PQ	Change of use of land to the rear of Sai Wen for a gypsy caravan site; for the siting of five static caravans, one mobile home, two touring caravan pitches, the erection of an amenity block and retention of existing dwelling for residential use	Mrs Betsy Wilson	Julia Mellor
10/0121/CERTE	10/03/2010	05/05/2010	THE ORCHARD WORCESTER ROAD HARVINGTON KIDDERMINSTER DY104LY	Use part of site for the storage and sale of motor vehicles	MR N PERRINS	Paul Round
10/0181/CERTE	30/03/2010	25/05/2010	DOVEYS COTTAGE ROCK KIDDERMINSTER DY149DR	Use of land as residential curtilage associated with Doveys Cottage for a period in excess of ten years.	Mr Keith Billingsley	Paul Round
10/0446/FULL	03/08/2010	28/09/2010	LAND ADJOINING 7 HARTLEBURY ROAD STOURPORT-ON-SEVERN DY139NL	Construction of three 2No. Bed houses & two 2 No. bed flats, new vehicle access (resubmission of extant planning permission 07/0614/FULL)	Mr J Barnett	Julia McKenzie-Watts
10/0445/LIST	04/08/2010	29/09/2010	THE TONTINE SEVERN SIDE STOURPORT-ON-SEVERN DY139EN	Re-pointing external brickwork, replacing facing bricks. Cast iron replacement rainwater pipes	RAYBONE DEVELOPMENTS LTD	Stuart Allum

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
10/0472/CERTP	17/08/2010	12/10/2010	HORSELEY COTTAGE HOBRO WOLVERLEY KIDDERMINSTER DY115TA	Conversion of existing garage to form ancillary accommodation. Proposed garden store	Mr C Fortnam	Paul Round
10/0485/FULL	20/08/2010	15/10/2010	BROOME GROVE WORCESTER ROAD CLENT STOURBRIDGE DY9 0HS	Demolition and rebuilding of tractor shed, installation of manege and change of use of field to the keeping of horses: Entrance piers and gates	Mr B Hadlington	James Houghton
10/0550/FULL	20/09/2010	20/12/2010	LAND ADJACENT TO SEBRIGHT ROAD KIDDERMINSTER DY115UE	The construction of ten affordable dwellings	Wyre Forest Community Housing	Paul Round
10/0558/FULL	23/09/2010	23/12/2010	CAR PARKING AREA AT END OF CHURCH STREET KIDDERMINSTER DY102AW	Extension of time period for implementation of Planning Permission 07/0829/FULL for a mixed re-development comprising offices, bistro and 14 apartments with under croft car parking	Wilkins Kennedy	Paul Wrigglesworth
10/0598/FULL	07/10/2010	02/12/2010	LAND ADJACENT TO 35 LONG ACRE KIDDERMINSTER DY102HA	Renewal of Planning Permission 07/0823 to erect a 3 No. bedroom dwelling	Mr S Milward	Paul Wrigglesworth
10/0633/FULL	22/10/2010	21/01/2011	PUXTON DRIVE KIDDERMINSTER DY115DR	Erection of 71 dwellings and associated roadworks	Bellway Homes West Midlands Ltd	Paul Round
10/0659/RESE	04/11/2010	03/02/2011	SITE ADJACENT TO ROWBERRYS NURSERIES LOWER CHADDESLEY KIDDERMINSTER	Erection of a new primary school, together with caretakers accommodation, swimming pool, car parking, creation of new access off A448, landscaping and associated highway and infrastructure works (Reserved Matters following Outline Consent 07/0482/OUTL)	The Trustees of Chaddesley Corbett Primary School	John Baggott

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
10/0695/FULL	19/11/2010	14/01/2011	THE TYTHE HOUSE BROOME STOURBRIDGE DY9 0ET	Erection of Timber stables and Tack room (To replace Planning Permission 06/1287/FULL)	Mr & Mrs D Potter	Stuart Allum
11/0013/LIST	07/01/2011	04/03/2011	29 CHURCH STREET KIDDERMINSTER DY102AU	Installation of oval hanging sign on metal bracket above front door apex	PAINTERS SOLICITORS	Julia McKenzie- Watts
11/0020/FULL	12/01/2011	09/03/2011	OLD SCHOOL HOUSE STAKENBRIDGE LANE CHURCHILL KIDDERMINSTER DY103LT	Dismantling and rebuilding existing garage in new location and external landscape works	MR R OWEN	Stuart Allum
11/0061/FULL	03/02/2011	31/03/2011	ARELEY KINGS VILLAGE HALL ARELEY COMMON STOURPORT- ON-SEVERN DY130NB	Installation of solar panels	MR GRAHAM BALDWIN	Stuart Allum
11/0068/FULL	07/02/2011	04/04/2011	64 BORRINGTON ROAD KIDDERMINSTER DY103EJ	Change of use of amenity land and erection of a boundary fence with gravel boards and railings. Access for parking of vehicles via gated entrance	Mr S Maclaren	Julia McKenzie- Watts
11/0073/FULL	10/02/2011	07/04/2011	1-3 EXCHANGE STREET BANK BUILDINGS KIDDERMINSTER DY101BT	Alterations associated with the change of use from A1 to A3/A4	Mr S Culwick	Stuart Allum
11/0074/LIST	10/02/2011	07/04/2011	1-3 EXCHANGE STREET BANK BUILDINGS KIDDERMINSTER DY101BT	Alterations in association with the change of use from A1 to A3/A4	Mr S Culwick	Stuart Allum
11/0111/FULL	24/02/2011	21/04/2011	THE CARHOUSE GROVE FARM DRY MILL LANE BEWDLEY DY122BL	Change of use of land from agriculture to the keeping of horses and the erection of stables	Mr S Mahony	Stuart Allum

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0109/FULL	28/02/2011	30/05/2011	CONVEYOR UNITS LTD SANDY LANE TITTON STOURPORT-ON-SEVERN DY139PT	Proposed covered store for use in association with Conveyor Units (use Class B8)	CONVEYOR UNITS LTD	Julia Mellor
11/0110/FULL	28/02/2011	25/04/2011	LAND OPPOSITE THE GATEHOUSE NELSON ROAD SANDY LANE INDUSTRIAL ESTATE STOURPORT-ON-SEVERN DY139QB	Change of use to Gypsy Caravan Park with 8 pitches and amenity block for temporary two year period	Mr & Mrs J Jones	Julia Mellor
11/0130/FULL	07/03/2011	02/05/2011	THE WALLED GARDEN BLAKESHALL LANE WOLVERLEY KIDDERMINSTER DY115XJ	Proposed detached double garage	Mr P Randle	Julia McKenzie-Watts
11/0136/OUTL	08/03/2011	03/05/2011	26 & 28 LESWELL STREET KIDDERMINSTER DY101RP	Proposed demolition of 26 and 28 Leswell Street and erection of 6No two bed and 2No one bed apartments	Leswell Street Enterprises	Stuart Allum
11/0141/FULL	09/03/2011	04/05/2011	BLAKEMORE COTTAGE TENBURY ROAD CLOWS TOP KIDDERMINSTER DY149HE	Conversion of existing detached double garage to create accommodation for single disabled dependant relative, with associated ground floor link extension to main dwelling	Mr J Martin	Stuart Allum
11/0146/FULL	10/03/2011	05/05/2011	50 STOURPORT ROAD BEWDLEY DY121BL	Part change of use of domestic property to day nursery for up to 16 children	Mrs K Hopkins	James Houghton
11/0149/FULL	14/03/2011	09/05/2011	LAND ADJACENT TO THE GRANARY PARK FARM RIBBESFORD BEWDLEY DY122TW	Installation of solar panels on existing stable block	Mr T Davies	Stuart Allum
11/0163/FULL	16/03/2011	15/06/2011	CHURCHFIELDS BUSINESS PARK CLENSMORE STREET KIDDERMINSTER DY102JY	Construction of 240 dwellings and associated roadworks and landscaping (following demolition of existing buildings)	Bellway Homes (West Midlands) Ltd	Julia Mellor

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0179/FULL	21/03/2011	16/05/2011	8 BRIAR HILL CHADDESLEY CORBETT KIDDERMINSTER DY104SQ	Two storey rear extension and retention of front porch	Mr & Mrs D Warren	John Baggott
11/0182/FULL	21/03/2011	16/05/2011	LAND TO WEST OF OAK TREE BUNGALOW KINLET ROAD ROCK KIDDERMINSTER DY149UE	Proposed Wildlife Pool	Mr & Mrs J Dayus	Julia McKenzie-Watts
11/0185/FULL	21/03/2011	16/05/2011	LAND OF CRUNDALLS LANE WRIBBENHALL BEWDLEY DY121NF	Creation of flood defences	ENVIRONMENT AGENCY	Paul Round
11/0172/LIST	22/03/2011	17/05/2011	HARVINGTON HALL HARVINGTON HALL LANE HARVINGTON KIDDERMINSTER DY104LR	Installation of a lightweight glass and steel draught lobby	HARVINGTON HALL MANAGEMENT COMMITTEE	James Houghton
11/0176/FULL	22/03/2011	17/05/2011	2 SEVERN WAY BEWDLEY DY122JQ	Two storey extension to rear	Mr K Barley	James Houghton
11/0177/FULL	22/03/2011	17/05/2011	LAND BETWEEN 3 & 4 PINTA DRIVE STOURPORT-ON-SEVERN DY139RY	Change of use from play area to residential development comprising 2 No. detached dwellings, parking and associated access	Taylor Wimpey North Midlands	Paul Round
11/0201/FULL	30/03/2011	25/05/2011	14 SEVERN WAY BEWDLEY DY122JQ	2 storey side & single storey front and rear extensions with garage conversion for additional bedroom and reception room	Mr T Orme	James Houghton
11/0195/FULL	31/03/2011	26/05/2011	LAND ADJACENT TO NUNNS CORNER GYPSY SITE G SANDY LANE INDUSTRIAL ESTATE STOURPORT-ON-SEVERN	Change of use to allow extension to existing tolerated gypsy caravan park to create 2 additional pitches (part retrospective)	Mrs W Peacock	Paul Round

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0197/FULL	31/03/2011	26/05/2011	COMMON FARM BARN CROWN LANE IVERLEY STOURBRIDGE DY8 2SA	Stable conversion of 1No. 3 bed dwelling	Mr B S Gora	James Houghton
11/0202/FULL	31/03/2011	26/05/2011	65 OXFORD STREET KIDDERMINSTER DY101BJ	Change of use of ground floor to A3 use (café/restaurant) and provision of external flue to the rear of building (revisions to submission 11/0126/FULL)	Mr M Goucher	Paul Wrigglesworth
11/0210/FULL	04/04/2011	30/05/2011	IDYATES FARM SHATTERFORD BEWDLEY DY121RP	Three bay garage (retrospective)	Mr & Mrs N Edwards	James Houghton
11/0256/LIST	04/04/2011	30/05/2011	LLOYDS TSB BANK PLC 1 VICAR STREET KIDDERMINSTER DY101DE	Replacement of 2No. window marketing units plus an additional unit	Lloyds TSB Bank plc	Paul Wrigglesworth
11/0217/FULL	06/04/2011	01/06/2011	36 FRANCHE ROAD KIDDERMINSTER DY115AL	Erection of a conservatory to the rear	Mr M Smith	Julia McKenzie-Watts
11/0219/FULL	08/04/2011	03/06/2011	LAND AT POWER STATION ROAD STOURPORT-ON-SEVERN DY13 9PF	Change of use from open space to residential development comprising 9 No. dwellings with associated parking and access	Taylor Wimpey North Midlands	Paul Round
11/0220/FULL	08/04/2011	03/06/2011	LAND ADJACENT TO POWER STATION ROAD AND WORCESTER ROAD STOURPORT-ON-SEVERN DY139RP	Change of use from play area to residential development comprising 5 No. dwellings with associated access and parking	Taylor Wimpey North Midlands	Paul Round
11/0223/FULL	11/04/2011	06/06/2011	CHURCHILL HOUSE STAKENBRIDGE LANE CHURCHILL KIDDERMINSTER DY103LT	Conservatory extension	Mr M Dunn	Julia McKenzie-Watts
11/0226/FULL	11/04/2011	06/06/2011	44 LYTTLETON ROAD BEWDLEY DY122BU	Form new pitched roof over existing rear outhouse / utility	Mrs Leonie Taibi	James Houghton

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0227/FULL	11/04/2011	06/06/2011	WOODCOT TRIMPLEY LANE SHATTERFORD BEWDLEY DY121RH	Proposed garage and retention of land for use as domestic curtilage	Mr A Mitton	Julia McKenzie-Watts
11/0228/FULL	12/04/2011	07/06/2011	THE PLOUGH INN CLEOBURY ROAD FAR FOREST KIDDERMINSTER DY149TE	Proposed toilet extension	NOSTALGIA INNS LTD	James Houghton
11/0230/FULL	12/04/2011	07/06/2011	4 TOLLEYS CORNER DOG LANE BEWDLEY DY122EF	Proposed car port conversion into new gym with internal connecting staircase	Mr B Toye	James Houghton
11/0231/CERTP	13/04/2011	08/06/2011	THE HAVEN BLAKESHALL WOLVERLEY KIDDERMINSTER DY115XR	Proposed ancillary garden store	MR & MRS POWELL	Paul Round
11/0232/FULL	13/04/2011	08/06/2011	6 WYRE HILL BEWDLEY DY122UE	Demolition of an existing single storey extension and the erection of new single storey extension.	Mrs V Austin	James Houghton
11/0233/LIST	13/04/2011	08/06/2011	6 WYRE HILL BEWDLEY DY122UE	Demolition of an existing single storey extension and the erection of new single storey extension.	Mrs V Austin	James Houghton
11/0234/FULL	14/04/2011	09/06/2011	VEHICLE & OPERATOR SERVICES AGENCY KIDDERMINSTER gvts WORCESTER ROAD SUMMERFIELD KIDDERMINSTER DY117RD	Installation of new modular cabin to provide training facilities for our M.O.T training scheme	VEHICLE & OPERATOR SERVICES AGENCY	James Houghton
11/0237/FULL	15/04/2011	10/06/2011	96 STOURBRIDGE ROAD KIDDERMINSTER DY102QB	Ground floor rear extension	Mr & Mrs Hinton	Julia McKenzie-Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0243/EIASC	15/04/2011	06/05/2011	SITE OF THE FORMER BRITISH SUGAR FACTORY STOURPORT ROAD KIDDERMINSTER	Request for an Environmental Impact Assessment Scoping Opinion. Mixed use employment/commercial and residential development	Pegasus Planning Group	John Baggott
11/0238/ADVE	18/04/2011	13/06/2011	NETTO FOOD STORE NEW ROAD KIDDERMINSTER DY101HG	Various signs including 4 internally illuminated facial signs, vinyl graphics to glazing, re-clad existing totem signs and ATM signage.	ASDA Stores Ltd	Stuart Allum
11/0241/FULL	18/04/2011	13/06/2011	118 ST. JOHNS AVENUE KIDDERMINSTER DY116AX	Retention of carport to front of dwelling	Mr S Moore	James Houghton
11/0264/FULL	18/04/2011	13/06/2011	30 NEVILLE AVENUE KIDDERMINSTER DY117AL	Single storey rear and first floor side and rear extension	MR MARK SIVELLE	Paul Wrigglesworth
11/0215/FULL	19/04/2011	14/06/2011	ROSEDENE 128 FRANCHE ROAD KIDDERMINSTER DY115BE	Erection of a single storey extension to rear of the property to provide a new sitting room and kitchen	Pathways Care Group Ltd	Paul Wrigglesworth
11/0236/LIST	19/04/2011	14/06/2011	MUCKLOWE HOUSE ARELEY LANE STOURPORT-ON-SEVERN DY130TA	Internal works and insertion of window in east elevation	Mr P West	Julia McKenzie-Watts
11/0240/FULL	20/04/2011	15/06/2011	147 THE GROVE STOURPORT-ON-SEVERN DY139NE	Single storey extensions to front, side and rear	Mr & Mrs S Hackett	James Houghton
11/0242/FULL	21/04/2011	16/06/2011	14 ELM ROAD KIDDERMINSTER DY101ST	Erection of a conservatory to the rear	Mr & Mrs Kent	Julia McKenzie-Watts
11/0244/CERTP	21/04/2011	16/06/2011	GROVE SPRINGS DRAYTON ROAD DRAYTON BELBROUGHTON STOURBRIDGE DY9 0BW	Proposed erection of a garage block and a garden room	Mr G Wainright	Paul Wrigglesworth

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0246/FULL	21/04/2011	16/06/2011	THE BEECHES RIBBESFORD BEWDLEY DY122TR	Replacement dwelling (Renewal of Planning Permission 08/0192/FULL)	Mrs A Edwards	Stuart Allum
11/0249/FULL	21/04/2011	16/06/2011	SINKERS COTTAGE THE SHORTYARD WOLVERLEY KIDDERMINSTER DY115XF	Retention of greenhouse building	Mr J Harlow	James Houghton
11/0247/FULL	26/04/2011	21/06/2011	BRITISH TELECOM TELEPHONE EXCHANGE DOG LANE BEWDLEY DY122EH	Replacement of window with aluminium louvre	BRITISH TELECOM	Stuart Allum
11/0250/FULL	26/04/2011	21/06/2011	DRIVING TEST CENTRE 21 CASTLE ROAD KIDDERMINSTER DY116TS	Internal alterations and change of use to form 3 No. apartments	Mr M Daneshfar	Paul Wrigglesworth
11/0252/FULL	26/04/2011	26/07/2011	HOPLEYS CAMPING AND CARAVAN SITE DODDINGTREE CLEOBURY ROAD BEWDLEY DY122QL	Change of use of land for the provision of tent pitches and retention of 4 tepees, associated stoned access ways, minor adjustment of levels and landscaping	Mr J Hopley	James Houghton
11/0254/FULL	26/04/2011	26/07/2011	SLINGFIELD MILL WEAVERS WHARF KIDDERMINSTER DY101AA	Amendment of planning permission 08/0164/FULL comprising deletion of ground floor retail unit including demolition of partition wall and creation of hotel entrance lobby, linen and food deliveries holding areas, refuse storage and ancillary hotel facilities, reduction in hotel bedrooms to 56 rooms, creation of restaurant / bar and hotel reception at fourth floor and external changes to west elevation comprising the creation of a new door opening.	PREMIER INN HOTELS LTD	Paul Wrigglesworth
11/0255/LIST	26/04/2011	21/06/2011	SLINGFIELD MILL WEAVERS WHARF KIDDERMINSTER DY101AA	Internal and external alterations to facilitate hotel	PREMIER INN HOTELS LTD	Paul Wrigglesworth

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0245/ADVE	27/04/2011	22/06/2011	16 VICAR STREET KIDDERMINSTER DY101DA	Installation of 2 No. new internally illuminated fascia signs and an internally illuminated projecting sign	SHOE ZONE LIMITED	Stuart Allum
11/0248/LIST	27/04/2011	22/06/2011	HORSELEY HILL FARM HORSELEY HILL WOLVERLEY KIDDERMINSTER DY115TD	Renovation / Alterations including new floors, heating and electrical systems	Mr & Mrs Roper	Paul Round
11/0253/OUTL	27/04/2011	22/06/2011	ORCHARD CORNER HEIGHTINGTON BEWDLEY DY122XW	Detached bungalow (All matters reserved)	MR MARK PHILIPS	Julia McKenzie-Watts
11/0257/FULL	27/04/2011	22/06/2011	23 LORNE STREET KIDDERMINSTER DY101SY	Conversion of garage to additional living accommodation	Mr G Lloyd	James Houghton
11/0258/FULL	28/04/2011	23/06/2011	BELLS @ NISA LOCAL 116 TENNYSON WAY KIDDERMINSTER DY103YT	Formation of new gateway to rear yard and lattice timber panels above existing wall and proposed gate (formation of new pavement crossover in Dunbar Close)	BELLS @ NISA LOCAL	Julia McKenzie-Watts
11/0259/FULL	03/05/2011	28/06/2011	7 CHURCH WALK STOURPORT- ON-SEVERN DY130AL	Tiled roof to replaced existing polycarbonate conservatory roof at the rear of property	Mr & Mrs Burns	James Houghton
11/0260/FULL	03/05/2011	28/06/2011	EXISTING UNIT AT WHARTONS PARK CLEOBURY ROAD BEWDLEY DY122QJ	Proposed change of use from Vehicle Storage Unit to Garage Workshop and M.O.T Testing Station (Re-submission of 10/0648/FULL)	Mr Richard Wilks	Stuart Allum
11/0261/FULL	03/05/2011	28/06/2011	THE OLD RECTORY RUSHOCK DROITWICH WR9 0NR	Erection of a conservatory at the rear of property	Mr G Silk	Stuart Allum

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0298/FULL	03/05/2011	28/06/2011	UNITY INN 142 PARK STREET KIDDERMINSTER DY116TR	Change of use from licensed premises to residential use. There is the EXISTING licensee's flat plus 1 x 3 bed, 2 x 2 bed and 1 x 1 bed flats.	Mr S Kalirai	Paul Wigglesworth
11/0262/FULL	04/05/2011	29/06/2011	MORGAN ADVANCED CERAMICS BEWDLEY ROAD STOURPORT-ON- SEVERN DY138QR	Erection of storage building	MORGAN ADVANCED CERAMICS	James Houghton
11/0263/FULL	05/05/2011	30/06/2011	BITES 2A LOAD STREET BEWDLEY DY122AF	Change of use of premises to A1 Sandwich Shop	Mr G Harvey	James Houghton
11/0265/ADVE	05/05/2011	30/06/2011	7 HIGH STREET KIDDERMINSTER DY102DQ	New internally illuminated fascia sign and internally illuminated projecting sign	Gleeds Management Services	Julia McKenzie- Watts
11/0268/FULL	06/05/2011	01/07/2011	SUTTON ARMS SUTTON PARK ROAD KIDDERMINSTER DY116LE	Removal of condition 5 ii) of Outline Planning Permission 08/0538 (Demolition of Sutton Arms and redevelopment of site for residential dwellings) to permit shared access arrangements to Sutton Park Road	Banner Homes Midlands Ltd	Paul Wigglesworth
11/0271/FULL	09/05/2011	04/07/2011	9 DUNLEY ROAD STOURPORT- ON-SEVERN DY130AY	Two storey extensions to front and side	Mr & Mr & Mrs Tromans	Stuart Allum
11/0273/FULL	09/05/2011	04/07/2011	EASTHAMS FARM LOW HABBERLEY KIDDERMINSTER DY115RQ	Two storey rear and side extensions	Mr R Jones	Paul Round
11/0274/FULL	09/05/2011	04/07/2011	12 SHAW AVENUE KIDDERMINSTER DY103YX	New conservatory to rear	Mr & Mrs Preston	James Houghton

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0276/FULL	09/05/2011	04/07/2011	CASTLE LOCKS APARTMENTS CASTLE ROAD KIDDERMINSTER DY116TH	Minor alterations to roadway junction of site access road and Castle Road to extend the length of the dropped kerb	Great Titchfield Developments Ltd	James Houghton
11/0283/FULL	09/05/2011	04/07/2011	32 HABBERLEY ROAD KIDDERMINSTER DY115PE	Single storey side extension and garage conversion for garage and additional reception room	Mr D Monaghan	Stuart Allum
11/0277/FULL	10/05/2011	05/07/2011	CHURCH STREET SURGERY DAVID CORBET HOUSE 2 CALLOWS LANE KIDDERMINSTER DY102JG	Proposed installation of ancillary dispensing and retail Pharmacy (Use Class A1) into existing GP Medical Practise (Use Class D1).	CHURCH STREET SURGERY	Paul Wrigglesworth
11/0280/LIST	10/05/2011	05/07/2011	WOODFIELD HOUSE BEWDLEY ROAD KIDDERMINSTER DY116RX	Proposed extensions and alterations to form Nursing Home	Woodfield Enterprises	Paul Wrigglesworth
11/0278/FULL	11/05/2011	06/07/2011	33 ASTER AVENUE KIDDERMINSTER DY115DU	Single storey rear extension	Mrs Wilson	Stuart Allum
11/0279/FULL	11/05/2011	06/07/2011	LAND BETWEEN 34 & 36 LOWER LICKHILL ROAD STOURPORT-ON- SEVERN DY138RH	Proposed 3 bed dwelling	Mr C Moore	James Houghton
11/0296/FULL	11/05/2011	06/07/2011	THE DOWER COTTAGE BROOME STOURBRIDGE DY9 0HB	Erection of boundary wall fronting lane (Removal of boundary hedge)	MR P BROWN	Paul Wrigglesworth
11/0282/TREE	12/05/2011	07/07/2011	ROUSBINE CARAVAN CALLOW HILL ROCK ROCK KIDDERMINSTER DY149DB	Removal of oak tree	Mrs K Lunnon	Alvan Kingston
11/0284/FULL	12/05/2011	07/07/2011	19 MILL ROAD STOURPORT-ON- SEVERN DY139BG	Proposed Detached Garage	Mr Robbie Whitehouse	Stuart Allum
11/0285/FULL	12/05/2011	07/07/2011	3 WHITBURN CLOSE OFF PINERIDGE DRIVE KIDDERMINSTER DY116BH	Proposed porch to front elevation	Mrs Helen Noble	Julia McKenzie-Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0286/FULL	13/05/2011	08/07/2011	THE GROVE FARM LYE HEAD BEWDLEY DY122UX	Erection of two car garage with storage above and attached tractor store	Mr C Price	Julia McKenzie- Watts
11/0287/FULL	16/05/2011	11/07/2011	6 ROZEL AVENUE KIDDERMINSTER DY102UZ	Demolition of existing structurally unsound single storey building and its replacement with a new extension of identical size	Mr G Clarke	James Houghton
11/0289/FULL	16/05/2011	11/07/2011	71 WINBROOK BEWDLEY DY122BA	Erection of two storey extension to rear with balcony	Mr Allatt & Mrs Hartland	James Houghton
11/0288/FULL	17/05/2011	12/07/2011	BINE MILL ROCK KIDDERMINSTER DY149YD	Remove existing upvc conservatory and replace with brick, stone and clay tile extension	Mr J Crockett	Paul Round
11/0295/CERTP	17/05/2011	12/07/2011	WHITE OAKS CHURCH LANE BEWDLEY DY122UH	Erection of swimming pool enclosure	Mr & Mrs P Byrne	Paul Round
11/0290/TREE	18/05/2011	13/07/2011	KING CHARLES HIGH SCHOOL HILL GROVE HOUSE COMBERTON ROAD KIDDERMINSTER DY101XA	Reduction of Leylandii hedge	KING CHARLES HIGH SCHOOL	Alvan Kingston
11/0291/TREE	19/05/2011	14/07/2011	24 LORNE GROVE KIDDERMINSTER DY101SR	Fell Lime Tree	Ms F McCormack	Alvan Kingston
11/0293/FULL	19/05/2011	14/07/2011	WEST MIDLAND SAFARI PARK SPRING GROVE BEWDLEY DY121LF	Erection of structure to provide handwash facilities	WEST MIDLAND SAFARI PARK	Paul Round
11/0294/FULL	19/05/2011	14/07/2011	SUMMERDYNE NURSING HOME CLEOBURY ROAD BEWDLEY DY122QQ	Erection of conservatory	Mr S Patient	Julia McKenzie- Watts

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0297/LIST	19/05/2011	14/07/2011	KNIGHT HOUSE WOLVERLEY VILLAGE WOLVERLEY KIDDERMINSTER DY115XD	Front stone canopy porch, re-roofing main roof, conversion of existing garage to sitting room. Re-skinning existing rear and side single storey extensions, new balcony guard rail, new windows to rear elevation	Mr G Hawkins	James Houghton
11/0299/CERTP	19/05/2011	14/07/2011	12 NEW WOOD LANE BLAKEDOWN KIDDERMINSTER DY103LD	Extension to rear of existing property to incorporate existing utility into kitchen area and to extend kitchen	Mr N Poole	Paul Wrigglesworth
11/0301/FULL	21/05/2011	16/07/2011	9 & 11 POWER STATION ROAD STOURPORT-ON-SEVERN DY139PF	Extension and modification of bungalow with demolition of outbuildings	Mr C Stanley	Paul Round
11/0300/FULL	23/05/2011	18/07/2011	20 RESERVOIR ROAD KIDDERMINSTER DY117AP	Increase height of garage roof to create study area	Mr M Poulton	Julia McKenzie-Watts
11/0303/ADVE	23/05/2011	18/07/2011	MARKS & SPENCERS PLC LOWER MILL STREET KIDDERMINSTER DY116UU	Various fascia signs (illuminated and non illuminated) and vinyl graphic signs	MARKS & SPENCERS PLC	Stuart Allum
11/0302/FULL	24/05/2011	19/07/2011	41 DUNNINGTON AVENUE KIDDERMINSTER DY102YS	Sub-division of existing dwelling to create accommodation for dependant relative	Mr A Griffiths	James Houghton
11/0304/FULL	24/05/2011	19/07/2011	47 MANOR ROAD STOURPORT- ON-SEVERN DY139DW	Demolition of original extension at side/rear and erection of replacement extension	Mr G Taylor	James Houghton
11/0305/LIST	24/05/2011	19/07/2011	47 MANOR ROAD STOURPORT- ON-SEVERN DY139DW	Demolition of original extension at side/rear and erection of replacement extension	Mr G Taylor	James Houghton

WF No.	Valid Date	Target Date	Address of Site	Description of Proposal	Applicant	Case Officer
11/0306/FULL	25/05/2011	20/07/2011	HILL HOUSE WOLVERLEY KIDDERMINSTER DY115TQ	To replace existing hay barn with modern general purpose fodder (Hay & Straw)store and storage of small farm machinery	Mr M Lord	Paul Round
11/0307/FULL	25/05/2011	20/07/2011	TANWOOD COURT BARNS TANWOOD LANE CHADDESLEY CORBETT KIDDERMINSTER DY104NT	Increase the size of the existing glazed area in the front door, facing Tanwood Lane and installation of conservation style roof window(to match existing rooflights) in area of roof over front door	Mr R Clarke	Julia McKenzie-Watts

WYRE FOREST DISTRICT COUNCIL

Planning Committee

14 June 2011

PLANNING AND ENFORCEMENT APPEALS

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1376 10/0500/FULL	APP/R1845/A/10 /2140347/NWF	Mr G Attwood	ROBIN HOOD DRAYTON ROAD BELBROUGHTON STOURBRIDGE DY9 Re-Erection of former pig-sty in form previously approved under consent 10/0323 for use as an outdoor bar area	HE 17/11/2010	29/12/2010		05/04/2011 Earl Baldwin Suite,	Dismissed 10/05/2011

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1379 10/0428/FULL	APP/R1845/A/11 /2143452/NWF	Banner Homes Midlands Ltd	CASTLE ASH BIRMINGHAM ROAD BLAKEDOWN KIDDERMINSTER Construct new access, access road and erection of 4 detached houses together with new garage for existing house	HE 10/01/2011	21/02/2011		06/05/2011 Earl Baldwin Suite,	
WFA1381 10/0692/FULL	APP/R1845/A/11 /2145175/WF	Mr N Newman	419 HURCOTT ROAD KIDDERMINSTER DY102QQ Change of use of annex to independent residential use	WR 01/02/2011	15/03/2011		03/05/2011	
WFA1382 10/0578/FULL	APP/R1845/A/11 /2146900	Mr A North	LAND OFF KINVER LANE KINVER ROAD STABLES CAUNSALL Rebuild and extend feed shed	WR 15/02/2011	29/03/2011		03/05/2011	Allowed With Conditions 26/05/2011

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1383 10/0655/FULL	APP/R1845/A/11 /2147093	Emily Convy	18 WESTHEAD ROAD COOKLEY KIDDERMINSTER DY103TG Conversion of existing dwelling into two dwellings	WR 17/02/2011	31/03/2011		15/06/2011	
WFA1384 10/0301/FULL	APP/R1845/A/11 /2146884	Mr David Nott	GORST HILL FARM ROCK KIDDERMINSTER DY149YJ Change of use of agricultural land to use for caravan storage on 340 m2 of redundant land adjacent to farm buildings. This allows the expansion of existing storage facility (WF/0946/91 & WF/0964/01) from 25 to 38 caravans	HE 21/02/2011	04/04/2011		10/05/2011 Loom Room,	

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1385 10/0461/FULL	APP/R1845/A/11 /2147630	Simon Fletcher	LAND TO THE REAR OF 1A & 1B GLOUCESTER WAY BEWDLEY New dwelling on land to rear of 1a and 1b Gloucester Way with associated access and parking	WR 24/02/2011	07/04/2011			
WFA1386 10/0741/FULL	APP/R1845/D/11 /2149015	Mr A Bradbury	30 LICKHILL ROAD STOURPORT-ON- SEVERN DY138SA Two storey side extension	WR 21/03/2011				Allowed 16/05/2011
WFA1387 10/0604/LIST	APP/R1845/E/11 /2148805	Mr M Gatehouse	WOODHOUSE FARM POUND GREEN ARLEY BEWDLEY DY123LD Replace existing roof tiles adding roof and wall insulation. Insertion of 3No. dormer windows	WR 05/04/2011	17/05/2011			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1388 10/0382/FULL	APP/R1845/A/11 /2148984	Wyre Forest Community Housing	CHESTER ROAD BOWLING CLUB CHESTER ROAD NORTH Erection of 26 No. 2 & 3 bedroom affordable dwellings comprised of 8 flats for shared equity, 8 flats for social rented and 10 houses for social rented	WR 07/04/2011	19/05/2011			
WFA1389 10/0533/FULL	APP/R1845/A/11 /2150005	Mrs K Yardley	LAND AT PONDEROSA REAR OF THE YARD HOUSE Conversion of an existing building for residential use (Retrospective)	WR 08/04/2011	20/05/2011			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Written Reps. or Statement Required By	Proof of Evidence required by	Public Inquiry, Hearing or Site Visit date	Decision
WFA1390 10/0742/FULL	APP/R1845/A/11 /2150737	Mr N White	12 BRINDLEY STREET STOURPORT-ON-SEVERN DY138JE Subdivision and conversion of existing shop with flat over to form 2 No. one bedroom flats	WR 14/04/2011	26/05/2011			



Appeal Decision

Hearing held on 5 April 2011

Site visit made on 5 April 2011

by **Alan M Wood MSc FRICS**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 May 2011

Appeal Ref: APP/R1845/A/10/2140347

Robin Hood PH, Drayton Road, Belbroughton, Stourbridge, West Midlands, DY9 0BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Attwood against the decision of Wyre Forest District Council.
 - The application Ref 10/0500/FULL, dated 26 August 2010, was refused by notice dated 21 October 2010.
 - The development proposed is the re-erection of former pig-sty in the form previously approved under consent 2010/0323 as an outdoor bar area.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposal is inappropriate development for the purposes of Planning Policy Guidance note 2: *Green Belts* (PPG2) and development plan policy, and if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development

Reasons

Inappropriate Development

3. The appeal site is located within the West Midlands Green Belt. PPG2 sets out the general presumption against inappropriate development in Green Belts and this is echoed by Policy GB.1 of the Wyre Forest District Local Plan (2004) [LP]. PPG2 further states that inappropriate development is, by definition, harmful to the Green Belt.
4. The appellant made reference at the hearing to paragraph 3.4 of PPG2 and Policy GB.3 of the Wyre Forest District Local Plan (2004) [LP] in the context of the use of land and buildings for outdoor recreation. PPG2 however stipulates that, for such uses not to be inappropriate development, the facilities have to be essential. There is no compelling evidence before me that the proposed facility would be essential for outdoor recreation. Policy GB.3 makes direct reference to PPG 2 in its supporting text and states that Green Belts have a positive role in providing access to open countryside. The appeal site however

is within the curtilage of the private land owned by the appellant. I find no support therefore in the policy to override the need to demonstrate that, in accordance with PPG2, the proposal would be essential.

5. Accordingly, I conclude that, in the context of PPG2 and Policy GB.1 of the LP, the proposal does constitute inappropriate development. PPG2 attaches substantial weight to the harm to the Green Belt by reason of the inappropriate nature of the development.

Other Considerations

6. Paragraph 1.4 of PPG2 states that the most important attribute of Green Belts is their openness. Although the proposed development is partially complete having its base, timber framework and roof in place, these are new building elements and this structure has no extant permission. The previous building on the appeal site has been removed and so, for the purposes of this appeal, the site has to be considered as open land. The appeal site is situated in a relatively prominent location and the erection of a new structure on the site would result in a loss of openness regardless of the fact that the proposal would be similar to the pre-existing pig-sty with the exception that it would be about 0.4m higher. I conclude therefore that the proposed development would conflict with the provisions of PPG2 in respect of the loss of openness to the Green Belt. I attach significant weight to this consideration.
7. Interested parties raised concerns in respect of the loss of visual amenity associated with the proposal. I viewed the site from a number of vantage points within the curtilages of nearby residential properties. In my judgement, given its form and scale, the proposed development would not adversely affect visual amenity in this setting and the Council confirmed at the hearing that harm to visual amenity did not form part of its case. The presence of paraphernalia associated with the use of the appeal site was also referred to at the hearing. However, the only loose fittings shown on the plan 2421-01 are items of furniture which would be contained within the appeal site. I conclude therefore that this consideration would add no additional weight against the proposal.
8. The issue of noise and disturbance which could result as a consequence of the proposal was clearly a matter of significant concern to local residents. The appeal site is some distance to the south-east of the public house (PH) and is surrounded by other land within the appellant's ownership. The PH already has an area immediately to its rear which contains outdoor seating and tables and this area is enclosed to some degree. Beyond is a further area of seating and tables part of which is situated within in a covered structure. This area is clearly delineated from the wider site and there is a line of fencing along the west boundary in this location.
9. I was told by interested parties that the area of the PH site to the south of the main building is also used for outdoor activities associated with the PH and that these activities generate noise which is clearly audible from their dwellings particularly those to the south-west whose rear gardens face towards the appeal site. The additional noise associated with the proposed development would therefore, in their view, unduly accentuate the level of noise and disturbance which is already being experienced. I noted however that the Council's Environmental Health Officer has not objected to the proposal on these grounds and that the south-west elevation of the proposed building would be fully enclosed. Notwithstanding any licensing restrictions, a condition

- could be imposed to prohibit the playing of amplified music at the appeal site. I find no conclusive evidence therefore to demonstrate that the proposed bar area would generate an unacceptable degree of noise over and above the general ambient level of external noise identified by local residents in the overall area of the PH site. That being the case, I find that this consideration would add no additional weight against the proposal.
10. Nuisance associated with external lighting at the appeal site was also raised by interested parties. There are no details of lighting before me but this matter could be satisfactorily addressed by the imposition of a condition. I conclude therefore that this consideration would add no additional weight against the proposal. The lawfulness of the proposed use within the appeal site was also challenged by interested parties. The view was expressed that the land was more properly in agricultural use and there is no Certificate of Lawfulness for usage that would be ancillary to the PH use.
 11. The Council however clearly did not consider that this consideration warranted the withholding of permission for the original conversion and have not raised this matter specifically in this case. Furthermore, I find no compelling evidence before me to demonstrate that the land forming the appeal site should be retained for an alternative use. A condition could be imposed to ensure that the proposed development would be used wholly in association with the PH. I conclude therefore that this consideration would add no additional weight against the proposal.
 12. In August 2010, planning permission (10/0323/FULL) was granted for a change of use of the pig-sty and alterations to it to form an outdoor bar with toilet provision. This permission however has been lost because the appellant failed to discharge a drainage condition prior to commencement and then removed the existing structure, due to its lack of structural integrity, shortly after the permission had been granted. The appellant has contended that whilst the proposed development would be new-build it would mirror the form and scale of the previously permitted conversion.
 13. The fact remains however that the existing structure has been removed. Policy RB.1 of the LP states that within rural areas, agricultural or other buildings will be acceptable for conversion provided that they are structurally sound, and in a condition capable of re-use without significant building works or complete reconstruction. The Council informed me that, in relation to the previous application, it had relied on the method of conversion set out in the supporting Design and Access Statement. The Council confirmed at the hearing however that had it been aware, at the application stage, of the perilous structural state of the existing building, which was ably demonstrated during the site visit by photographs taken by the appellant, it is unlikely that permission would have been granted. Indeed the appellant's statement acknowledged that had the Council required a structural survey to be submitted, the problem would have been evident from the outset.
 14. In the light of the above matters, it is my judgement that the presence of a building on the appeal site at a previous date (albeit within the last twelve months) which was removed by the appellant, and the existence of a previous permission granted on a different planning premise than that of the proposal before me, which has been lost through the actions of the appellant, would individually and collectively provide little weight in favour of the proposed development.

15. The appellant stated that the proposed facility could be an asset to the PH at a time when significant numbers of public houses were closing. The appellant indicated however that the proposed garden bar would not make the difference between profit and loss in this instance. In the absence of any substantive evidence to demonstrate that the proposal would have a material impact on the viability of the PH I accord this consideration little weight. Reference was also made to Policy CP07 of the Wyre Forest District Core Strategy (2010) [CS]. The policy relates to community facilities and stipulates that opportunities to expand, enhance or maximise community uses will be supported subject to other material considerations. There are a number of other material considerations in this case which have been considered above and, in the light of those; I attribute limited weight to this consideration.
16. A number of other permissions were cited by the appellant in support of the proposal but it was accepted at the hearing that each case should be considered on its own particular merits.

Conclusion

17. My overall conclusion therefore is that the above considerations individually, and when taken together, are not sufficient to clearly outweigh the harm that I have identified in respect of inappropriate development and loss of openness. Therefore very special circumstances to justify the proposed development do not exist. Accordingly, the proposed development would conflict with PPG2, Policy D39 of the Worcestershire County Council Structure Plan (2001) and Policy GB.1 of the LP. Policy D39 mirrors the provisions of PPG2 in respect of inappropriate development.
18. Having taken full account of all of the matters before me, for the reasons given above, the appeal does not succeed.

Alan M Wood

Inspector

APPEARANCES

FOR THE APPELLANT:

Richard Brock MA(Cantab) Brock Planning Consultancy
DipTP MRTPI

Maxwell Davies DWT Legal

FOR THE LOCAL PLANNING AUTHORITY:

Paul Round DipTP MRTPI Senior Development Control Officer, Wyre Forest
District Council

INTERESTED PERSONS:

Graham Parker PJPlanning, representing the Residents of 16
Properties in the Locality

David Thomas Representative of Chaddesley Corbett Parish
Council

F Pritchard Local Resident

J G Whateley Local Resident

Lara Darby Local Resident

DOCUMENTS

Submitted by the Council

1. Notification Letter
2. Copy of CP07 of the CS and Policy GB.3 of the LP

Submitted by the Appellant

3. Letter dated 12 October 2010 from Mr V Shingler
4. Ariel Photograph of the Robin Hood PH Site

Submitted by Graham Parker

5. List of Local Residents represented and the locations of their properties



Appeal Decision

Site visit made on 3 May 2011

by Andrew Hammond MA MSc CEng MIET MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 May 2011

Appeal Ref: APP/R1845/A/11/2146900

Land off Kinver Lane, Kinver Road Stables, Caunsall, Kidderminster.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Arthur North against the decision of Wyre Forest District Council.
 - The application Ref 10/0578/FUL, dated 21 August 2010, was refused by notice dated 24 November 2010.
 - The development proposed is to rebuild and extend feed shed in matching blockwork.
-

Decision

1. I allow the appeal, and grant planning permission to rebuild and extend feed shed in matching blockwork at land off Kinver Lane, Kinver Road Stables, Caunsall, Kidderminster in accordance with the terms of the application, Ref 10/0578/FUL, dated 21 August 2010 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby approved shall be carried out strictly in accordance with drawing No. N/1763/2010a.1 unless minor variations are approved in writing by the Local Planning Authority.
 - 3) The external materials shall match in colour form and texture those of the existing building and there shall be no variation without the prior consent in writing by the Local Planning Authority.

Main Issue

2. The main issue in this case is whether the proposal constitutes inappropriate development within the Green Belt and, if so, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

3. The appellant keeps 16 horses for recreational purposes on around 7.2 hectares. At the appeal site there are 2 stable blocks comprising a total of 6 stables and a tack room together with a small feed shed attached to one of the stable blocks. The site is well screened from the surrounding countryside.
4. Planning Policy Guidance PPG2: Green Belts (PPG2) sets a presumption against inappropriate development in the Green Belt and states that the construction of

new buildings inside a Green Belt is inappropriate unless it is for one of a number of specified purposes, including essential facilities for outdoor sport and outdoor recreation. Saved Policies GB.1 and GB.2 of the Wyre Forest District Local Plan (LP) follow the advice in PPG2 with saved Policy GB.3 stating that ancillary buildings must be directly related to the needs of the use of the land and be restricted to the minimum size necessary.

5. The Council suggest that the keeping of 16 horses on the land is excessive, citing *Guidelines for the keeping of horses; Stable sizes, Pasture acreages and Fencing*, published by the British Horse Society. That document, however, states that average pasture will maintain approximately 2 horses per hectare but that where the horse is stabled for part of the time 1 acre per horse may be more than adequate.
6. In addition to grazing, horses are stabled at the appeal site and whilst stabled reasonably require straw, hay and hard feed which is kept in the existing feed store or outside, where some of it is unavoidably rendered unusable.
7. The existing feed store is in poor structural condition and in need of substantial repair or rebuilding. Its restricted height and size means that it is unsuitable for the mechanical handling and storage of the larger hay and straw bales now in common use. The proposed development, whilst larger than the existing store, is the minimum size necessary to store the required bulk deliveries of hay, straw and feed and to accommodate the associated mechanical handling.
8. The proposed feed store is, therefore, an ancillary building essential for and directly related to the use of the land for outdoor recreation which complies with the requirements of saved LP Policies GB.1 and GB.3 and is not inappropriate development in the Green Belt.
9. The proposal would be located within the complex of stable buildings and would be screened by them and by tall conifers. Whilst it would introduce additional development the effect on the openness and visual amenity of the Green Belt would be minimal and any harm arising would be outweighed by the benefits arising from the improved storage of straw, hay and hard feed.
10. For the above reasons the appeal should be allowed.

Conditions

11. In addition to a condition requiring the development to be commenced within 3 years from the date of the decision, a condition requiring the development to be in accordance with the approved plan is necessary in the interests of proper planning and a condition requiring the use of matching materials is necessary so as to ensure a satisfactory form of development.

Andrew Hammond
INSPECTOR



Appeal Decision

Site visit made on 3 May 2011

by Julie German BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 May 2011

Appeal Ref: APP/R1845/D/11/2149015

30 Lickhill Road, Stourport on Severn DY13 8SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Bradbury against the decision of Wyre Forest District Council.
 - The application Ref 10/0741/FULL, dated 16 December 2010, was refused by notice dated 11 February 2011.
 - The development proposed is a two storey side extension.
-

Decision

1. I allow the appeal and grant planning permission for a two storey side extension at 30 Lickhill Road, Stourport on Severn DY13 8SA in accordance with the terms of the application, Ref 10/0741/FULL, dated 16 December 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 2597 (Revised plan dated January 2011).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows other than those expressly authorised by this permission shall be constructed on the rear elevation.

Main Issue

2. I consider that the main issue is the effect on highway safety.

Reasons

3. The appeal property is a small two bedroom semi-detached house on a rectangular plot. The plot is located towards the centre of the square block of development formed by Lickhill Road, Vernon Road, Tan Lane and Lombard
-

Street. The site has no vehicular access but is reached by a footpath off Lickhill Road. The proposal entails the demolition of an existing lean-to single storey side extension and the erection of a two storey side extension which would accommodate a third bedroom. At the time of my site visit the property was vacant and appeared somewhat rundown. In my opinion, it would require significant work to bring it up to modern standards.

4. The Highway Authority's adopted Design Guide requires two bedroom dwellings to provide one parking space and three bedroom dwellings to provide two parking spaces. The Council is concerned that the lack of any on-site parking would result in on-street parking thereby creating an obstruction and preventing the free flow of traffic.
5. The site is in a sustainable location. It is within easy walking distance of a range of facilities in the town and there is a primary school in Tan Lane. In principle, the scheme is in line with the Government objective of reducing reliance on the private car. In this respect, recently updated Government guidance in Planning Policy Guidance Note 13 (PPG13) advises, at Paragraph 50, that developers should not be required to provide more parking spaces than they themselves wish, other than in exceptional circumstances. These might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls. Whilst vehicles parked in the vicinity of the site might prove an inconvenience to residents due to an increase in parking pressure I have no evidence to suggest that it would cause an obstruction or otherwise be materially prejudicial to highway safety. I therefore conclude on the main issue that the proposal would not harm highway safety.
6. Two other factors weigh in favour of the proposal. Firstly, Government guidance recognises that the availability of car parking can influence levels of car ownership and the site is in a sustainable location where car-free living would be a realistic and acceptable possibility. Secondly, the overall upgrading of the dwelling associated with the scheme would improve its contribution to the housing stock. I consider that in combination my conclusions on these matters and on the main issue constitute a material consideration of sufficient weight to outweigh adopted development plan policy in respect of parking provision.
7. The appellant has made reference to a scheme for a pair of semi-detached dwellings to the north of the site which was approved in November of last year. However, I do not know whether the Highway Authority's Design Guide was current at that time. In any event, it is a well-established principle that each planning application and appeal falls to be considered on its own merits. This matter therefore does not add to the weight of considerations in favour of the proposal.
8. The Council has suggested conditions in the event that I allow this appeal. As requested, I have attached a condition requiring matching materials to ensure that the extension harmonises with the existing building. I have reworded the suggested condition relating to windows in the rear elevation to include dormer windows, in order to preserve privacy at the adjacent dwelling on Vernon Road. For the avoidance of doubt and in the interests of proper planning I have also

attached a condition requiring the development to be carried out in accordance with the approved plans.

9. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Julie German

INSPECTOR

PLANNING COMMITTEE
14TH JUNE 2011

**Monthly Progress Report on performance against NI 157 targets
for determining planning applications**

OPEN	
DIRECTOR:	Director of Planning and Regulatory Services
CONTACT OFFICER:	John Baggott – Extension 2515 John.Baggott@wyreforestdc.gov.uk
APPENDICES:	None

1. PURPOSE OF REPORT

- 1.1 To provide Members with a monthly progress report on performance against national indicators (NI 157, formerly BV 109).

2. RECOMMENDATION

- 2.1 **That the report be noted**

3. BACKGROUND

- 3.1 At Full Council in May 2006 it was agreed as part of the Recovery Plan that a report on the performance against best value performance indicators (BVPI 109, now NI 157) be reported to the Planning (Development Control) Committee on a monthly basis.

- 3.2 The national targets for determining planning applications are as follows:

NI 157 a (Major applications)	-	60% within 13 weeks.
NI 157 b (Minor applications)	-	65% within 8 weeks.
NI 157 c (other applications)	-	80% within 8 weeks.

- 3.3 In addition to these national targets there are Local targets set out within the Business Plan for 2011/12. These are as follows:

Major applications	-	65% within 13 weeks.
Minor applications	-	75% within 8 weeks.
Other applications	-	85% within 8 weeks.

4. PERFORMANCE

Major applications

- 4.1 The following table shows the quarterly performance figures for major applications for the period from 1st January 2009 to 31st March 2011. It also shows the performance at the time of compiling the report within the 1st Quarter of 2011/12 although the relevant period does not end until 30th June 2011 and as such these figures may be subject to further change.
- 4.2 As previously advised, due to the continued low number of new major applications that have been received over recent months, performance in this area has been affected due to the number of older, more complex, major applications which have reached final determination and which have already gone beyond 13 weeks. Whilst every effort will continue to be made to manage these applications effectively, performance in this category is becoming increasingly difficult and is likely to be affected in the current and future quarters.

Quarter	No. determined	No. determined within 13 weeks	% determined within 13 weeks
1 January – 31 March 2009	4	4	100%
1 April – 30 June 2009	3	2	66.67%
1 July – 30 September 2009	5	2	40%
1 October – 31 December 2009	9	8	88.89%
1 January – 31 March 2010	5	3	60%
1 April – 30 June 2010	9	6	66.67%
1 July – 30 September 2010	3	2	66.67%
1 October – 31 December 2010	13	9	69.23%
1 January – 31 March 2011	6	4	66.67%
1 April – 30 June 2011 (figures taken 31 May 2011)	3	1	33.33%

Minor applications

4.3 The following table shows the quarterly performance figures for minor applications for the period from 1st January 2009 to 31st March 2011. It also shows the performance at the time of compiling the report within the 1st Quarter of 2011/12 although the relevant period does not end until 30th June 2011 and, as such, these figures may be subject to further change. Performance within this category has consistently met the national targets. However, with the continued relatively low numbers of new minor applications having been received, performance in this category is now proving to be a real challenge.

Quarter	No. determined	No. determined within 8 weeks	% determined within 8 weeks
1 January – 31 March 2009	41	31	75.61%
1 April – 30 June 2009	56	47	83.93%
1 July – 30 September 2009	40	31	77.50%
1 October – 31 December 2009	50	37	74.00%
1 January – 31 March 2010	33	24	72.73%
1 April – 30 June 2010	29	23	79.31%
1 July – 30 September 2010	36	27	75.00%
1 October – 31 December 2010	36	27	75.00%
1 January – 31 March 2011	26	19	73.08%
1 April – 30 June 2011 (figures taken 31 May 2011)	28	17	60.71%

Other applications

4.4 The following table shows the quarterly performance figures for other applications for the period from 1st January 2009 to 31st March 2011. It also shows the performance at the time of compiling the report within the 1st Quarter of 2011/12 although the relevant period does not end until 30th June 2011 and, as such, these figures may be subject to further change.

Quarter	No. determined	No. determined within 8 weeks	% determined within 8 weeks
1 January – 31 March 2009	99	89	89.90%
1 April – 30 June 2009	129	114	88.37%
1 July – 30 September 2009	135	115	85.19%
1 October – 31 December 2009	94	80	85.11%
1 January – 31 March 2010	84	72	85.71%
1 April – 30 June 2010	124	111	89.52%
1 July – 30 September 2010	119	94	78.99%
1 October – 31 December 2010	109	91	83.49%
1 January – 31 March 2011	97	84	86.60%
1 April – 30 June 2011 (figures taken 31 May 2011)	80	62	77.50%

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications.

6. LEGAL AND POLICY IMPLICATIONS

6.1 There are no legal or policy implications.

7. RISK MANAGEMENT

7.1 There are risk management issues if performance continues to fail to meet the national targets.

8. EQUALITY IMPACT ASSESSMENT

8.1 This report relates to the analysis of performance levels against national and local indicators. There are no equality impact issues to be addressed.

9. CONCLUSION

- 9.1 Members are advised of continued concerns in respect of the performance against major applications targets, due to the relatively low number of new major applications being received which would offset the older, more complex, major applications which are nearing determination. Similarly, performance against minor applications continues to suffer, and every effort is being made, insofar as is possible, to manage new applications effectively to ensure that performance in this area shows an improvement during future quarters. In terms of the others category of applications, performance in this area fell below the national targets during the 2nd Quarter of 2010/11, with an immediate improvement in the 3rd Quarter, which continued into the 4th Quarter of 2010/11.
- 9.2 Members are also advised that following the resignation of one of the Senior Development Control Officers, the number of planning case officers has now been reduced by 1 FTE, with effect from 1st January 2011. The impact of this lost post is now being felt within Development Control which in turn is having an adverse impact upon performance in all categories of applications.
- 9.3 The Council has no control over the number and timing of applications being submitted for determination, but undoubtedly the economic climate has had an impact upon the number of new applications, in all categories, which have been received over recent months.

10. CONSULTEES

- 10.1 None.

11. BACKGROUND PAPERS

- Report on Recovery Plan (Full Council) – May 2006
- Monthly progress reports – Planning (DC) Committee (June 2006 – May 2009)
- DCLG : Planning Performance Statistics – Planning (DC) Committee (August 2006 – May 2009)
- Monthly progress reports – Planning Committee (June 2009 – May 2011)
- DCLG : Planning Performance Statistics – Planning Committee (August 2009 – May 2011)