

WYRE FOREST DISTRICT COUNCIL**PLANNING COMMITTEE**
14TH FEBRUARY 2012**ADDENDA AND CORRECTIONS**

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
PART A 11/0420/FULL/ OUT	14	<p data-bbox="574 613 1433 869"><u>Environment Agency</u> (additional comments) – We are satisfied that the information submitted addresses the points raised in our previous discussions and correspondence and are now able to remove our objection to the proposed development. However, we wish to make the following comments and recommend that conditions are attached to any planning permission granted.</p> <p data-bbox="574 904 1433 1451">Contaminated Land - In general, we are satisfied with the detail and that there are remedial options available to deal with contaminated land for the site, in line with Planning Policy Statement 23 'Planning and Pollution Control'. Condition (in summary) : No development, or phasing, shall take place until a scheme to deal with the risks associated with contamination of the site are submitted to and approved, in writing, by the Local Planning Authority. Condition (in summary) : If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement for remediation.</p> <p data-bbox="574 1487 1433 1626">Informative – Contaminative Soil: Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation.</p>

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<p>Groundwater Vulnerability - The applicant has provided information justifying the need for the site in this location and why it would not be possible to install the tanks above ground. We accept the findings of this assessment. Detail on groundwater levels in the area has also been provided to confirm that the tanks would be located above the water table. The pollution prevention measures proposed for the PFS infrastructure appear to be comprehensive and include double lined tanks, secondary contained pipe-work operating on a suction approach, contained drainage, and leak detection etc. Information has been provided on the size of the tanks and reasoning for them being single compartment and an acknowledgment that the headworks/seals of the proposed monitoring wells should be constructed so that no surface water would discharge to the monitoring installation. It was also noted that in the event of any loss of fuel from the site a dedicated remediation system would be needed. We understand that the surface water drainage details are still being finalised. From a water quality perspective we would not wish to see any surface water run-off from the PFS going to ground. We would recommend the following conditions are attached to any planning permission granted, in protecting the water environment:</p> <p>Condition (in summary) : No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority</p> <p>Condition (in summary) : Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor</p> <p>Condition (in summary) : The full structural details of the petrol filling station installation, including the means of excavation, details of excavation, details of the tank, its surround, associated pipework and monitoring system shall be submitted to and approved by the Local Planning Authority prior to the commencement of work on site.</p>

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<p>Condition (in summary) : Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls</p> <p>Condition (in summary) : Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority,</p> <p><u>Flood Risk Standing Advice (FRSA)</u> - Given the scale and nature of the proposed development, in this location, we would not provide bespoke flood risk comments in relation to this application, in line with our West Area FRSA. However, I would refer you to our West Area FRSA process note for ‘development plus 1ha in Flood Zone 1’, for consideration in consultation with your Land Drainage Officer</p> <p><i>(Officer Comment – The additional conditions above should be added to the list at the end of the report)</i></p> <p><u>English Heritage</u> (additional comments) – I have read the very full report and note that the recommendation is for refusal - a decision we would support even if it does not draw on comments we have made. We have no additional comments to make.</p> <p><u>Conservation Officer</u> (additional comments) – Further comments which you may wish to consider before the application is taken to Committee. With reference to the two locally listed buildings referred to as Buildings 11 and 7A/7B in the RPS Historic Building Assessment pages (also referred to as the 1885 and 1895 buildings), my specific concerns are as follows:</p> <ol style="list-style-type: none"> 1) Neither the design of the sprinkler tank nor the bookend building relates well to the locally listed buildings in terms of design, style, materials, proportion and plan. Thus this proposal is contrary to Policy LB.5 (i). 2) There is no information within the application which explains how demolition of structures 7C and 8A is to be achieved where these connect to buildings 7A/7B, nor does it contain specific proposals for making them good afterwards. As such the proposal also conflicts with Policy LB.1.

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<p><u>West Mercia Police Headquarters (Strategic Planning)</u> (previous request for £3,000 S106 monies towards IT infrastructure & £14,000 towards a police car) (Additional comments) -</p> <p>This letter sets out the justification for West Mercia Police (WMP) seeking contributions towards policing infrastructure in accordance with the provisions of the Development Plan, Circular 05/05 and Community Infrastructure Levy (CIL) Regulation 122.</p> <p><u>National Policy</u> - Planning Policy Statement 1 repeatedly emphasises the need for the planning system to influence the delivery of safe communities. The objective in paragraph 36 of PPS1 is a material consideration in the determination of planning applications. Paragraph 36 of PPS1 also requires local planning authorities to take account of the provision of essential infrastructure and services in bringing land forward for development. Paragraph EC2.1 (f) of PPS4 reinforces this by advising local planning authorities to ensure that planned economic development is supported by the delivery of infrastructure.</p> <p>Paragraph 12 of CIL Regulations (2011) explicitly identifies policing infrastructure as a legitimate element of infrastructure that can be funded by developer contributions.</p> <p><u>Local Policy</u> - The '<i>Wyre Forest Matters Sustainable Community Strategy</i>' (2008-2014) identifies the creation of 'Communities that are safe and feel safe' as one of the six overarching themes that will be prioritised in the District. In order to achieve this target the SCS highlights the need to reduce crime, reduce the fear of crime and reduce anti-social behaviour. The adopted Wyre Forest Core Strategy (December 2010) mirrors the SCS's support for the creation of safer communities and the reduction of crime via the following: -</p> <ul style="list-style-type: none"> • A key challenge identified by the Core Strategy is "<i>how can new development help to alleviate the high levels of concern amongst local residents in relation to crime?</i>" (page 8)

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<ul style="list-style-type: none"> • Paragraph 3.12 of the Core Strategy states that the Vision for the District is one where “<i>crime and disorder in the District remain low and local residents feel safer</i>”. • Development Objective 13 of the Core Strategy states that the development strategy for the District should “<i>maximise community cohesion and safety and ensure new developments positively contribute towards crime reduction</i>”. • Policy CPO7: Delivering Community Wellbeing states that “<i>The Council will require developer contributions to the following areas of social infrastructure: ...Health and community safety (including emergency services) facilities and services</i>” <p>Alongside the Core Strategy, the Churchfields Masterplan SPD (adopted September 2011) explicitly recognises in Chapter 10 that Section 106 contributions towards the upgrading of the Churchfields Police Post are a priority.</p> <p><u>Compliance with Circular 05/05 and CIL Regulation 122</u></p> <p><u><i>Necessary to make the proposed development acceptable in planning terms</i></u> <u>(Circular 05/05 and CIL Regulation 122)</u></p> <p>The Police Service is a population-based service and where there is an increase in population research has shown that there is an accompanying increase in levels of crime. The level of population increase at the site relative to current levels, resulting from people working at and visiting the site once the development is operational, will generate increased demand for policing at the site and its surroundings. The requested infrastructure is necessary to mitigate the additional pressure that will be placed on existing policing services as a result of the proposed development. Therefore, without the receipt of proportionate contributions from the new development towards addressing the greater demands from policing generated by it, our officers will be forced to make time consuming detours to access the full range of IT support services needed to police the proposed development. Furthermore, without either a car or bicycles being provided, these would have to be removed from the already depleted WMP fleet.</p>

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<p>Alongside this, given the concentration of population at the application site (ASDA staff and customers), safety could be put at risk by the absence of sufficient infrastructure through impairing the ability of officers to respond to incidents.</p> <p>Consequently, without planning contributions towards police infrastructure it is likely that policing will be adversely impacted upon and the creation of safe communities jeopardised. This would be directly at odds with the key planning objective to provide safe, sustainable communities.</p> <p><u>Directly related to the proposed development (Circular 05/05 and CIL Regulation 122)</u></p> <p>There is a functional link between the proposed development and the contributions being sought, as the costs associated with providing additional police infrastructure would not be incurred without the impact of the development.</p> <p><u><i>Fairly and reasonably related in scale and kind to the proposed development (Circular 05/05 and CIL Regulation 122)</i></u></p> <p>The considerable increase in population at the site necessitates a proportionate increase in policing. This will impair policing services elsewhere in the District if the requested infrastructure is not provided.</p> <p><u><i>Reasonable in all other respects (Circular 05/05)</i></u></p> <p>The Section 106 contributions being sought in this case are not to resolve existing deficiencies in WMP infrastructure provision, nor do they seek to provide a higher level of service. The impact of the development on the capacity of WMP to provide an efficient and effective service in the context of the Government's agenda for the delivery of safe communities is a material planning consideration and the contributions being sought are proportionate to that impact. The requirement for a Planning Obligation to deliver a financial contribution is therefore reasonable in all respects.</p>

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<p data-bbox="579 338 1406 409"><u>Precedent for Developer Contributions Towards Provision Of Police Infrastructure</u></p> <p data-bbox="579 450 1418 741">We would like to draw your attention firstly to a recent planning appeal decision at Pinewood Studios, South Buckinghamshire (£127,415 towards funding for a PCSO over a period of four years), and developer contributions, via Section 106 contributions have been achieved in the following appeal cases (i) Erection of 62 dwellings – 21 July 2011; (ii) Erection of 70 dwellings – 06 May 2011; and (iii) Erection of 50 dwellings – 21 February 2011.</p> <p data-bbox="579 779 1406 1182">Notwithstanding the above, the Council can be assured that precedent also exists in WMP’s own geographical area of coverage for developer contributions towards police infrastructure. The Shropshire Community Infrastructure Levy formally recognises WMP as a legitimate recipient of developer contributions. In addition Wychavon have achieved contributions at the following schemes - Erection of 740 new homes, employment premises and local centre – Police Post to be provided; and Erection of 800 new homes, care facility and employment uses – Police Post to be provided.</p> <p data-bbox="579 1220 1366 1328">The evidence presented above therefore demonstrates that there is precedent both nationally and locally for Section 106 contributions towards police infrastructure</p> <p data-bbox="579 1402 1390 1693"><i><u>Officer Comments S106 Contributions</u> – Whilst West Mercia Police have submitted a clear, well thought out request for a contribution towards IT infrastructure and a police car, such a contribution does not form part of the Council’s Planning Obligations SPD, and officers are not convinced that the contributions requested are of such necessity that that the application should be refused without them.</i></p> <p data-bbox="579 1731 1425 2022"><i>The list of Section 106 contributions under paragraph 5.9 on page 149 of the agenda refer to: A delivery vehicles management strategy – it is considered that this could be addressed via a condition; and Signage to the shops within the Horsefair – it is considered that this would not meet the requirement of CIL regulations as it would not be absolutely necessary for the development to be acceptable.</i></p>

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<p><u>Letter received on behalf of Morrisons</u> – We have been instructed by our client, Wm Morrison Supermarkets Plc ('Morrisons'), to object to the above planning application by Asda Stores Ltd</p> <p>The proposed foodstore is in an out-of-centre location, and is therefore contrary to adopted development plan policies RT.5 and CPO9. On this basis, the application should be refused.</p> <p>We note that the Retail and Leisure Study Update, prepared by WYG in February 2010, indicates that in the period up to 2016, there appears to be available convenience expenditure capacity to support approximately 3,291 sq.m net floorspace. It is pertinent to note, however, that the new larger Morrisons store and the extension to the Sainsburys store in Kidderminster have absorbed a significant proportion of the available surplus capacity available to support additional convenience retail floorspace in the town.</p> <p>The Retail Study concludes, therefore, that Kidderminster is considered to have a good range of food shopping facilities, and that it is not necessarily important to plan for additional floorspace</p> <p>We do not consider that the development of a superstore in this location is in accordance with the Council's aspirations for the site, either in terms of its use or design and layout In this regard, the application proposal is clearly contrary to the provisions of the Churchfields Masterplan SPD, and we consider that this forms a strong argument in favour of refusal of the application</p>

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<p>In this regard, it is clear that the proposal is not in accordance with 'saved' Local Plan Policy RT.5, Core Strategy Policy CPO9, or Policy ECI 5 of PPS4. We therefore consider that the application should be refused.</p> <p>In this regard, we consider that the development of an Asda superstore on the application site is likely to have an adverse impact upon the Bromsgrove Street site coming forward for large scale retail development in the future.</p> <p>In terms of consumer choice, the WYG Retail Study indicates that the town is served by three main foodstores and a number of smaller foodstores. Overall it is considered to have a good range of food shopping facilities.</p> <p>We would argue that the development of another foodstore, particularly in an out-of-centre location, is unlikely to significantly improve consumer choice, but is likely to have a detrimental impact on the town centre by drawing trade away from the Morrisons store at Green Street, which helps to maintain the vitality and viability of Kidderminster via linked trips.</p> <p>It is clear that the out-of-centre application does not satisfy the criteria contained within policy ECI7.1 of PPS4. The applicant has failed to correctly address the sequential test, given that they have disregarded a sequentially preferable site that is capable of accommodating the proposed foodstore.</p> <p>Furthermore, by reason of its out-of-centre location it is likely that the proposed development will draw trade away from the existing Morrisons foodstore in Kidderminster, to the detriment of the vitality and viability of the town centre.</p> <p><u>One additional letter of support</u> has been received -</p> <p>The Horsefair in my opinion is overdue a drastic transformation from its current state the town is in need of employment in the form of 370 jobs. Tesco has been able to infest the town with their 'Express stores' yet a company wanting to reignite growth into the area has been condemned. Even a layman can see that putting a store in Bromsgrove Street would be un-realistic and would not bring the public flooding back to Kidderminster.</p>

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<p data-bbox="577 297 1369 371"><u>Officer Comments</u> – Additional information submitted in response to clarification from officers.</p> <ol style="list-style-type: none"> <li data-bbox="577 409 1401 562">1) The gross and net floor areas of the proposed store are fixed and are as set out in the Retail Assessment and on the application form – that is 7322sq m gross with a net sales area of 3600sq m. <li data-bbox="577 600 1401 1189">2) It is anticipated that the proposed improvements to the connections between the application site and the local shops on Blackwell Street and Horsefair will comprise: <ul style="list-style-type: none"> <li data-bbox="632 786 1417 860">• Pedestrian/cycle phases incorporated into the traffic signal controlled site access junction. <li data-bbox="632 860 1238 920">• New pedestrian/cycleways on both sides of the new Link Road. <li data-bbox="632 920 1358 1111">• A signed cycle route on Blackwell Street to provide a link between the existing recommended route on Radford Avenue, the Asda development and the new facilities along Churchfields. <li data-bbox="632 1111 1417 1189">• Introduction of new signage between the Asda development and the local shops/businesses. <li data-bbox="577 1227 1417 1529">3) The residential element of the application is only in outline, with appearance and scale reserved for future determination. Drawing PL11-F does provide illustrative information on the layout and approximate length and width of the housing, and the minimum and maximum heights are as set out in our letter of 1st December. Full details will obviously be provided at the reserved matters stage. <li data-bbox="577 1568 1417 1789">4) It is proposed that the car park will operate without a maximum permitted duration of stay, but that there will be an agreed process whereby the management strategy may be reviewed in consultation with the Council, to allow any abuse of the car park to be addressed.

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<p>5) The application includes changes to the local highway network that will provide enhanced pedestrian accessibility and improved air quality for the Horsefair area, in accordance with the aspirations in the Churchfields Masterplan: these highway works are directly related to, and required by, the proposed development and therefore accord with the CIL Regulations. Asda/KPI have a continuing dialogue ongoing with the Horsefair Traders and remain open to suggestions as to what further works could be funded to improve the area. These may include additional parking spaces and improved signage.</p> <p>6) No detailed structural survey has been undertaken of the 1885 Building. However a full survey will be carried out prior to any demolition works commencing on the site. This can be included as a condition on the planning consent.</p> <p><u>Officer Comments</u> - Since the date of report preparation the applicants have submitted an appeal against non-determination. The Planning Inspectorate has advised that the start date for the appeal is 13th February 2012. Therefore the District Council cannot technically issue a decision, however the report will be presented as usual with an updated recommendation as follows:</p> <p>Taking account of the relevant material considerations the recommendation is that if Members had the application before them to determine that they would be MIND TO REFUSE for the reasons as set out in the report with No. 4 amended on the Addenda and Corrections sheet.</p> <p>Paragraph 4.141 of the report (p.111) refers to the Cabinet meeting 31st January. At the meeting the following decisions were made:</p> <p>1. The Cabinet DECIDED that the site of The Glades Leisure Centre would not form an appropriate location for future leisure provision for the district. This decision includes, if necessary, vacating the site in order to allow its development by any purchaser prior to the building of a new leisure centre.</p>

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<p>2. Except as decided above, the Cabinet NOTES the recommendations of the report to Cabinet, pending the advice of the Overview and Scrutiny Committee, and will take final decisions on these matters at its meeting on 21st February 2012.</p> <p>This was further discussed on 8th February 2012 by the Members of the Overview and Scrutiny Committee who have recommended that the Glades should be closed, if required for redevelopment, on giving 6 months notice following the end of the current contract on 31st March 2013, enabling closure on 30th September 2013. This recommendation will be reported to the Cabinet meeting on 21st February 2012.</p> <p><u>Correction</u> – The wording of the fourth reason for refusal has been amended to read as follows:</p> <p>4. The proposed development, both in terms of layout and external appearance, is contrary to good design practice promoted in By Design and the Council’s adopted guidance and policies, with particular reference to the visual appearance of the development; inactive frontages; lack of definition of public and private space; and, natural surveillance of the proposed pedestrian linkages. The proposed development is therefore contrary to Design Principles 5, 6, 7, 8 and 9 of the Churchfields Masterplan; Policy CP11 of the Wyre Forest District Core Strategy; Policy 25 of the Draft Site Allocations and Policies Development Plan Document; Policies 12, 19 and 23 of the Draft Kidderminster Central Action Area Plan; Policy QE3 of the Regional Spatial Strategy; the Adopted Wyre Forest Design Quality Supplementary Planning Guidance; By Design; Policy EC10.2(c) of PPS4 and the aims of PPS1.</p>
11/0634/FULL	154	<p><u>Correction</u> – Reason for referral now incorrect as public speaking took place at January 2012 Committee. Should now read:</p> <p>“Previously considered by Committee and deferred for a site visit”</p>
11/0701/FULL	168	<u>Highway Authority</u> – No objections

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
11/0706/FULL	182	<p data-bbox="577 297 1398 443"><u>Chaddesley Corbett Parish Council</u> - Further to recent correspondence, the Parish Council reconsidered this application at their meeting last night and their comments remain unchanged. For the sake of clarification :-</p> <p data-bbox="577 481 1318 551">No objection to the proposal subject to the following conditions:</p> <ul data-bbox="577 591 1417 667" style="list-style-type: none"> • There should be no additional lighting for the play area. • No music should be played from the play area. <p data-bbox="577 705 1362 775">The Parish Council expressed concerns about the increased size of the play area, in particular the height.</p> <p data-bbox="577 813 1404 1032">However, they have received representations from residents and in particular PJ planning regarding planning legislation relevant to this development and the Parish Council requests that the Planning Committee take due regard of these planning policies when making their decision.</p> <p data-bbox="577 1070 1401 1216"><u>Worcestershire Regulatory Services (Noise)</u> - There have been no noise complaints in connection with Children's Play Area or children playing. No Objections on noise grounds to the retention of the play area.</p> <p data-bbox="577 1254 1420 1361"><u>Letter received from Agent</u> - I have verified with my client that the old play area equipment was removed at the same time as the new equipment was installed, i.e. 2010.</p> <p data-bbox="577 1400 1417 1653">You have also sought my response to points raised by PJP Planning relating to Green Belt development. I am very surprised by the assertions made as clearly the play equipment is not a building in any sense of the word. The area has been utilised as a play area for many decades as evidenced by correspondence etc presented in connection with the recent appeal as well as aerial photographs.</p>

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<p>The equipment clearly has no adverse effect on the openness of the Green Belt given this background. I have confirmed the significance of the play area to the continued success of the enterprise and it is genuinely required, otherwise my client would not have gone to the significant expense of installing the equipment which is for outdoor recreation (see para 3.4 of PPG2). In terms of "community", I have established that the Parish Council support the proposals subject to safeguarding conditions which my client accepts. Whilst PJP Planning allege that they represent "residents" of the locality, we have no details of precisely who they represent and my clients are aware of significant support locally for both the public house and the facilities provided, including the play area. To this end, the proposal is for appropriate development.</p> <p><u>Officer Comment</u> : Clarification on Green Belt Policy (paragraph 4.4 of report) - The definition of "building" in the Town and Country Planning Act includes other structures and as such the term "building" would include the play equipment. PPG2 requires essential facilities for outdoor sport and recreation to be genuinely required and that openness is maintained. PPG2 also talks about "other structures" setting out the same test of maintaining openness. Officers have considered national and local Green Belt policy carefully along with the Applicant's comments and are satisfied that the development comprises appropriate development in the Green Belt.</p>

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
<p>PART B</p> <p>11/0681/FULL</p>	<p>202</p>	<p><u>Letter received from Consultant on behalf of neighbours -</u></p> <ul style="list-style-type: none"> • I remind you that the previously approved scheme should not be seen as a precedent for approving the current proposal, because the policy background against which the previous care home proposal was approved in outline on appeal in 2008, under reference 07/1025/OUTL and the consequent approval of the one reserved matter in 2011, has changed. That decision does not represent a precedent for two reasons, namely the publication of the Wyre Forest District Council's Core Strategy (2006 - 2026), adopted December 2010 and the revision of the definition of developed land brought about by the publication of PPS3, in June 2010, to exclude residential gardens. • The submitted elevations and photomontages only confirm that the proposal would have a dramatic adverse effect upon my clients' privacy and amenity. The southern wing, which did not appear on the previously approved scheme, would overlook my clients' property. It includes ten bedrooms at first and second floor level, half with 'juliette' balconies, facing directly into my clients' rear garden. The proposed tree planting would not overcome this basic problem, in the short to medium term, if at all. • The belated ground survey of the levels on my clients' side of the boundary, now confirms the significant excavation that will be needed to provide a flat site for the proposed care home. The excavation will abut my clients' existing retaining wall, hedge and fences. The submitted sections do not show how this would be achieved without undermining my clients' land. There is no indication of the effect the excavation would have upon natural drainage of my clients' land and the consequent effect of that upon the health of their existing tree shrubs and other plants. <p>The consultant concludes by stating that in his client's opinion the scheme should be refused.</p>

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<p>In response to this latest letter of objection, the <u>agents have responded</u> by submitting a detailed letter which refers to both the objection letter and to the Officer's report. The comments raised are as follows:</p> <ul style="list-style-type: none"> • Mr. Vick considers that the previously approved scheme should not be seen as a precedent for approving the current scheme. It is noteworthy that the opposite conclusion has been reached in the Case Officer's own planning assessment. Mr Vick considers that PPS3 and the Core Strategy now prevents the development of residential gardens. However, PPS3 does not advocate a blanket objection to all garden development, but rather that it is for LPA's to decide whether development is appropriate. This is emphasised in the DCLG letter to Chief Planning Officers which states that LPA's should take a balanced approach, weighing up all material considerations in determining an application. This is precisely what the Officer's report has done. • I would agree with the Council's Planning Policy Manager and the Case Officer's own conclusions that distinct circumstances exist which equate to 'substantial' material considerations in favour of the proposed development. In particular, the 2011 Ministerial Statement 'Planning for Growth' clearly states that it is the Government's top priority in reforming the planning system to promote growth and jobs. In accordance with PPS4, the proposed care home <u>is</u> classed as economic development, and regard should therefore be given to the number of job opportunities that will be created – 65-70 full time equivalent jobs, at a time when new job opportunities are few and far between.

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<ul style="list-style-type: none"> • The submitted Care Needs Assessment Report has found that there is a significant, un-met need for care beds in the vicinity of the site equating to approximately 8 new care homes of 60 beds needed before the end of the decade. The Council's Strategic Housing Services Manager endorses the finding of this assessment, and actually states that the growth of the 75+ age ranges may be underestimated – pointing towards an even greater need. This need, which remains un-met, is a significant material consideration. • The fact that the site already benefits from permission for a 70 bedroom care home represents a clear fall-back position, and the applicant has made it clear that should this application be refused then it is considered highly likely that the approved, but inferior, scheme will be developed. • However, the consented scheme would have a much greater impact on both the streetscene and immediate neighbours and further, the design of the care home affords better quality accommodation for residents than the consented scheme. The new proposed care home is considered to be a significant improvement over that which has been approved; i.e. <ul style="list-style-type: none"> ○ The proposed scheme is smaller than the approved scheme, in terms of bedrooms, height and floor area. ○ The proposed scheme has 33% more parking than the larger approved scheme.

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<ul style="list-style-type: none"> <li data-bbox="577 271 1406 517">• Weight should be given to the reaction of local residents in that the previous scheme resulted in objections from 32 properties, whereas only two separate objections have been received. This represents clear evidence that, on the whole, residents prefer the current scheme to the one that was consented. <li data-bbox="577 562 1406 1178">• The fact that the scheme has changed from that which was previously approved should not by itself be seen as a reason of why a precedent no longer exists. Granted, the proposed scheme has included the addition of a new southern wing. However, the general presence of this wing is not by itself a reason for looking upon the scheme unfavourably. Its overall design has been well-considered such that the impact of any overlooking has been minimised through the maximisation of distances between facing windows and site boundaries, together with the inclusion of intensive landscaping. I note that you present this matter in great detail in the course of your report, including distances to boundaries, etc, and I do not think we need add anything further to your conclusion that the level of overlooking involved is acceptable. <li data-bbox="577 1223 1406 1729">• Mr Vick correctly identifies that there will be some excavation necessary in the construction of the care home. The excavation works are not considered to be excessive and I would point out that the direct benefit of such excavation works is that the proposed scheme will benefit from a lower floor level, such that the impact on his clients property will be much reduced. Whilst we do not consider the extent of excavations to be in any way excessive, I would wish to place on record the client's agreement to a suitably-worded condition in order to seek agreement on the nature of any retaining structures in the vicinity of this shared boundary prior to the commencement of development.

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<ul style="list-style-type: none"> • Mr Vick has also raised questions regarding drainage of the site and in particular the effect of boundary retaining structures on the drainage of his clients garden. The application is accompanied by a comprehensive drainage scheme which deals with both foul and surface water. The Council’s Building Control Department and Severn Trent have expressed no concerns regarding the proposed drainage solution and we are entirely confident that will be no adverse impact on adjoining properties. Details of drainage alongside the proposed retaining structures can be dealt with via the proposed condition offered above. <p>In addition to these comments, the agent has expressed concerns regarding the suggested condition restricting shift changes between 10.00pm and 8.00am. The agent states that:</p> <p>“Care homes have become increasing specialist have moved away from providing general residential care to more of a focus on care for the frail elderly and those with age related illnesses such as Alzheimer’s and dementia. As such, care homes have become more flexible and responsive to the specific needs of their residents such that there may be occasions where staff are called in during the night in response to a particular residents needs – in such a situation, the operator would, technically, be in breach of the condition.</p> <p>Notwithstanding the above, typically, in the morning, care home shift patterns tend to end anytime between 6am and 9am, such that the condition as currently worded would be very restrictive. This could, potentially, result in the proposed operator withdrawing from the contract to lease because of the onerous condition.”</p> <p>The Agent has requested that the suggested condition be removed and an alternative condition imposed restricting the use of parking spaces adjacent to the boundary with the nearest neighbouring property between 10pm and 8am, thereby retaining the desired flexibility in terms of staff changes, and avoiding an onerous restriction on the operators business.</p>

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<p><u>Corrections</u> –</p> <p>Paragraph 4.6, page 211, second bullet point should read:</p> <p>Castleoak has engaged with the public and the overwhelming majority prefer the proposed scheme over the approved</p> <p>Paragraph 4.6, page 211, penultimate bullet point should read: 24 spaces are to be provided rather than 18, this represents a 33% increase in on site car parking.</p>
11/0749/FULL	235	<p><u>Highway Authority</u> - No objection</p> <p><u>Shropshire Council and Shropshire Highways</u> - No comments received</p>
12/006/FULL	243	<p><u>Bewdley Town Council</u> – No objection to the proposal and recommend approval subject to the following conditions being incorporated into any planning consent:</p> <p>(i) that the viewing tower be deleted from the proposal;</p> <p>(ii) that the waterfall is powered by a pumping station (preferably underground) that emits no or very little noise or reverberation;</p> <p>(iii) the Baobab tree should be resited in its originally intended position (drawing ERL03) so that it is no longer so directly within the main viewing aspect of Salantarn and Lowantarn Cottages and that some further negotiations take place with the applicant to reduce its overall dimensions;</p> <p>(vi) the 'K-Rend' materials be coloured so as to minimise their obtrusive appearance and fit in with the existing sandstone natural landscape;</p> <p>(v) the height of the pelican house be further reduced if possible</p> <p><u>Neighbour</u> (additional letter received) – Should the application be granted, we would be grateful if these final comments are noted:</p> <ul style="list-style-type: none"> • The viewing tower to definitely be scrapped • The waterfall is to be powered by a silent underground pumping system and this is to be a condition of installation

REFERENCE NO.	PAGE	ADDENDA AND CORRECTIONS
		<ul style="list-style-type: none"> • The Baobab tree is to be sited in its original position close to the corner • The K-Rend materials to be coloured to fit in with the existing sandstone natural landscape • The height of the Pelican house is to be kept as low as possible <p>As previously stated, we have no objections to the improvement of the facilities for the elephant keepers (with the exclusion of the viewing/VIP tower) or the proposed hay barn</p>