

Open

# Planning Committee

## Agenda

6pm  
Tuesday, 15th December 2015  
Council Chamber  
Wyre Forest House  
Finepoint Way  
Kidderminster



## Planning Committee

### Members of Committee:

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

<b>Councillor J Aston</b>	<b>Councillor S J M Clee</b>
<b>Councillor J Greener</b>	<b>Councillor J A Hart</b>
<b>Councillor M J Hart</b>	<b>Councillor D Little</b>
<b>Councillor F M Oborski MBE</b>	<b>Councillor M Rayner</b>
<b>Councillor C Rogers</b>	<b>Councillor J A Shaw</b>

### 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 Lynette Cadwallader Committee Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732729 or email [lynette.cadwallader@wyreforestdc.gov.uk](mailto:lynette.cadwallader@wyreforestdc.gov.uk)

## **Declaration of Interests by Members – interests of members in contracts and other matters**

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct (“the Code”) requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members’ Code of Conduct as set out in Section 14 of the Council’s constitution for full details.

## **Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)**

DPI’s and ODI’s are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council’s Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

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At the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

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**By entering the meeting room and using the public seating area, you are consenting to be filmed and to the possible use of those images and sound recordings for webcasting and or training purposes.**

If members of the public do not wish to have their image captured they should sit in the Stourport and Bewdley Room where they can still view the meeting.

If any attendee is under the age of 18 the written consent of his or her parent or guardian is required before access to the meeting room is permitted. Persons under 18 are welcome to view the meeting from the Stourport and Bewdley Room.

**If you have any queries regarding this, please speak with the Council’s Legal Officer at the meeting.**

## 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, Solicitor to the Council, or Director of Economic Prosperity & Place 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 Economic Prosperity & Place.
- 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, 15th December 2015

Council Chamber Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

<b>Agenda item</b>	<b>Subject</b>	<b>Page Number</b>
<b>1.</b>	<b>Apologies for Absence</b>	
<b>2.</b>	<b>Appointment of Substitute Members</b>  To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
<b>3.</b>	<b>Declarations of Interests by Members</b>  In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered.  Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
<b>4.</b>	<b>Minutes</b>  To confirm as a correct record the Minutes of the meeting held on the 17th November 2015.	7
<b>5.</b>	<b>Applications to be Determined</b>  To consider the report of the Development Manager on planning and related applications to be determined.	11
<b>6.</b>	<b>Planning and Related Appeals</b>  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.	113
<b>7.</b>	<b>To consider any other business, details of which have been communicated to the Solicitor to the Council 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.</b>	

8.	<b>Exclusion of the Press and Public</b>  To consider passing the following resolution:  “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”.	
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Part 2

Not open to the Press and Public

9.	<b>To consider any other business, details of which have been communicated to the Solicitor to the Council 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.</b>	
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**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,  
KIDDERMINSTER**

**17TH NOVEMBER 2015 (6.00PM)**

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**Present:**

Councillors: S J Williams (Chairman), G C Yarranton (Vice-Chairman), J Aston, S J M Clee, J Greener, J A Hart, M J Hart, D Little, F M Oborski MBE, M Rayner, C Rogers and J A Shaw.

**Observers:**

Councillor S Arnold.

**PL.36 Apologies for Absence**

There were no apologies for absence.

**PL.37 Appointment of Substitutes.**

No substitutes were appointed.

**PL.38 Declarations of Interests by Members**

There were no declarations of interest.

**PL.39 Minutes**

**Decision: The minutes of the meeting held on 20th October 2015 be confirmed as a correct record and signed by the Chairman.**

**PL.40 Applications To Be Determined**

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 537 attached).

**Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 537 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.41 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.42 Land at 8 Bala Close, Stourport on Severn DY13 8JJ**

The Committee received a report from the Director of Economic Prosperity and Place on whether the Tree Preservation Order No. 395 (2015) relating to a tree on Land at 8 Bala Close should be confirmed or not.

**Decision: The Tree Preservation Order be confirmed without modification: TPO to include 1 No. Austrian Pine (*Pinus nigra Austriaca*) [T1] as this tree contributes to the amenity of the locality and is considered worthy of protection.**

**PL.43 Exclusion of the Press and Public**

**Decision: 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.**

**PL.44 New Enforcement Case**

The Committee received a report from the Director of Economic Prosperity and Place on a new enforcement case.

**Decision: Delegated authority be granted to the Solicitor to the Council to serve or withhold an Enforcement Notice for the reason detailed in the confidential report to the Planning Committee.**

**PL.45 Enforcement Matters**

The Committee received a report from the Director of Economic Prosperity and Place which provided Members with a summary report of enforcement matters.

**Decision: The information be noted.**

There being no further business, the meeting ended at 7.25pm.

**WYRE FOREST DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**17<sup>th</sup> November 2015 Schedule 537 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 Development Manager, Wyre Forest House, Finepoint Way, Kidderminster. However, a brief description can be seen in brackets alongside each standard condition, note or reason mentioned.

<b>Application Reference: 15/0352/FULL</b>
<b>Site Address: SILVERWOODS WAY, STOURPORT ROAD, KIDDERMINSTER DY11 7BW</b>
<p><b>APPROVED</b>, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. A6 (Full with no reserved matters).</li> <li>2. A11 (Approved plans).</li> <li>3. B1 (Samples of Materials).</li> <li>4. Details of acoustic fencing.</li> <li>5. Restriction on delivery times (not before 06:30 and not after 20:00 hours Monday to Saturday; not before 08:00 and not after 16:00 on Sunday).</li> <li>6. Restriction on trading times.</li> <li>7. C1 (Retention of existing trees).</li> <li>8. C2 (Tree Survey).</li> <li>9. C3 (Tree protection during construction).</li> <li>10. C7 (Hard and Soft Landscaping details).</li> <li>11. C8 (Landscaping implementation).</li> <li>12. Secure Cycle Parking (8 cycles.)</li> <li>13. Air Quality Impact Assessment.</li> <li>14. E2 (Foul and Surface water to incorporate SUDs where possible).</li> <li>15. G6 (Programme of Archaeological Work).</li> <li>16. Details of pedestrian access/entrance to site from Stourport Road to be agreed.</li> <li>17. Detail of lighting columns and lanterns to be submitted and agreed.</li> <li>18. H13 (Access, Turning and Parking).</li> <li>19. Construction Method Statement to be agreed, to include site compound details; parking for site operatives; hours of construction and deliveries; wheel wash facilities.</li> <li>20. Details of car park management plan to be submitted.</li> </ol>

Councillor S Arnold left the meeting at this point, (6.52pm).

<b>Application Reference: 15/0447/FULL</b>
<b>Site Address: 3 PERRIN AVENUE, KIDDERMINSTER DY11 6LL</b>
<p><b>APPROVED</b> subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. A6 (Full with no reserved matters).</li> <li>2. A11 (Approved plans).</li> <li>3. B6 (External details – approved plan).</li> </ol>

**Application Reference: 15/0452/FULL**

**Site Address: GRAZINGS, CHURCHILL, KIDDERMINSTER**

**Application DEFERRED at request of Development Manager**

**Application Reference: 15/0480/FULL**

**Site Address: THE BEECHES, RIBBESFORD, BEWDLEY DY12 2TR**

**Delegated APPROVAL** be given subject to:

- a) the signing of a **Section 106 Agreement**; and
- b) the following conditions:
  1. A6 (Full with no reserved matters).
  2. A11 (Approved plans).
  3. B6 (External details – approved plan).
  4. Removal of existing garage / snooker room.
  5. Levels as per approved drawing – no importation or exportation of soils without agreement.
  6. Means of enclosure as per approved drawing.
  7. Access, turning and parking area as per approved drawing.
  8. Removal of permitted development rights.

**Application Reference: 15/0547/LIST**

**Site Address: BEWDLEY MUSEUM, LOAD STREET, BEWDLEY DY12 2AE**

**APPROVED** subject to the following conditions:

1. A7 (Listed Building/Conservation Area Consent).
2. A11 (Approved plans).

**Application Reference: 15/0582/FULL**

**Site Address: STONE MANOR HOTEL, STONE HILL, STONE, KIDDERMINSTER DY10 4PJ**

**APPROVED** subject to the following conditions:

1. A6 (Full with no reserved matters).
2. A11 (Approved plans).
3. Materials – to be agreed.
4. Drainage details to be submitted
5. Tree protection conditions (as recommended by the Arboricultural Officer).
6. Ecology and Biodiversity conditions (as recommended by the Countryside Conservation Officer).
7. Details of extraction/ventilation equipment to be provided and no further equipment to be installed to new function suite without the prior consent of the Local Planning Authority.

**EXECUTIVE SUMMARY TO REPORT OF  
DEVELOPMENT MANAGER**

**Planning Committee**

**15/12/2015**

**PART A Reports**

<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
15/0050/FULL	BROCKENCOTE HALL HOTEL BROCKENCOTE CHADDESLEY CORBETT KIDDERMINSTER	DELEGATED APPROVAL	12
15/0170/FULL	KIDDERMINSTER 132KV/11KV GRID SUBSTATION NEW ROAD/TRAM STREET KIDDERMINSTER	APPROVAL	40
15/0453/FULL	OFF DRAYTON GROVE DRAYTON ROAD BELBROUGHTON STOURBRIDGE	APPROVAL	57
15/0616/FULL	48 OXFORD STREET KIDDERMINSTER	APPROVAL	65
15/0624/OUTL	VALE ROAD CAR PARK STOURPORT-ON-SEVERN	DELEGATED APPROVAL	72

**PART B Reports**

<b>Ref.</b>	<b>Address of Site</b>	<b>Recommendation</b>	<b>Page No.</b>
15/0468/FULL	ALDI FOOD STORE LTD GREEN STREET KIDDERMINSTER	DELEGATED APPROVAL	85
15/0566/FULL	THE COACH HOUSE TANWOOD LANE CHADDESLEY CORBETT KIDDERMINSTER	APPROVAL	91
15/0583/OUTL	STOURPORT HIGH SCHOOL KINGSWAY STOURPORT-ON-SEVERN	APPROVAL	100
15/0619/FULL	18 NIGHTINGALE DRIVE KIDDERMINSTER	APPROVAL	111

WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**15<sup>TH</sup> DECEMBER 2015**

**PART A**

<b>Application Reference:</b>	15/0050/FULL	<b>Date Received:</b>	29/01/2015
<b>Ord Sheet:</b>	388740 273204	<b>Expiry Date:</b>	30/04/2015
<b>Case Officer:</b>	Emma Anning	<b>Ward:</b>	Wyre Forest Rural

**Proposal:** Proposed development to form new functions suite and Spa and extension to existing car park.

**Site Address:** BROCKENCOTE HALL HOTEL, BROCKENCOTE,  
CHADDESLEY CORBETT, KIDDERMINSTER, DY10 4PY

**Applicant:** Eden Hotel Collection

<b>Summary of Policy</b>	DS04 CP01 CP02 CP03 CP10 CP11 CP12 CP14 (CS) SAL.PFSD1 SAL.CC1 SAL.CC2 SAL.CC6 SAL.CC7 SAL.UP1 SAL.UP5 SAL.UP6 SAL.UP7 SAL.UP8 SAL.UP9 (SAAPLP) CC3 CC8 CC9 CC10 CC11 CC12 (Chaddesley Corbett Neighbourhood Plan) Sections 3, 4, 7, 9, 11, 12 (NPPF)
<b>Reason for Referral to Committee</b>	'Major' planning application. Third party has registered to speak at Committee. Statutory or non-statutory Consultee has objected and the application is recommended for approval
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b>

**1.0 Site Location and Description**

1.1 Brockencote Hall is a substantial detached hotel building sitting within a parkland setting located off the A448 in Chaddesley Corbett. Accessed via a lengthy driveway, and passing a gatehouse, the premises are within open grazing land typical of such a parkland environment.

1.2 The site is washed over by the West Midlands Green Belt.

1.3 There are neighbouring residential properties to the east, west and southwest of the site, the nearest being The Old Coach House and Farriers Cottage which sit 120m to the west. Properties to the east are approximately 350m away.

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## **2.0 Planning History**

- 2.1 The 1926 Ordnance Survey map for the area shows the original footprint of Brockencote Hall. The 1988 plans show that the footprint of the building was largely unaltered from the 1926 footprint and as such, for the purposes of determining the size of the 'original' building (as defined at Annex 2 of the National Planning Policy Framework) then the 1926 footprint is a good and reasonable approximation of what was original, for the purposes of planning.
- 2.2 The application site has a large number of planning applications associated with it. Those applications relevant to the current hotel use are detailed below:
- WF/0304/85 – Change of use from dwelling to hotel : Approved
  - WF/1028/87 – Dining room extension : Approved
  - WF/0723/88 - Conversion of outbuilding to staff accommodation : Approved
  - WF/0857/91 - Eleven bedroom wing with conference room, link area and conservatory : Approved
  - WF/0917/99 - Stationing of two portable buildings to provide kitchen and dry storage facilities and erection of fencing and gates : Approved
  - 08/0944/FULL - Extension to kitchen & ancillary store : Approved
  - 12/0175/FULL - Internal alterations and refurbishment works to public areas and bedroom accommodation. Additional alterations to ground floor conservatory structure and north and west facing windows of the west wing bedroom accommodation at roof level. New Balustrade and handrail to existing access ramp. Conversion of existing staff changing and storage area into staff accommodation : Approved
  - 12/0765/FULL - Construction of hard-standing and erection of a permanent marquee, creation of an additional 67 car space parking area and associated works : Withdrawn

## **3.0 Consultations and Representations**

- 3.1 Chaddesley Corbett Parish Council – The Parish Council were unable to consider this application without information as to what changes have been made to the application. We originally raised some objections, which were:
1. The new building should blend in with the existing building

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2. Sound proofing and air conditioning should be mandatory to ensure that noise from use of the new building does not extend to surrounding properties.
3. Restrictions should be placed on use of outdoor facilities to respect the privacy of adjacent residents.
4. Lighting should be low level, on timers, using down lights wherever possible to avoid light pollution to surrounding properties
5. Neighbourhood Plan Policy CC10 Section 6 should apply to this development.
6. A full highways appraisal of increased traffic flow and access should be carried out.

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

The submitted Transport Assessment (TA) accounts for the parking requirements commensurate with the proposed function suite and spa. However, the TA fails to account for the parking requirements for the existing hotel and other facilities such as function/conference rooms, any bar/restaurant open to the public etc. I recommend the applicant be requested to address the above by way of submission of additional information.

3.3 Environment Agency –

Foul Drainage: I note that we were consulted on this application because the planning application form specified that foul drainage from the proposed development would be disposed of via non-mains drainage. However, the additional information and documentation submitted clarifies that the hotel is connected to the mains foul sewer via a pumping station that is being maintained by Micromac Filtration Ltd. This is as part of an agreed contract to look after the foul sewer infrastructure of a number of hotels that make up the Eden Hotel Collection, which includes Brockencote Hall. It would appear that the foul sewer pumping station serving Brockencote Hall Hotel was inspected on 8 December 2014.

We are satisfied that the additional information submitted confirms the hotel is connected to the mains foul sewer. On this basis we would not propose to comment any further on the proposed development.

The proposal would involve the addition of swimming pool effluent, chlorine chemicals and backwash filter chemicals to the foul sewer effluent leaving the site. Therefore we would recommend that Severn Trent Water Ltd are consulted on the proposed development, to clarify whether the proposal would cause any issues for the treatment works receiving the effluent from the hotel.

Flood Risk Standing Advice (FRSA): Given the scale and nature of the proposed development (within Flood Zone 1) we would not wish to comment on surface water run-off but would refer you to our Local FRSA 'Surface Water Management Advice Note' in consultation with the North Worcestershire Water Management team (Lead Local Flood Authority) as the lead on surface water matters.

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- 3.4 Planning Policy Manager – My comments mainly focus on the principles around Green Belt Policy and the interpretation of very special circumstances. Policy SAL.UP1 (Green Belt) therefore applies to this proposal. This policy is very clear in its requirement that development will not be permitted on land within the Green Belt except in very special circumstances. It is therefore for the applicant to demonstrate, and for the decision maker to then weigh up, whether very special circumstances exist in this particular case, which outweigh the presumption against inappropriate development in the Green Belt.

The applicant outlines the perceived very special circumstances in the accompanying Design and Access Statement. In particular they consider that the Economic Impact Assessment and the economic benefit of the proposal can be weighed against inappropriate development in the Green Belt. Page 21 of the Design and Access Statement specifically states:

“The application also demonstrates that considerable economic benefit will result from this proposal both directly and indirectly to the local economy, which we consider when coupled with the amended design, to create the material circumstances that outweigh the presumption against development in the Green Belt.”

Further to the case officer’s request, the applicant has also submitted evidence of relevant exceptional circumstances relating to the measured social benefits presented by the proposal. This highlights the fact that many of the other roles on offer will be of a type and nature that attract younger people into their first employment. It states that Brockencote benefits and extensively serves the local community and annually provides a comprehensive social season including an annual food festival that runs for two days and accommodates 2,500 visitors.

The applicant states that the hotel is losing customers and is unable to plan and provide for the local community because the pressure of the wedding business means that potential users are unable to plan or impulse visit due to the open/closed nature of the current establishment. The proposals – through the additional provision of space – will solve both of these issues and therefore allow the hotel to remain economically viable and be consistently available for local use, engagement and social benefit.

Indirect social benefits are highlighted which relate to the secondary spend of those attracted to use other local businesses and the additional overnight facility this proposal will provide to address the issue of the wider local economy being too over dependent upon day visitors.

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Policy CP10 of the Adopted Core Strategy provides in principle support for existing and potential new tourism ventures. It supports sustainable proposals that improve the quality and diversity of existing tourist facilities, attractions and accommodation subject to the proposals not causing adverse impacts on the surrounding environment. It recognises that there has always been a strong tourism economy within the District which has helped shape the local economy and also the landscape of the area contributing to its local distinctiveness.

In accordance with the requirements of Policy SAL.UP1, the applicants have submitted evidence in support of why they consider these particular proposals in this specific case demonstrate very special circumstances. They consider that particular weight should be afforded to the Economic Impact Assessment of the proposals and the important role that Brockencote Hall has in the local economy in addition to the secondary benefits that the proposals will bring. It is now for the decision maker to take a view as to whether the evidence submitted is robust enough to outweigh the presumption against inappropriate development in the Green Belt in this particular case.

- 3.5 North Worcestershire Economic Development & Regeneration (NWEDR) – Brockencote Hall Hotel has operated as a hotel for in excess of 25 years and has recently been acquired by the Eden Hotel Collection who have invested £1.5m to improve the condition of the hotel. Despite this initial investment, the hotel is limited in terms of the events it can hold due its restricted size. This application is seeking permission to extend the range of facilities that the hotel can provide, which will enable continued economic growth.

It is understood that this site is located within the Green Belt, however, NWEDR consider there to be important economic considerations that need to be taken into account when making this decision.

The National Planning Policy Framework (NPPF) outlines core planning principles and seeks to underpin both plan making and decision making. In applying the principles to this application we consider that the proposals achieve the following;

The proposals “proactively drive and support sustainable economic development” through a proposed enhancement to a local business. As the core planning principles state, every effort should be made objectively to identify and then meet the business needs of the area. It is considered that the proposal would help to meet the business needs of the area.

NPPF Paragraph 28 under supporting a prosperous rural economy it states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. The proposals under this application fulfil these requirements by ensuring the business remains in this location.

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The NPPF also identifies, at Paragraph 89, that acceptable development comprises the “extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”. Whilst it is not our role to comment on whether or not the proposal is disproportionate or not, the fact that the NPPF identifies that extensions within the Green Belt are not ‘inappropriate’ and it is felt that this proposal would bring tangible benefits, if supported.

Given the above policy context, it is considered that this application does have support through the national framework for it to be viewed favourably.

In terms of local planning policy considerations; Core Strategy Policy CP10: Sustainable Tourism, provides support to sustainable proposals that improve the quality and diversity of existing tourist attractions, subject to proposals not causing adverse impacts on the surrounding environment and infrastructure. The Wyre Forest area is popular with day visitors and approximately 10% of jobs within the area are related to the tourism industry, above the national average. It is necessary that future planning policy protects and enhances this aspect of the economy (Sustainable tourism, A good place to do business – Site allocations and policies local plan 2006-2026.) The challenge for the Local development framework is to broaden the offer and facilitate an appropriate environment to enable visitors to stay in the District for a greater length of time which should help to secure greater economic benefit for the area as a whole. The proposals for Brockencote Hall fall in line with these aims.

Brockencote Hall Hotel is already a significant contributor to the local economy. The applicants have identified that the business generates a turnover of £1.5m p.a., and is responsible for 41 jobs directly and a further 43.7 as a result of indirect and induced economic impact through spend of employees and local supply chain companies. With the proposed investment, turnover is expected to increase to nearly £2.4m p.a., generating 53 jobs directly and 55.2 jobs through indirect and induced impacts. In net terms therefore, the proposed development is likely to create an economic gain to the local area of:

- An increase in total tourism expenditure of £833,000 in 2015 compared to 2013 at the hotel
- As a result of increased salary and local supply chain expenditure, a net impact to the local economy of £615,882 per annum
- An increase in direct employment of 12 FTEs
- An increase in indirect and induced employment of 11.4 FTEs

It is considered that this proposed economic uplift provides a strong argument for considering the development favourably.

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It is also worthwhile noting that permission has recently been granted for an extension to a building in the Green Belt at Mustow Green, which is located in close proximity to Brockencote Hall. This application was made by a car garage business, which identified the importance of their growth and the economic benefits it would bring. It is considered that this current application, although different in scale, is similar in principle and therefore should be considered in the same way. In addition to this local example; it is also worthwhile noting that planning consent has recently been given to West Midland Safari and Leisure Park for a brand new Hotel, Conference Centre and Water Park within a Green Belt designation. Again, whilst the scale of the Safari Park proposal is different (i.e. much larger), the principle of promoting economic growth with the Green Belt is something which clearly can, and has been, supported and delivered without compromising the role that the Green Belt performs.

Tourism plays an important role in the local and national economy, and is seen as a priority sector within Wyre Forest that has potential for significant and above average growth rates. However, it is recognised that the tourism industry needs to continue to invest in improving the range and quality of the offer, and a lack of such investment will undermine the competitiveness and contribution of this sector. Within Worcestershire, and the Wyre Forest District in particular, tourism is a major employer and a very significant industry. However, research undertaken for the Worcestershire Local Enterprise Partnership (LEP) has highlighted an over-reliance on domestic day visitors and the need to diversify and strengthen the tourism offer in other areas. The LEP has identified a need to improve the quantum and range of hotel provision, including particularly destination hotels. The proposed investment plans at Brockencote Hall Hotel are therefore fully in line with national and local economic priorities for growing this important sector.

In addition to this, local planning policies support the growth of the economy. This proposal will both underpin existing jobs and create a substantial number of new employment opportunities. Brockencote Hall currently employs 39 fulltime and 5 part time people. The proposed development would increase this number to 50 full time and 15 part time employees. Any increase in staffing level as a result of the development is supported by NWEDR.

As the development supports an NWEDR aim of increased employment both directly and indirectly through local business supply chains, as well as improving the opportunities for an existing business within the area, NWEDR are supportive of this application and hope it is considered favourably.

- 3.6 Conservation Officer - Further information to support the application was submitted by the applicant on 20<sup>th</sup> October 2015. My previous comments on the scheme as submitted on 1<sup>st</sup> May 2015 stand:

The applicant has provided in support of this application a detailed Heritage Impact Assessment (HIA), the latest version of which is dated April 2015.

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Section 2.1 Legislation identifies the Historic Environment Good Practice Advice in Planning: Note 3: The Setting of Heritage Assets (English Heritage 2015) and the “5 step process” in order to assess the potential effects of a proposed development on the setting and significance of a heritage asset. The next sections of the HIA identify the heritage assets affected by the development, and considers their settings, as per step 1 of the 5-step process.

Section 2.2 Planning Policy identifies the relevant WFDC policies CP11 and SAL.UP6, as well as Policy CC8, Landscape Design Principles, contained within the Chaddesley Corbett Neighbourhood Plan. Policy CC8 at 2 vi) refers to the view of the medieval fishponds looking towards Brockencote as being a strategic view, to be protected by ensuring that the visual impact of development on this view is carefully controlled.

The HIA at Section 3 provides a comprehensive background to the development of Chaddesley Corbett, 3.1; Brockencote Hall, 3.2; and the contents of the Worcestershire Historic Environment Record, 3.3. It also identifies all the relevant listed buildings and Conservation Areas, 3.4. More specific detail is provided on the Ha Ha, 3.5, directly impacted by the proposed development and the listed Dovecote, 3.6.

Step 2 assesses whether, how and to what degree these settings make a contribution to the significance of the heritage assets. St. Cassian’s Church, 3.7, is a landmark feature as viewed from the south at Rushock where its spire stands clearly against the sky. I consider that the wider rural landscape including the development site makes more than the negligible contribution to the overall significance of the church referred to within the HIA.

The significance of the Chaddesley Corbett Conservation Area, 3.8, is reinforced by the views out of the Area into the surrounding countryside. The lack of large scale development in the surrounding countryside reinforces the significance of the historic settlement with that settlement boundary essentially forming the boundary of the Conservation Area. I would agree that in its present open-parkland state the development site makes only a negligible contribution towards its significance, but argue that significance is likely to be compromised by the construction of a large building on the proposed site.

Section 3.9 of the HIA focuses on significance and setting. I tend to disagree with the statement that, as it does not appear on the HER, the degree of consideration to be afforded to the protection and conservation of the Ha Ha should be minimal. In my opinion the full significance of the Ha Ha is as yet not understood.

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I also disagree that the development site makes only a negligible level of input to the significance of the church and Conservation Area. Forming part of the wider rural setting it is nonetheless relatively close to these designated heritage assets, screened only by parkland trees which have no protected status.

Although the HIA provides analysis of the impact of the proposed development on key designated and undesignated heritage assets, both on the development site and within the nearby Chaddesley Corbett Conservation Area, it stops short of a comprehensive landscape analysis of the impact on views towards and from the Conservation Area, as it sits within the wider, open Green Belt landscape.

Yet the HIA asserts, at page 24, that the proposals will result in no impact on the significance of the Conservation Area, and thus accord with paragraph 14 of the NPPF. I do not think this argument has been fully justified.

As the proposed development lies within Green Belt and it is the impact of that development on the openness of Green Belt which is crucial to the planning decision here, (ref: NPPF paragraph 79), I think the lack of detailed landscape analysis is a serious concern.

Although elevation drawings have been submitted which show the proposed development in its context adjacent to the existing hotel, there has been no attempt made to illustrate the scheme in its wider context within the Green Belt.

NPPF Policy 79 states that “the essential characteristics of Green Belts are their openness and their permanence”. The application as submitted fails to provide a clear and convincing case that the proposed development will maintain the openness of the Green Belt. This is critical because one of the fundamental characteristics of the Chaddesley Corbett Conservation Area is that it is entirely surrounded by Green Belt, and its rural setting is protected by that Green Belt.

I consider that the development of the site will cause less than substantial harm to the setting of these assets, rather than the negligible level that is attributed by the HIA.

The P (LBCA) A 1990 s.72 requires decision makers to consider the desirability of preserving or enhancing the Conservation Area, which is echoed in WFDC Policy SAL.UP6 2. Conservation Areas.

The Chaddesley Corbett Conservation Area Appraisal at “3.9 Views b) Out of the Area” notes that “Views out of the Area are more common than the views into, but mostly reflect the rural setting of the village. Key views are ... from the southern end of the Area, looking south . the views south reinforce the relationship of the Area and the countryside.”

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The proposed development is partially screened from the Conservation Area by a group of deciduous trees, none of which are subject to a tree preservation order. In the winter and spring the existing buildings of the Brockencote Hall Hotel are clearly visible through these trees.

The new building will add to the already much extended Brockencote Hall (see WF/857/91) to create a row of large built forms which will be seen silhouetted against the skyline as viewed looking south from the A448. This will impact on the openness of the Green Belt as perceived in views south from the Conservation Area.

To compound this, the proposed extension to the car park to the north of the existing hotel will compound the glare already experienced in views south, which is caused by sunlight reflecting from rows of parked vehicles. The impact will be similar to the glare caused by a solar array, albeit it will be constantly changing depending on the number of vehicles parked and their precise orientation.

I think these elements of the proposal will affect the openness of the Green Belt and will NOT reinforce the present relationship between the Conservation Area and the open countryside to the south.

A fundamental part of the character of the Chaddesley Corbett Conservation Area is its rural setting within the Green Belt, and the proposed development compromises rather than preserves its setting. This impact is not neutral and there is no enhancement of Conservation Area itself.

I believe the development proposals thus fail to accord with the P (LBCA) A 1990 s.72 and WFDC Policy SAL.UP6.

In respect of the NPPF paragraphs 134 and 135, I think that the applicant has demonstrated in the HIA that the proposed development will not cause substantial harm to any heritage assets on the hotel site.

I remain concerned about the impact of the proposals on the section of the undesignated Ha Ha and were this application to be approved I would suggest a scheme of archaeological investigation and recording take place on the affected area, as defined by Worcestershire Archive and Archaeology Service.

The impact on the setting of the Grade I Listed Church of St. Cassian, Grade II Lodge Farm and Chaddesley Corbett Conservation Area remains an issue. If the development goes ahead the preservation of the setting of these designated heritage assets will rely heavily on the maintenance of the tree screen which lies between them and the proposed development. In any case, for at least 5 months of the year the new development will be clearly visible and interrupt views south across the open countryside of the Green Belt.

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I disagree with the conclusion of the HIA on page 26 that there will be no impact on the significance of either St Cassian's Church or the Chaddesley Corbett Conservation Area.

The interruption to the views to and from (and to the wider setting) of the Conservation Area is in my view harmful, although that harm is less than substantial. Thus to invoke paragraph 134 of the NPPF, the public benefits of the proposal should outweigh the level of less than substantial harm caused. The applicant has submitted an additional document reiterating the dimensions of sustainable development as detailed within the NPPF 2012, which concedes that the proposal does not accord with the development plan and is inappropriate development within the Green Belt.

This document then refers to the NPPF paragraphs which outline the "very special circumstances" which the LPA is required to weigh up against the inappropriate development.

The document concedes that the proposed development does not accord with Policy SAL.UP1, going on to outline the "likely" economic gains to the area. These gains do not appear to be supported by any further specific documentary evidence to support the proposal, those references which are made refer to existing published studies.

The document also outlines the charitable work of the applicant's parent organisation and how that has benefited the local school in the past. This is irrelevant to public benefits deriving from the proposed development.

There is a list of local suppliers to the existing establishment which identifies growth in the value of the supply of their services in recent years. There is no data to confirm that the development will sustain that level of growth under a new business model.

The Sections on Breeam and the construction of the building cannot be considered "very special circumstances" as these are in any case required of any development.

The document summarises that unless the expansion as required of the proposed business model is approved the hotel will not be able to provide facilities of much benefit to the local community, implying that it does not at present, but hopes to do so in the future.

The applicant makes what appears to be a compelling case for the development on economic terms related to its business model, but offers no tangible evidence of any real ongoing public benefits apart from employing more local people (although the rural location will no doubt necessitate additional vehicular journeys for customers, employees and suppliers). At most it appears any public benefits from the proposed development will be marginal and impact on relatively few people within the District.

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In this case, however, the development also impacts on the historic environment and the wider setting of both listed buildings and the Conservation Area, which the Green Belt around Chaddesley Corbett specifically serves to protect. I think that "very special circumstances" have not been demonstrated as there are insufficient substantial public benefits for the development to outweigh the public benefits of maintaining the Green Belt around Chaddesley Corbett Conservation Area and securing its wider environment from encroaching development.

I recommend refusal, as paragraph 134 of the NPPF is not satisfied.

- 3.7 Historic England – The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 3.8 Worcestershire Archive & Archaeology Service – The proposed development may affect deposits of archaeological interest relating to the historic park associated to Brockencote Hall. Mapping shows that the current Hall was built in the early nineteenth century, replacing an earlier house to the west. The land was still identified as parkland in the late eighteenth century. Within the footprint of the proposed new suite a small building of uncertain function appears briefly at the end of the nineteenth century. The development will also affect the Stone ha-ha at its eastern end. I would therefore advise, as a condition of planning consent, that an archaeological watching brief be carried out on all groundworks associated with the development, with special attention to recording the ha-ha in section and any remains of the former building show on historic mapping.

The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the National Planning Policy Framework section 12, paragraph 141, and Local Plan Policy SAL.UP6 (Safeguarding the Historic Environment). NPPF states "... They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.<sup>30</sup> However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."

In order to comply with policy, the following two conditions should be attached to any consent

- a) Programme of archaeological work to be submitted and approved
- b) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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- 3.9 Arboricultural Officer – The crown spread on the cedar looks to be correct and there is around 6 metres from the crown to the edge of the RPA. I'd therefore be happy for the specification sent to you by Tim Ranger for the scaffold. I would like a plan of where the tree protective fencing is actually going to be and a condition requiring a Consulting Arborist to check that all the tree protective measures are being adhered to would be a good call.
- 3.10 Countryside Conservation Officer – The ecological survey does the job nicely and my level of concern is now greatly reduced. The ecologist has recommended they have another look at the T2 tree. The tree survey report on this tree doesn't make it sound like the tree has the largest level of potential and as there is little other bat activity in the immediate surrounds so I feel we could condition this survey. There is some slight mitigation suggested in the form of a native tree or 2 planted to replace the trees lost and a few bat boxes.
- 3.11 Worcestershire Regulatory Services (WRS) – Due to existing complaints regarding noise nuisance caused by wedding events, I have concerns that the proposed development of a function suite at Brockencote Hall may give rise to further complaints of noise nuisance, which would be detrimental to the enjoyment of nearby dwellings. Prior to the proposed suite being operated, I would seek to obtain from the applicant a comprehensive noise management strategy, indicating how noise escape will be controlled so as not to give rise to complaints of statutory nuisance.
- 3.12 Ramblers – No objection
- 3.13 Severn Trent Water – No objection subject to drainage condition
- 3.14 Friends of the (Chaddesley Corbett) Village – Of 159 members; 6 do not object, 36 object outright on the basis that the development is inappropriate and there are no 'very special circumstances' which exist. 117 members are concerned about noise pollution and do not object to the proposed extension provided that conditions are included to eradicate or at least minimise any noise pollution.
- 3.15 Neighbour/Site Notice – 9 letters received. The comments made are summarised as follows:

Principle of Development (Including 'very special circumstances')

- a) The proposal to expand the hotel and leisure activities at the site is counter to the Wyre Forest Core Strategy, Paragraph CP10, that supports such developments only in or close to the town centres of Kidderminster, Stourport and Bewdley, as well as the policies on town centre development as set out in the NPPF. Brockencote's own submission accepts that their proposal does not comply with this core strategy.

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- b) The justification for this development appears to be the need by Brockencote to expand their business in order to compete with existing local hotels and wedding venues. On page 117 of their Design and Access Statement they quote “.....*that is causing considerable concern for the owners given a successfully trading restaurant is critical to the continued viability of the hotel, the restaurant is now clearly losing market share as potential dinners(sic) eat elsewhere.*” Their business case is flawed since it ignores the fact that most of the “new revenue” for Brockencote is already being spent locally with other hotels and this development will lead to no new net economic benefit to the local area. This is all about Brockencote increasing its market share by taking business, particularly wedding receptions, away from other local hotels. Furthermore as spa facilities are available in many other local hotels and venues this development would not provide a service that does not already exist. Therefore, Brockencote have not made a business case that justifies “very special circumstances” for developing in the Green Belt. The need by Brockencote to expand its business for its own internal interests does not meet this condition.

#### Sustainability

- c) The development is not “sustainable” since the increased activity at Brockencote will be at the expense of other local existing hotels and will damage their economic prospects and likely lead to job losses at these locations.
- d) The economic justification for the development is flawed because it falsely claims all of the increased revenue for Brockencote is additional revenue for the local area and is therefore misleading in its forecast on local economic impact. This latest submission has made no attempt to analyse the negative impact this development will have on other local Wyre Forest hotels and wedding venues, or to prove that the increased revenue for Brockencote is “new” revenue for the local area. Clearly the hotel provides a service to the area, providing hotel rooms, a restaurant, meeting rooms amongst other facilities that one would expect from any hotel. I accept that it is a hotel with high standards but these are not unique in the catchment area. Facilities are already available in many hotels within ten kilometres of either the centre of Kidderminster or Brockencote itself. No-one has cancelled a wedding or other function because Brockencote does not have the facilities. They simply go elsewhere in the Wyre Forest area where equivalent facilities already exist. The positive social benefits of employment and supply opportunities that any business brings are acknowledged, however, the question for this application is whether the net benefits in the Wyre Forest area as a result of this development are sufficient to warrant an exception to NPPF Green Belt Policies or the Wyre Forest Core Strategy.

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Scale, Siting & Design

- e) The proposal for a separate disproportionate new building (1789 sq. m. or 19,200 sq. ft.) is counter to the National Planning Policy Framework (“NPPF”) policy to protect the Green Belt and it does not meet the conditions set out in paragraph 87 of the NPPF of “very special circumstances” in order for approval to be given.
- f) This proposal is for a very large new building in the Green Belt, almost equal in size to the main hotel building and out of keeping with the location, as well as a much enlarged car park.
- g) Brockencote Hall Hotel is a well established boutique, character hotel which sits in beautiful parkland surroundings. It would be a huge loss to the community to see this gross overdevelopment go ahead.

Noise

- h) We note, with regret, that the latest submission from Eden Hotels still fails to offer any action to minimise noise disturbance to neighbours. Indeed, the June 2015 noise assessment admits there will be intrusive noise pollution when patio doors or windows are open. We have real concerns over the lack of specific measures to control noise pollution, particularly amplified music and also general outdoor ‘partying’, especially from outdoor smoking area. The development should not be allowed to proceed without conditions which ensure maximum sound proofing of the function room and require the hotel management and staff to ensure noise limiters are in force and doors and windows closed during the playing of amplified music.
- i) The proposal does not address the need for preventative measures to reduce the noise pollution that already exists for neighbouring properties and probably would be made worse by the planned increase in the number of functions at the hotel. Their second submission contains no evidence of new testing, review of the considerable numbers of neighbour complaints over the past year of excessive noise, or any new analysis beyond “cut and paste” verbiage.
- j) The analysis submitted is based on no new measurements and has the scientific procedural flaws of the original acoustic analysis on which all of this “new” analysis is based. Sound measurements were taken only a short distance from the hall and no attempt was taken to measure the sound at neighbouring houses (identified as location B on the map para 2.6). Instead calculations were made of what the sound would be at these locations and these calculations are based on flawed assumptions. In particular no allowance was made for wind direction, or the topology of the land, both of which can significantly increase the noise carried across the land when conditions are unfavourable. This will result in sound levels well above those indicated in this “report”. The second assumption is that the sound at source in certain frequencies will be below 81 decibels although at most frequencies the sound will be roughly 90 decibels.

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If the sound at the speakers exceeded these levels then the sound carried across to neighbouring houses would significantly increase. The report also implies that events during the summer will have open patio doors. The report makes clear that when this happens it will result in unacceptable levels of noise at neighbouring houses during the crucial period after 11.p.m. This is true even on their own flawed calculations that assume ambient air conditions. It also assumes that sound levels at source are limited (paragraphs 2.26 and 2.27). This is a clearly unacceptable situation for the neighbours.

#### Highway Safety

- k) It will increase travel by private vehicles and place pressure on the access to the hotel from the A448. The proposal ignores the fact that in this rural location virtually all the clients of this luxury hotel will arrive from some distance by road transportation. To suggest, as this proposal does, that any client will walk, cycle or use the bus to get there is ludicrous. Furthermore most of the staff currently arrive by car and this would be likely to increase as a result of this proposed increase in staff.
- l) The entrance is on a stretch of road with limited visibility and a very narrow pavement. Accidents have occurred around this junction. The increase in traffic that events, of the size of those proposed, would bring on the afternoon of events and also late at night when they finished is a concern. Many more cars taxis and coaches would be slowing to enter the drive and then re-entering the main road. Access and exit in a short time before and after a function of up to a hundred vehicles, taxis coming and going and coaches onto a road with limited visibility will be hazardous. There have been a number of serious accidents along this short stretch of road that included a fatality involving a member of the Brockencote staff.

#### Other issues

- m) Chaddesley Corbett does not have available housing stock to provide accommodation to the increased number of employees. There are no neighbourhood plans to provide sufficient housing either. The village is struggling to retain its young people but this is due to a lack of housing not employment.
- n) With regard to the Rigby Group structure and the Rigby Foundation help to the local school, these should have no connection to an application for development. Furthermore, the cost of the donation to the school is a tiny contribution in comparison to the substantial increased value of a large 1789 sq. mtr. building, built in the middle of the Green Belt in violation of NPPF guidance. The charitable donation to a local school at this late stage during the consideration of such a planning application, invites examination of the motives and intent behind such a donation, especially as it is highlighted in a letter to the Wyre Forest Planning Committee.

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#### **4.0 Officer Comments**

##### PROPOSAL

- 4.1 Planning permission is sought for the construction of an extension to the hotel to provide a function suite with spa and for an extension to the existing car park.
- 4.2 Taking the latter part of the proposal first, the proposed car park extension would be located to the front of the hotel off the existing car parking area and would provide overflow capacity for an additional 49 vehicles. The proposed site plan shows that the car park extension would be a gated overflow area finished in cellular gravel and grass. Boundary treatments into and around the proposed car park are proposed to match the existing iron post and rail fence.
- 4.3 The proposed function room and spa building would be a detached building located to the east of the main hotel building. The building would present as a two storey structure from all elevations save for the east facing elevation where the proposed basement level would be obvious resulting in a three storey appearance. This arrangement seeks to make use of the varied topography across the site to provide three storeys of new spa and function room provision.
- 4.4 The building would measure 10.8m to the ridge (on the two storey elevations) and 14.6m to the ridge (on elevations where the basement level is visible). The building would occupy a footprint of 872sq.m. The proposed development would add an extra 1789sq.m of floorspace to the hotel complex.

##### PRINCIPLE OF DEVELOPMENT

- 4.5 As the site is washed over by the West Midlands Green Belt the primary consideration is whether the proposal represents an appropriate form of development. The National Planning Policy Framework (NPPF) defines new buildings in the Green Belt as inappropriate unless the building is for the purposes set out at paragraph 89. The proposal would not meet any of the paragraph 89 exceptions including the exception which allows for extensions to existing buildings provided that they would not result in disproportionate additions over and above the size of the original building. As described at 2.1 above the footprint of the original building as shown on the 1926 Ordnance Survey plan is a reasonable approximation of the size of the original. The premises have already been extended significantly, as set out at 2.1 above. The proposed development would further add to the original footprint of the building to the point that the footprint of the original building would be far exceeded by subsequent additions. Officers consider that the proposal for the new function and spa suite represents inappropriate development in the Green Belt.

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4.6 In terms of the proposed car park extension, this would extend the existing car parking provision to the front of the hotel by approximately 18m northwards into existing agricultural land surrounding the functional hotel grounds. The NPPF makes provision for allowing forms of development where they would preserve the openness of the Green Belt and would not conflict with the purposes of including land in it. One such form of appropriate development is engineering operations. Whilst the NPPF offers no definition of engineering operation I am satisfied that the laying out of an area for car parking would require sufficient engineering input to be an engineering operation. It is therefore to be determined whether in this instance the engineering operation would conflict with the purposes of including land within the Green Belt.

4.7 Paragraph 80 of the NPPF sets out the five purposes of the Green Belt as follows;

- a) To check the unrestricted sprawl of large built-up areas
- b) To prevent neighbouring towns merging into one another
- c) To assist in safeguarding the countryside from encroachment
- d) To preserve the setting and special character of historic towns; and
- e) To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

Points a, b and e are not considered relevant to the car park proposal.

4.8 The application site is located in a rural area of the District and is surrounded by open countryside; as such point c above is a relevant consideration. The proposed plans show that the car park extension would encroach into the neighbouring open fields to the front of the hotel building by approximately 18m. Whilst on the face of it this may seem contrary to the purpose of the Green Belt I consider that in this instance weight should be afforded to the temporary nature of the use of the car park proposed. The car park is intended for overflow purposes only and is to be constructed of materials which aim to reduce the visual impact of hard surfaces, namely cellular gravel and grass. Considering these two factors I am minded to conclude that whilst there would be some encroachment into the open countryside, the visual impact and the impact of such on the openness of the Green Belt would be minimal and transient and as such there would be no prejudice to the fundamental aim of the Green Belt which is to keep land permanently open.

4.9 Matters relevant to point e) of paragraph 4.7 above are considered later in this report when assessing the impact of the proposed development on landscape and heritage assets.

4.10 It therefore stands to be considered whether there are any 'very special circumstances' which would clearly outweigh the harm by reason of inappropriateness and any other harm to the Green Belt to allow for the proposed function suite and spa building development to proceed. Both matters are addressed in more detail in the remainder of this report.

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- 4.11 The applicant has provided a number of documents which they consider set out circumstances relevant to this application which are presented as 'very special circumstances' to accompany the application. The statement of very special circumstances is made up of the following documents received and updated since the application was initially made valid;
- a) Design and Access Statement (07/10/2015)
  - b) Economic Impact Assessment (December 2013)
  - c) Yardbird Planning Consultancy additional information relating to the social and environmental benefits of the proposal (June 2015)
  - d) Additional information relating to the social and environmental benefits of the proposal (16/10/2015)

- 4.12 The applicant's statement has been summarised as advancing the following very special circumstances in this instance:

GENERAL

- a) The proposal represents sustainable development. The presumption in favour of sustainable development in the National Planning Policy Framework requires that Local Planning Authorities balance any harm to the green belt against any benefits a proposal may bring.
- b) There are considerable economic, environmental and social benefits to be had which would outweigh the presumption against development in the Green Belt.

ECONOMIC

- c) The development plans at Brockencote are in line with national and local economic priorities for growing the tourism sector.
- d) In net terms the proposal would create an economic gain to the local area of; an increase initial tourism expenditure of £833,000 at the hotel; a net benefit of £615,882 per annum to the local economy;
- e) The hotel has a policy preference for local suppliers. Expenditure to local businesses is expected to increase by 35% since last year alone. This would only increase were the hotel to grow further.

SOCIAL

- f) The proposal would result in an increase in direct employment of 12 full time staff (or equivalent) and an increase in direct and induced employment of 11.4 FTE (full time equivalents).
- g) The proposal will result in the hotel being better able to serve the community as the additional space will enable the premises to function simultaneously as a hotel and a wedding venue. This will allow the hotel to better serve the community being consistently open for local use, engagement and social benefit.
- h) The continued success of the hotel, being part of the Rigby group, will allow the local community to further benefit from the charitable Rigby Foundation which supports good causes (a recent example being a charitable donation to Chaddesley Corbett endowed First School).
- i) The hotel has a recruitment policy with a 'local first' priority.
- j) The hotel offers training and career progression for all employees.

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ENVIRONMENTAL

- k) Roosting opportunities for bats and birds will be improved across the site as part of the proposed scheme.
- l) The proposed development will be designed to meet Building Regulations, to investigate green technologies such as ground source heat pumps and rainwater harvesting.
- m) Construction will adopt Building Research Establishment (BRE) good practice for sustainable development to minimise waste and to source locally.
- n) Forest Stewardship Council approved timber and wood will be used.

4.13 In addition to the Green Belt policies, other policies in the development plan which relate specifically to the principle of tourism related development are Policy CP10 of the Adopted Core Strategy and Policy SAL.GPB5 of the Site Allocations and Policies Local Plan. Policy SAL.GPB5 refers only to existing major tourist attractions in the District and as such, for the purposes of assessing the principle of the proposal against the development plan, Policy CP10 is considered most relevant.

4.14 Policy CP10 offers support for sustainable proposals which would improve the quality and diversity of existing tourist facilities, provided that they would not adversely impact on the surrounding environment and infrastructure. The policy is clear that new tourist accommodation should, as a first preference, be directed towards Kidderminster however the policy does allow for development in the towns of Stourport and Bewdley and in the rural settlements subject to certain restrictions. Interpreting this policy in the context of the proposed development I am satisfied that the principle of the development would accord with this policy subject to the development being found to be sustainable and capable of implementation without detriment to the surrounding environment and infrastructure.

SCALE, DESIGN & SITING

4.15 The scale of the proposed building is as described at 4.3 and 4.4 above and is considered to be a disproportionate adjacent to the original building. The original building (first used as a dwelling) occupied an approximate footprint of 633 sq.m, the existing building occupies a footprint of approximately 967sq.m and it is proposed to increase the footprint of the building by 872sq.m resulting in a building of cumulative footprint of 1839sq.m. The table below sets out the percentage increase over and above the size of the original building;

	Original	Existing	Proposed
<b>Footprint (sq.m)</b>	633	967	1839
<b>+% over original</b>	0	+ 53%	+ 190%

4.16 Being almost three times the size of the original building the footprint of the proposed development would clearly be out of scale and be disproportionate to the footprint of the original property.

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- 4.17 In the interests of completeness and a fair and comprehensive assessment of how proportionate a development would be it is necessary not only to consider the quantitative data (as detailed above) but also to make a qualitative assessment of the likely visual impact of the proposal on the original property. The proposed plans show a proposed site section with the main (and for the most part original) hotel building set against the proposed function suite and spa building. The plans do not show the added wing of the hotel, however as this is not original then it is useful that the plans do not show it as this allows for an easier comparison between the original building and the proposed development.
- 4.18 Whilst the function suite and spa building is clearly a sizeable addition to this building, because it would be a detached building within the curtilage of the hotel its visual impact on the size of the original building is lessened. The proposed site sections are useful in demonstrating how the original building would remain dominant by virtue of the proposed 18.5m separation distance and the fact that the building has been designed to present as 1.5 storey building (from the front) with a ridge height some 3.4m lower than that of the original building. Notwithstanding the disproportionate increase in footprint proposed, it is my opinion that the scale and siting of the proposed development would allow the original property to remain visually dominant over the existing and proposed additions therefore the proposed development would not, in terms of its visual impact, result in the creation of a visually disproportionate addition to the original property.
- 4.19 The proposed development is designed to reflect the architectural characteristics of the original building and is therefore considered to be of an appropriate design.
- 4.20 As detailed above, the proposed function suite and spa would be sited 18.5m to the east of the main hotel building. The footprint of the proposed development would extend beyond the existing hotel boundary on to the adjacent grazing land by approximately 30m to the east. The proposed car park extensions would similarly extend beyond the functional grounds of the hotel by 22m in a northerly direction. Whilst both developments would encroach into open countryside they would remain within close proximity to the hotel buildings and ancillary areas and as such would harmonise with the established land uses on site.

#### IMPACT ON HERITAGE ASSETS & LANDSCAPE

- 4.21 The application site is not in a Conservation Area however it does benefit from two heritage assets namely a Listed Dovecote and a non-listed HaHa. The site is however visible from the Chaddesley Corbett Conservation Area and as such does affect the setting of that heritage asset and other heritage assets within it. Accordingly the applicants have provided a Heritage Impact Assessment (HIA) which has been carefully considered by the Council's Conservation Officer whose comments are detailed above.

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4.22 The comments of the Conservation Officer have been summarised as follows:

- a) The wider application site and wider rural landscape make more than the negligible contribution to the overall significance of the Listed St. Cassian's Church as stated in the HIA submitted by the applicants.
- b) The significance of the Chaddesley Corbett Conservation Area is likely to be compromised by the construction of the proposed large building.
- c) The HIA does not afford sufficient consideration to the HaHa and as such its full significance (and thus any impact on that significance) is not understood.(A condition would be required to address this)
- d) The HIA fails to provide a comprehensive landscape analysis of the impact on views towards and from the Chaddesley Corbett Conservation Area, as it sits within the wider open Green Belt landscape. The lack of analysis is a concern from a heritage protection point of view but also in terms of assessing impact on openness.
- e) The proposal would result in less than substantial harm to the setting of local heritage assets, rather than the negligible harm attributed by the HIA.
- f) The proposed function suite and spa building would impact on openness and affect views into and out of the Chaddesley Corbett Conservation Area.
- g) The proposed car park would, through added glare from the windscreens of parked vehicles, detract from the setting of local heritage assets.
- h) The proposal would not reinforce the present relationship between the Chaddesley Corbett Conservation Area and open countryside to the south. The proposal would compromise rather than preserve its setting. The impact is therefore not neutral and there is no enhancement of the Conservation Area itself.
- i) The applicant fails to demonstrate any clear public benefit of the scheme sufficient to outweigh the less than substantial harm which would arise. The proposal therefore fails to satisfy the requirements of paragraph 134 of the NPPF.

4.23 Based on the expert advice of the Council's Conservation Officer with regards to heritage matters I must conclude that the proposal fails to fully satisfy the requirements of paragraph 134 of the NPPF, should it be felt that the very special circumstances provided by the applicants fail to clearly demonstrate that the proposal would afford sufficient public benefit to outweigh the less than substantial harm which would result as from the proposed development. An assessment of the very special circumstances submitted by the applicant follows in this report.

#### IMPACT ON NEIGHBOUR AMENITY

4.24 The vast majority of third party comments which have been received cite concerns over noise pollution as their main objection to the proposal. It is the case that Worcestershire Regulatory Services (WRS) have received complaints relating to noise from the hotel when functions are being held. The concern is that, with a larger function facility will come more frequent functions and as such the potential for disturbance to local residents will be worsened. No adverse comments relating to the use of part of the building as a spa or objections to the car park extension have been received from local residents.

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4.25 The applicants are clear that it is their intention to seek to attract more weddings to the hotel through the improved function room facility proposed. The facility would accommodate up to 150 guests in a dedicated function room. Due to the size of the facility and the history of noise concerns the applicants have provided a Noise Assessment which accompanies the application. This assessment has been carefully considered by WRS who comment as detailed above. In light of the comments made by WRS and given that they do not object to the proposal I can only conclude that the development would be capable of implementation without giving rise to noise pollution leading to adverse impacts on the amenity of nearby residents. I draw this conclusion based solely on the basis that it would be possible, through the use of suitably worded conditions, in conjunction with WRS colleagues to ensure that a suitable noise management plan detailing mechanisms to ensure suitable noise controls (including hours and levels) could be adopted, and which is enforceable, to prevent any increased disturbance to local residents. Control over noise from Brockencote Hall Hotel would then be subject to double control, firstly through a condition of planning permission and secondly (for any matters not related to the application) through the appropriate statutory nuisance channels via WRS.

4.26 The proposal, due to its distance from neighbouring properties, would not be likely to result in any loss of amenity due to overlooking or similar.

#### IMPACT ON BIODIVERSITY & ECOLOGY

4.27 Being in a rural location and being surrounded by open countryside, the site has significant biodiversity potential, there are also a number of impressive mature trees on and around the site. An ecology survey was submitted with the application which sets out some tree protection and mitigation as well as some enhancements. The report has been considered by the Council's Arboricultural Officer and Countryside Conservation Officer who does not object subject to conditions relating to tree protection and ecological enhancement. I am satisfied that the proposal would not give rise to a significant threat to ecology or biodiversity on site.

#### IMPACT ON HIGHWAY SAFETY

4.28 The proposal would increase the capacity of the hotel and as such it follows that the number of trips to and from the venue would also increase. This is a ground for objection raised by a number of third parties who are concerned that the current access arrangements are dangerous and this proposal would serve to make a bad situation worse.

4.29 Worcestershire County Council (as the Highway Authority) has provided comment on the proposal on two separate occasions, based on the original submission 'no objections' were submitted however following the receipt of additional information from the applicant a revised response was received as detailed above. Worcestershire Highways recommend deferral of the application based on the Transport Assessment not adequately accounting for the cumulative car parking need of the proposed development. Additional information has been requested but has, to date, not been received.

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- 4.30 Given that the Highway Authority do not raise any concerns about the proposal on the basis of highway safety then I am minded to conclude that the existing access is sufficient and that any increase in visitor numbers would not pose a threat to highway safety.
- 4.31 Further comment relating to the proposed car parking provision will be added to the Addenda and Corrections Sheet once received.

#### SUSTAINABILITY & VERY SPECIAL CIRCUMSTANCES

- 4.32 There is a 'golden thread' running through the NPPF of a presumption in favour of sustainable development. The Adopted Development Plan contains Policy SAL.PFSD1 which offers further support in this regard subject to development proposals satisfying other relevant policies contained therein. Notwithstanding the need in this instance for the applicant to demonstrate that very special circumstances exist to outweigh the harm by virtue of inappropriateness and any other harm, Policy CP10 of the Adopted Core Strategy requires that for tourist related development to be acceptable that development must be a sustainable form of development. The NPPF sets out the three dimensions to sustainable development at paragraph 7.
- 4.33 In seeking to demonstrate that the proposal is a sustainable form of development and that very special circumstances do exist in this instance, to justify approving the proposal the applicant has advanced the very special circumstances as summarised at paragraph 4.8 above. This provides a useful framework for assessing both how sustainable the proposal is as well as a means for assessing the very special circumstances advanced in this case, accordingly each of the three strands that are defined as sustainable development in the NPPF (i.e. Economic, Social and Environment) are addressed in turn.

#### ECONOMIC

- 4.34 The first thread of sustainability is the economic role of development in contributing to a strong, responsive and competitive economy. In making an assessment of the potential impacts of the development it is essential to clearly understand the character of the local economy, at both neighbourhood and District level. Accordingly the advice from North Worcestershire Economic Development and Regeneration (NWEDR) has been sought and is detailed at paragraph 3.5 above. There is support from NWEDR for the proposed development and the reason for such support is substantiated by specific reference to local targets for tourist related development which form part of the priorities of the District Council and the Local Enterprise Partnership more widely. Having balanced the views of statutory consultees against the objections of third party commentators I am minded to conclude that there is compelling economic support for the scheme proposed.

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That the proposal would assist in securing the long term future of Brockencote Hall Hotel as a destination hotel in its own right which would meet a specific need identified by NWEDR is, in my view, sufficient to afford substantial weight for the economic impacts of the development to amount to a very special circumstance in this instance.

#### **SOCIAL**

- 4.35 The second thread of sustainability is the social role it serves to support vibrant and healthy communities through providing a high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The social benefits of the proposal advanced by the applicants is set out at paragraph 4.8 above.
- 4.36 There is little doubt that the proposal would lead to job creation and that, with a local-first approach to recruitment, there are some perceived benefits to the local community. The charitable approach of The Rigby Group would also be likely to deliver some wider social benefit however it must be stressed that this is not a material consideration for the purposes of considering this development.
- 4.37 The applicants have explained how the hotel, at present, is not capable of meeting the needs of the local market whilst at the same time meeting the local demand for a function suite. It is the case that the hotel and restaurant have to be closed to the public when a wedding is taking place under the current limitations of hotel accommodation and facilities. The provision of a separate function suite would eradicate this problem.

#### **ENVIRONMENTAL**

- 4.38 The third thread of sustainability is the environmental role, this involves development contributing to protecting and enhancing the natural, built and historic environment; and as part of this helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 4.39 The applicants have confirmed that the intention is to utilise construction standards and techniques which are sustainable insofar as is possible. Through the use of planning conditions it would also be possible to achieve some minor benefit to biodiversity through the introduction of bat boxes on site.
- 4.40 I have found the development to be acceptable in terms of the likely impact on the immediate built environment (the main hotel building) and the Conservation Officer has provided useful comment on the impacts to the historic environment both of which are considerations relevant to an assessment of the sustainable credentials of a scheme.

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- 4.41 In drawing my conclusions with regards to how sustainable the development proposal is I am mindful that the three strands of sustainability, despite all being very relevant, are inevitably going to be attributed varying weight depending on the material circumstances of the proposal to which they relate. In this instance the economic benefits of the proposal clearly outweigh the social and environmental benefits however when considered collectively all three 'strands' combine to give a sufficiently sustainable form of development which I consider accords with Policy CP10 of the Adopted Core Strategy, and the aims of the NPPF.
- 4.42 As detailed above, the proposal cannot be considered to accord with the development plan unless the very special circumstances advanced by the applicant are considered suitable to outweigh the harm by inappropriateness and any other harm, which in this instance is the harm to openness and the historic environment as discussed above. Given that the applicants have demonstrated that the proposal is a form of sustainable development which would have economic, social and environmental benefits I am satisfied that the development would not conflict with the golden thread of a presumption in favour of sustainable development.
- 4.43 When assessing whether any very special circumstances exist the Council must consider the information provided by the applicant and any other relevant material considerations. I am particularly mindful of the sustainable nature of the proposal however the compelling economic benefits which are set out by the applicant and are strongly supported by NWEDR in my view hold substantial weight when weighing the proposal against the Green Belt policies of the development plan. Indeed Paragraph 18 of the National Planning Policy Framework advises that significant weight should be placed on the need to support economic growth through the planning system and Paragraph 19 of the NPPF states that "*Planning should operate to encourage and not act as an impediment to sustainable growth*". Therefore significant weight should be placed on the need to support economic growth through the planning system. It is the ability of the proposal to satisfy a key economic priority of the District Council (and wider LEP community) and to accord with paragraphs 18 and 19 of the National Planning Policy Framework which, in this case, in Officers' opinion does amount to very special circumstances sufficient to outweigh the harm by virtue of inappropriateness, the harm to openness and the harm to the setting of nearby heritage assets.

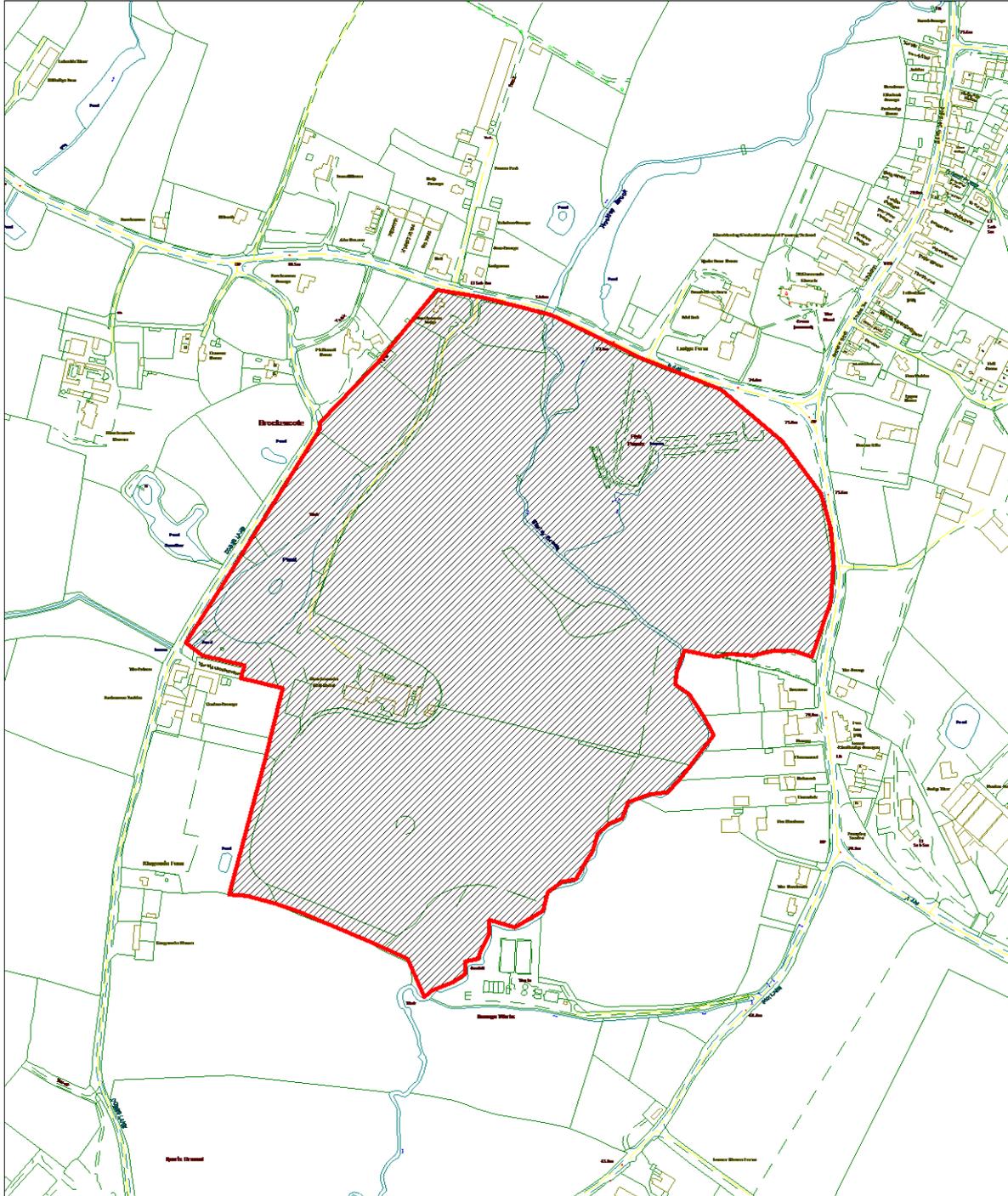
REFERRAL TO SECRETARY OF STATE

- 4.44 The application is a major development within the Green Belt. The Town and Country Planning (Consultation) (England) Direction 2009 requires that if the Local Planning Authority resolves to approve the application that they shall first consult with the Secretary of State to ascertain whether he wish to exercise his right to 'call in' the application for his determination.

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## 5.0 Conclusions and Recommendations

- 5.1 The proposal is considered to be inappropriate development in the Green Belt that would result in harm by definition, harm to openness, and less than substantial harm to designated heritage assets. The harm identified has been fully considered and weighed against the positive arguments in favour of the development framed by the three strands of the Golden Thread of sustainable development as set out in the NPPF. It is concluded that any harm identified is outweighed by the arguments advanced and the public benefits that would ensue.
- 5.2 Neighbour concerns relating to noise have been fully considered by Worcestershire Regulatory Services who are satisfied that suitable conditions and control through the licensing regime will allow the development to proceed without further harm to the amenity of neighbouring residents by virtue of noise pollution.
- 5.3 The proposed development is capable of implementation without harm to highway safety or biodiversity on or around the site.
- 5.4 It is therefore recommended that the application be given **delegated APPROVAL** subject to:
- a) no objections from the Highway Authority being received;
  - b) referral to the Secretary of State and the decision not to call in the application being received; and
  - c) the following conditions:
    - 1. A6 (Full with no reserved matters)
    - 2. A11 (Approved plans)
    - 3. Materials to be agreed
    - 4. Tree protection measures to be submitted
    - 5. Arboricultural/Ecological re-survey of tree T2 to be submitted (to include ecological mitigation/enhancement measures)
    - 6. All tree/landscape works to be carried out with strict regard to the Arboricultural/Ecological report required by condition 5
    - 7. Landscape implementation
    - 8. Scheme of archaeological investigation and recording to be carried out
    - 9. Development not to be occupied until the site investigation required by condition 8 has been completed and approved
    - 10. A comprehensive noise management strategy to be submitted
    - 11. Development should be carried out with full regard to the approved noise management strategy
    - 12. Full drainage details to be submitted
    - 13. Highway conditions (as suggested by the Highway Authority)



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Brockencote Hall Hotel, Brockencote  
Chaddesley Corbett, DY10 4PY**

Date:- 30 November 2015

Scale:- 1:5000

OS Sheet:- SO8873

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Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556



## Agenda Item No. 5

**Application Reference:** 15/0170/FULL      **Date Received:** 28/04/2015  
**Ord Sheet:** 382983 276068      **Expiry Date:** 23/06/2015  
**Case Officer:** Emma Anning      **Ward:** Blakebrook & Habberley South

**Proposal:** Installation of 30m modular lattice tower, antennae and ancillary development

**Site Address:** KIDDERMINSTER 132KV/11KV GRID SUBSTATION, NEW ROAD/TRAM STREET, KIDDERMINSTER, DY101AB

**Applicant:** Western Power Distribution

<b>Summary of Policy</b>	CP11 (CS) SAL.CC5 SAL.UP6 SAL.UP7 (SAAPLP) KCA.CC1 KCA.UP1 KCA.UP5 KCA.UP6 (KCAAP) Sections 5, 7 and 12 (NPPF)
<b>Reason for Referral to Committee</b>	Councillor request for application to be considered by Committee. Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

- 1.1 The application site comprises a 27sq.m parcel of land which is part of the Western Power Distribution grid substation located off Tram Street in Kidderminster. It is sited on land which lies between the Staffordshire and Worcestershire Canal to the west and the River Stour to the East.
- 1.2 The site is part of the Green Street Conservation Area and is adjacent to the Staffordshire and Worcestershire Canal conservation Area.
- 1.3 The site is identified as being in Flood Zones 2 and 3 and is known for surface water flooding.

### 2.0 Planning History

- 2.1 14/0619/FULL – Erection of 30m high telecommunication lattice tower :  
Withdrawn

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### 3.0 Consultations and Representations

- 3.1 Conservation Officer – The proposed site for the telecommunication mast is an in-filled former canal basin, which sits to the east of the River Stour and is included within the Green Street Conservation Area. This basin sits at right angles to the Staffordshire and Worcestershire Canal, and was formerly accessed under bridge carrying the towpath. The turning space on the opposite bank of the canal survives in use today as moorings.

The basin was constructed between 1859 and 1884, probably to serve the Castle Worsted Spinning Mills of 1877, which had been built on the site of New Pool.

The land to the north of the basin remained undeveloped until The Kidderminster and Stourport Electric Tramway Company which operated an electric tramway service between Kidderminster and Stourport-on-Severn, opened in 1898. The depot and generating station were built on this land and the access named, appropriately, Tram Street.

When the tramway system closed in 1929 the land remained in use as an electricity generating station: it still houses a major sub-station.

The basin was in-filled during the mid-20<sup>th</sup> century and whilst little evidence of it survives above ground some structure may still exist below the surface, although those remains may have been compromised by the installation of underground 11KV oil cooled cables some years ago.

#### *Impact of the proposal on heritage assets*

The proposed development sits within the Green Street Conservation Area and adjacent to the Staffordshire and Worcestershire Canal Conservation Area, both designated heritage assets.

Due to its height, the mast will impact on the setting of these Conservation Areas as they are surrounded at this location by higher ground to the west, north and east. There will also be an impact when viewed from the south due to the relatively flat approach and low buildings.

The impact is the mast silhouetted against the skyline.

Recent photography from a vantage point at approximately the same elevation as the top of the proposed mast indicates that something this tall may be visible in part from vantage points around the town, particularly when viewed against the skyline, but also impinging on views encompassing listed buildings and Conservation Areas.

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It is considered that the mast may be visible from the following designated heritage assets situated within the Green Street Conservation Area:

1. Caldwell Hall Grade II\*
2. Morton's Works New Road Grade II
3. Victoria Carpet Company Green Street Grade II
4. Stourvale Mills Green Street Grade II

It is considered that the mast will feature in distant views towards the town from the falling sands railway viaduct, which encompasses:

5. Church of St. Mary Grade I
6. Church of St. George Grade II\*

The mast will be visible from the following designated heritage assets elsewhere in the town:

7. Slingfield Mill Grade II
8. Piano Building Grade II
9. Brinton's Main Office Building Grade II
10. Chapel of Rest Cemetery Park Lane Grade II
11. Church of St John Grade II
12. 40 Park Lane (Now Weavers Pub) Grade II

In addition to the designated heritage assets above the proposed development may also be directly visible from the following undesignated heritage assets which appear on the Local Heritage List for Kidderminster and sit within the Green Street Conservation Area:

1. Fire Station Castle Road LLK432
2. Kidderminster Corporation Baths Castle Road LLK31
3. Castle Spinning Mills New Road LLK436
4. Campion House Green Street LLK429
5. Elgar House Green Street LLK430
6. Frank Stone Works Green Street LLK435
7. Stourvale Mill Site and Boucher LLK431
8. Former Brinton's Works Castle Road LLK433
9. Water Works House LLK316
10. Pumping Station LLK438

Amongst other Locally Listed Heritage Assets outside the Conservation Area from which the proposed development will be visible are:

11. Willis's Carpet Factory Worcester Street LLK407
12. 74-95 Park Street LLK293-314

Whilst clearly some of the assets are some distance away, others are in close proximity.

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The impact on these heritage assets will be purely visual: the mast may be visible from and affect the setting of these heritage assets as seen from many varied vantage points across the town centre.

*Impact on views into, out of and across the Conservation Area*

The principal impact will be on the setting of the Green Street Conservation Area and the Staffordshire and Worcestershire Canal Conservation Area. These are situated in the Stour Valley and surrounded to the west, north and east by higher ground. The approach to the town from the south is largely unimpeded by tall buildings and thus the mast will be visible on the skyline from Worcester Road and New Road.

The structure will also be visible from the south in views towards the town centre and the Conservation Area. Despite its slender profile (excluding the antennae) it will stand a good deal taller than the surrounding buildings – approximately 1/3 taller than the towers belonging to the fire station, Morton's Works and Castle Mills.

Whilst tall structures are a feature of the Kidderminster skyline – and there are several within the Green Street Conservation Area, these generally have a degree of design and style attributable to them.

Historically there is a precedent for very tall structures: photographs from the 1930s show dozens of brick chimneys serving the town centre factories. Most of these have now gone, the most notable survivor being the Grade II listed chimney adjacent to Slingfield Mill.

*Less than substantial harm*

Although the visual impact of the proposal on the heritage assets identified above must be considered to amount to less than substantial harm, the impact on them will still be somewhat negative.

Development of this type has the potential to increase in impact as additional antennae are added to the lattice mast. The applicant has indicated that two antennae will ultimately be required, both CL dishes, however there is currently no requirement for any additional antennae and thus removal of Class 24 permitted development rights will, as the applicant suggests, prevent uncontrolled additions in the future.

*Archaeology*

The location is a former canal basin, the structure of which may well remain below the current datum level. A pre-determination excavation will be required to assess the suitability of the site for the foundations required for the mast, and the design of these should not damage buried archaeology.

*Policy*

The P (LBCA) A 1990 requires development proposals affecting a Conservation Area to preserve or enhance that Area.

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The NPPF at paragraph 131 requires local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness.

If there are believed to be public benefits to this proposal, then these should be weighed up against the less than substantial harm the mast could have on the Conservation Areas and surrounding heritage assets, in accordance with the NPPF paragraph 134.

*Conclusions*

I think it would be very difficult to argue that a mast and antenna of the scale proposed would enhance the Conservation Area. I cannot see how the mast will contribute to local character and distinctiveness, other than to create a dominant feature on the skyline of the southern part of the town.

Having said that, this was and is an industrial area, and there is a history of electricity generation and related uses on the adjacent site. If a mast has to be erected in this vicinity I think that the proposed location is probably the best compromise, although it will serve to dominate nearby housing on the west side of the canal.

The very detailed heritage statement submitted with this application at “5. Technical Justification” makes a very clear and compelling case for the provision of microwave links to replace leased BT copper cable, which network BT can no longer maintain.

The heritage statement also clarifies the rationale for the precise location proposed at the southern end of the site, which appears to me to be wholly reasonable given that there will be a total reliance on the mast to protect the sub-station and the need, therefore, to protect the mast from fire.

I believe the application fails to comply with most elements of WFDC Policy SAL.UP6, introducing an alien feature into and adjacent to the Conservation Areas, and failing to enhance or better reveal the significance of the Area. Overall there will be an adverse impact on the setting of the Conservation Areas and to a lesser extent on more distant and wide-ranging views of a number of designated heritage assets.

However, the supporting documentation (heritage statement) clearly demonstrates that there are no reasonable alternative means of meeting the need for this development, and thus satisfies part a) of SAL.UP6 .

In respect of the NPPF paragraph 134, the less than substantial harm caused to the designated heritage assets affected by the proposal, should be weighed against the public benefits.

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I think that ultimately the town cannot function without electricity, and given the main Grid Substation for the town is situated where it is, the proposed development must outweigh the individual significance of both Conservation Areas, as the public benefits are undeniable.

No objections. Suggest condition to withdraw PD rights on the Mast. Suggest condition to record archaeology affected by construction on historic basin.

- 3.2 Historic England – We provided advice previously on this application where the tower was proposed in another location further to the north. Then we were concerned about the impact on Caldwell Hall, a Grade II\* listed structure, known as the oldest secular building in Kidderminster and a fragment of a medieval castle which once had a moat and three or four towers, only one of which now survives and dates from c. 1347. This current proposed location is farther away from the Hall, outside the moated area, and therefore we consider the impact on the setting and significance of it to be much reduced.

The new location is now within the Green Street Conservation Area, an area of former carpet manufacturing and of great significance. The proposal is for an open lattice telecommunications tower, 30 metres high, with one dish on top. We consider that you should assess the impact on the conservation area, whether it will have a detrimental impact on the council's vision for the area as set out in the conservation area appraisal and whether the proposal would be compatible with the residential development envisaged for this vicinity accessed off Tram Street. It also lies opposite a key feature on the canal. We suggested previously that much of the area was sensitive and that other sites should be explored. While more convincing justification has been presented in this application we did not see any of the photomontages from key viewpoints that we recommended.

If you are minded to grant permission we would urge you to seek to limit the amount of fixtures on the mast to reduce its potential to cause harm to the conservation area and to ensure that the associated boundary treatment is sensitive to the conservation area.

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again. However, if you would like further advice, please contact us to explain your request.

- 3.3 Canal & River Trust – After due consideration of the application details, the Canal & River Trust as statutory consultee has no objection subject to the imposition of conditions :

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We note the planning history in relation to the previous proposal for a mast for operational purposes in this locality. In terms of the visual impact on the canal corridor it is unfortunate that the tower could not be set further back from the canal or to the rear of the electricity sub-station rather than on the site of the former canal basin. We consider that there will be an adverse impact on the canal corridor, but we note the Applicant's comments regarding the public benefits of the proposal and the requirements of paragraph 134 of the NPPF. In this context we do not consider that the harm outweighs the identified public benefits. Accordingly we can advise that we have no objection to the application subject to the imposition of conditions as set out below.

We welcome the proposal for a condition to remove permitted development rights for the installation of transmission dish antennas to keep the visual harm to a minimum. To address the issue of potential buried archaeology we also welcome the suggestion of a condition that requires any reasonably necessary archaeological survey work is carried out at the application site prior to the installation of the tower.

- 3.4 Kidderminster Civic Society - We are objecting to this application particularly in view of it being in both the Green St Conservation Area and adjacent to The Staffordshire and Worcestershire Canal Conservation Area (both designated heritage assets). The Mast's height (and bearing in mind that such masts tend to end up with additional equipment added to them) will dominate an area that should be unspoiled especially bearing in mind the Attractive Canal setting and the proximity of both of the said Conservation Areas and will inevitably detract from those protections to the local heritage and townscape. Its closeness to Caldwell Tower and other Listed Buildings will detract from their amenity and setting as well.

The area may be of archaeological interest owing to past activities on the site. We believe that this application would be in breach of WFDC Policy SAL UP6 and it should be refused.

- 3.5 Environment Agency -  
FLOOD RISK

The proposed development is located within Flood Zone 3 (1% annual probability of fluvial flooding) based on our indicative Flood Map for Planning. The site is adjacent to the River Stour (Main River). This location affords some protection from the Kidderminster Flood Alleviation Scheme which protects to a 1 in 100 year standard.

The undefended 1% plus climate change river flood level at this location is 30.66m AOD, based on node 'STOU01\_07957' from our River Stour flood model. The 0.1% flood level (Flood Zone 2) is 30.78m AOD.

No level survey or detailed Flood Risk Assessment (FRA) is submitted with the planning application.

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#### VULNERABILITY

We note from your email that you are considering the development as 'essential infrastructure' (Table 2 of the NPPF refers) which "has to be located in a flood risk area for operational reasons". It should be noted that Telecommunications installations required to be operational during flooding are classed as 'highly vulnerable', but a facility which is not generally required to be operational in a flood event is normally considered as 'less vulnerable'.

The supporting statement confirms the sensitivity of the proposal in that a "robust, high-speed communications network is...essential if safe operation of the electricity supply network and government targets are to be met in the public interest". This is on the basis that the protection system sends signals back via the electronic communications network.

#### SEQUENTIAL TEST

Paragraph 101 of the National Planning Policy Framework requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a 'Sequential Test'. It states that 'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'.

Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the Exception Test if required (see Paragraph 102 of the NPPF).

Based on the scale and nature of the proposal, which is considered non-major development in accordance with the Development Management Procedure Order we would not make any bespoke comments on the Sequential Test, in this instance. The fact that we are not providing comments does not mean that there are no sequential test issues, but we leave this for your Council to consider.

#### FLOOD RISK ASSESSMENT

Whilst a detailed FRA has not been provided we would advise the following.

##### *Impact on flood risk elsewhere*

Opportunities should be sought to help prevent and reduce flood storage impacts in the local area. However, in this instance, we would not object to the proposed development in the absence of such. This is on the basis that the footprint of the proposed development is equivalent to 'minor development' (our flood risk standing advice refers).

##### *Safe development*

We would recommend that the proposals should be designed to avoid water damage and remain operational. This is particularly important noting the sensitivity of the proposal.

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This is for the benefit of the applicant and the environment. We would suggest that any flood susceptible electrics/other parts within the tower and control kiosk are designed to be sited at least 600mm above the undefended 1% flood level plus climate change (floodplain, or flood-protected, in order to prevent flood risk and associated pollution risk. For longer term sustainability we would also advise that the applicant considers siting above the 1 in 1000 year floodplain level of 30.78, with 600mm freeboard.

It should also be noted that new climate change allowances are being published in the Autumn (2015). These are currently in draft. The table below is for the Severn River Basin district, for your information at this time in considering wider resilience measures.

<b>Total potential change anticipated for period</b>	2015-39	2040-2069	2070-2115
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<b>Severn</b>			
Upper end	25%	40%	70%
Higher central	15%	25%	35%
Central	10%	20%	25%

**PROXIMITY TO THE RIVER STOUR**

The proposal is not within 8 metres of the River Stour (Main River) so will not adversely affect our access and maintenance responsibilities, or impact upon the flow regime.

3.6 North Worcestershire Water Management (NWWM) - Based on the response of the Environment Agency I would make the following comments:

- a) It is up to the Council to decide whether the Sequential Test has been passed.
- b) The development will not increase flood risk elsewhere
- c) To make sure that the development itself will be safe for its lifetime the Environment Agency suggests that any flood susceptible electrics/other parts within the tower and control kiosk are designed to be sited at least 600mm above the undefended 1 in 100 year + climate change level of 30.66 m AOD (so minimum 31.26 m AOD) and for longer term sustainability they advise that the applicant considers siting at least 600mm above the 1 in 1000 year floodplain level of 30.78 m AOD (so minimum 31.38 m AOD).

3.7 Neighbour/Site Notice – 22 individual letters of objection and a 149 signatory strong petition have been received. The comments made can be summarised as follows;

- a) The height of the mast would make it visible for miles around and totally out of character with the surrounding area.

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- b) The location chosen on the site is probably the most conspicuous location possible, right next to a car park & in close proximity to the canal tow path.
- c) In an era of modern technology surely there is an alternative method of communications that does not require such a large mast to be constructed, the option of using five optic cables which would cost WPD £1.36m seems to have been dismissed purely on cost alone however I would imagine this method of communication would far outlast the lifespan of a 30m tower exposed to the elements all year round, and also allow for future communications to be sent by fibre optic as technology advances in the future.
- d) WPD does not appear to have considered utilising existing structures to mount their satellite dishes on to allow a signal to be bounced onwards, this could potentially negate the need to construct the 30m high tower.
- e) A large skeleton tower has recently been constructed in the vicinity of Hoo brook retail centre & with existing cabling that runs from the tram street sub station along the canal tow path surely this would provide an alternative site for a satellite dish to be mounted on?.
- f) With the redevelopment of Kidderminster town centre and the possibility of the Tram street area being redeveloped for housing the construction of a 30m high mast would surely put off any construction company thinking of building houses in this area which would have negative effect on the redevelopment of Kidderminster as a whole.
- g) The impact of the proposed tower would have on the local environment and nearby residents outweighs the reasons for siting such a large structure of such great height at this location.
- h) As the communications are required for communication rather than electrics then the development is unnecessary.
- i) The proposal will adversely affect the saleability of properties in Round Hill Wharf.
- j) The outlook from nearby properties will be blighted.
- k) The mast should be located in a lesser populated area.
- l) There is alternative technology, which would not require a mast, which would achieve the same goal. Fibre optics should be used instead.
- m) I am very concerned that yet again (!! ) poor town planning is overlooking one of Kidderminster's greatest assets -which is the historic carpet industry. Kidderminster's carpet story is unique and has so much potential for tourism and investment in history and leisure as examples - and a great ugly mast in the conservation area, isn't going to sit well in the landscape, or be attractive to canal people - who in previous studies have asserted Kidderminster is unappealing.
- n) WPD claim there is no fibre optics in the area - we understand that it has been put in at the end of Park Lane.
- o) Big companies put profit before the environment and possible impact on peoples lives. They have obviously opted for the cheapest option.

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- p) There are many children living in our estate and it is a wonderful place for families. A 30m tower nearby would significantly diminish that. It would restrict views and have potential health implications for us and our children. There have already been a number of explosions at the substation so I also fear for further safety issues.
- q) In safety terms the mast creates the risks of physical damage by collapse, electrical fire and chemical spillage in the event of storm damage or lightning strike.
- r) The applicant makes reference to the five SAL.CCS criteria, however they only offer evidence for (i) "the need" for this mast for communications in the event of accidents. However, there is no discussion on alternative technologies. In respect of criteria (ii) the "adverse impact" then have s ignored all of the Round Hill Wharf which would be subjected to a ring side view of this carbuncle! For criteria (iii) "other sites" they have ignored many possible industrial sites. For example there are existing pylons which intersect the canal towards Stourport just beyond Hoobrook. Underground trucking already links this site which will accommodate optical fibre lines. This proposal will save the cost of a mast as the dish can be mounted on the existing pylons! In respect of criteria (vi) and "sharing" existing masts such as those on the Champney flats at Hoobrook which may be suitable. In respect of criteria (v) there are several "existing tall buildings" such as the Fire Station tower which could carry a shorter mast.
- s) The application clearly states there is no flood risk. However, there is a flood risk assessment included with the application which reports a high risk of flooding given the close proximity of the River Stour and the canal. Flooding over the tower site could destabilise the ground and create a risk of collapse.

#### 4.0 Officer Comments

##### PROPOSAL

- 4.1 Planning permission is sought for the erection of a 30m high lattice tower with one dish antenna mounted on the mast at 28.5m above ground level. The tower would sit on a 4.3m square concrete base which would have 1.8m high palisade fencing around its perimeter. The development would be located within the existing Western Power Distribution (WPD) site off Tram Street, Kidderminster. The exact location within that site is proposed as the furthest north-east corner of the site adjacent to the boundary with the River Stour.
- 4.2 Kidderminster Grid Substation, together with Bishopswood and Stourport Grid Substations, which form a single 'ring network', are co-dependent on each other for their continued safe operation and communications. Together, the three grid substations supply mains electricity to over 55,000 residential properties, and industrial and commercial premises in Wyre Forest District.

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- 4.3 The proposed development is required as a mechanism to protect the WPD network across the Midlands. Information submitted by the agent confirms that when there is a fault in the network, the control system requires immediate connectivity to shut down the electricity supply lines for protection of the grid substation from the risk of permanent damage or fire. To date WPD's control and communications network has been provided by private BT copper leased lines. However, BT has stated it can no longer continue to support WPD's existing copper network, which has gone far beyond its design life. Unfortunately, BT's replacement copper system, which is cloud based BT technology, will no longer meet the split level latency period of 19 milliseconds for circuit breakers to close the electricity supply lines immediately, which is a strict requirement for a safe electricity network protection system. WPD has therefore no choice but to replace the existing copper BT leased lines. It is replacing them with a mixture of underground fibre optic cables and microwave links that will provide the necessary latency for its future protection system and also permit more sophisticated monitoring and control of its supply network.
- 4.4 Whilst WPD are utilising a range of options for providing the communications connectivity they require, they state that at the application site the only feasible option is for a microwave antenna mounted at 28.5m above ground level. The antenna requires a clear line of sight between the Kidderminster site and the linked microwave transmission dish antenna to be installed on an existing national grid radio tower at Bishopswood. From Bishopswood a high-speed microwave and fibre communications link with the necessary latency is available to WPD's control centre at Castle Donington. The antenna will also provide communication resilience for Stourport Grid Substation via line-of-sight communication with the Arqiva broadcast tower at Bewdley, which is not otherwise achievable.
- 4.5 Concerns have been raised that the applicant has failed to consider alternative sites to mount the antenna and that there are other technologies which would meet the requirements of this project. Information provided by the applicant confirms that options to utilise existing structures locally was considered however there are no structures of sufficient height which have the clear sight lines required to allow required communications. The applicant has also provided comment on the option to meet the need through the use of fibre optic cables as follows;

*"In respect of the Kidderminster Grid Substation, WPD has no fibre optic cable anywhere in this area. Therefore to avoid the proposed 30m tower at Kidderminster, WPD would need to lay fibre optic cable from Kidderminster to Bishopswood via Stourport, a straight line distance of 8.7km. The estimated cost of laying 8.7km of fibre optic cable is over £1.36 million - comprising approx. £696,000 for civils, to which can be added a minimum of 40%+ for route deviations and further 40%+ for ducting and cables. The disruption to local communities and businesses from over 8.7km of trenching in the highway would be enormous. Most importantly, the cost would be completely prohibitive."*

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**PRINCIPLE OF DEVELOPMENT**

- 4.6 Telecommunications development is referenced specifically in the National Planning Policy Framework and is covered by specific policies in the development plan for the District. Policy SAL.CC5 states as follows;

**Policy SAL.CC5**

**Telecommunications**

Proposals involving the erection of telecommunications equipment will be allocated where it is satisfactorily demonstrated that:

- i. There is clear evidence of need for the development.
- ii. It is sited and designed so as not to result in significant adverse impact to interests of acknowledged importance, subject to operational and technical requirements.
- iii. There are no satisfactory alternative available sites.
- iv. There is no reasonable possibility of sharing facilities.
- v. There is no possibility of erecting antenna on an existing building or structure.

Proposals that will individually or cumulatively have a serious adverse impact on sensitive landscape, townscape or nature conservation will not be approved.

All proposals for telecommunications infrastructure must demonstrate that they meet International Commission guidelines for public exposure.

Provided that the proposal is found to meet all of the requirements of the above policy or there are material considerations which would justify overriding the policy requirement, then the principle of development would accord with the requirements of the development plan. The criteria set out in the above policy is considered in more detail in the remainder of this report.

**NEED FOR THE DEVELOPMENT**

- 4.7 The applicants have provided detailed information regarding the need to provide communications links from the application site to protect that site and the Stourport Grid Substation. I have no reason to doubt that there is a legal operational and safety requirement to secure the communications which would be delivered by the proposed development.
- 4.8 Several third party responses to the application have queried the need for a mast and have suggested that alternative means of delivering the required communications infrastructure would be viable. The applicants have considered the possibility of fibre optic cables and have indeed opted for this at other sites in the WPD network where it would be operationally possible. In the case of the Tram Street site it would be operationally possible to opt for a fibre optic link however information provided by the applicant , as set out under Paragraph 4.5, indicates the operational implications of such an alternative, as well as the cost prohibitive nature of such works.

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- 4.9 I have no reason to doubt that any of the information provided by the applicant in respect of current fibre optic provision or the likely financial cost of installing fibre optic provision is in any way disingenuous. In being mindful of the Court decision cited by the applicants (*Regina v Westminster City Council ex parte Monahan*, Court of Appeal, 1989) which confirmed that financial constraints can be material considerations in assessing the planning balance of any proposal, I must accept the applicant's comments that the financial costs of fibre optic connections would be financially prohibitive. Given that there are no reasonably achievable alternative means of securing the communications network which is required then I am satisfied that criteria i and ii of Policy SAL.CC5 is satisfactorily addressed.
- 4.10 With a height requirement of 28.5m for the antenna and the added necessity of clear sight lines between the antenna and the Bishopswood tower I am satisfied that there are no reasonable prospects of finding a building or structure within the Town Centre which could meet this need. Obvious candidates might be Crown House or the chimney stack at Slingfield Mill however with the former earmarked for demolition and measuring in at approximately 24m Crown House would not be a viable option. The Grade II Listed chimney stack is only 23m tall and being a Listed Structure it would be extremely undesirable to install any telecommunications equipment on it. There are no other masts in the vicinity of the proportions required to allow for sharing and to mount the antennae at the required height. I am therefore satisfied that criteria iii-v are also satisfied.

#### IMPACT ON LANDSCAPE & HERITAGE ASSETS

- 4.11 The location of the application site would mean that the proposal would impact on two Conservation Areas, the townscape of Kidderminster and would have the potential to affect the setting of statutory and non-statutory Listed Buildings, accordingly the advice of the Conservation Officer has been sought and is detailed above.
- 4.12 Photomontage (existing and proposed) drawings submitted by the applicant show how the proposal would present from specific vantage points outside of the application site. The comments of the Conservation Officer at paragraph 3.1 of the report provide a very robust assessment of the likely visual impacts of the proposed development both on heritage assets and on the wider townscape.
- 4.13 There is no need for additional comment or the reiterating of the points made and conclusions drawn in the comments of the Conservation Officer other than to concur with the views stated. Whilst the development will, no doubt, have some adverse impact on the townscape of Kidderminster and will adversely affect heritage assets such impacts when weighed against the operational and technical requirements and need for the development are, in my view, significantly outweighed by other considerations namely to essential need to ensure a safe electricity supply to Kidderminster and beyond is maintained.

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- 4.14 Whilst the proposal is contrary to the requirement of Policy SAL.CC5 of the Site Allocations and Policies Local Plan which resists development which would have an adverse impact on sensitive townscape, landscape or nature conservation, there are material considerations in this instance which would weigh heavily in favour of the approval of the scheme.

#### HEALTH IMPLICATIONS

- 4.15 Concern has been raised that the proposal would have health implications for local residents. The NPPF at paragraph 45 refers to the need for 'a statement that self-certifies that, when operational, International Commission guidelines will be met'. This statement, commonly known as an ICNIRP declaration is not appropriate in this case. The transmissions between the microwave dishes will be linear, non-radiating signals: from point-to-point, one dish to another, and at very low power levels. These low power microwave signals do not fall under the scope of ICNIRP, which covers non-ionizing radiation that is emitted by the antennas that mobile phone operators install on their base stations and which emit beams to provide coverage to the surrounding area. The only exclusion zone for microwave dishes is directly in front of them, and as such they are always installed so no access can be gained to the dish antennas, due to the interruption in service that would be result if that were possible. At the application site the microwave dish will be in the high security grid substation compound to which the public has no access and mounted at 33.5m AGL (to the centre line of the dish antenna) on the lattice tower.

#### FLOOD RISK

- 4.16 The site is within an area known to be susceptible to flood risk and as such comment of the proposed flood risk has been provided by the applicant. The information submitted has been considered by both the Environment Agency and North Worcestershire Water Management (NWWM) who comment as detailed above.
- 4.17 In line with the comments of the Environment Agency and of NWWM I have considered whether the application site is a sequentially preferable site. Being mindful of the need to locate the mast close to the electricity supply component which it is communicating with and the fact that there are no other sites available to meet the needs of the development then I am satisfied that the requirements of the sequential test have been met. Given that the design of the development (being open sided) would not increase flood risk elsewhere (as confirmed by NWWM) and that conditions could be attached to any permission which would ensure that any flood susceptible parts of the mast were located at a suitable height above ground, then I am satisfied that the development does not pose a flood risk either on site or elsewhere.

#### OTHER MATTERS

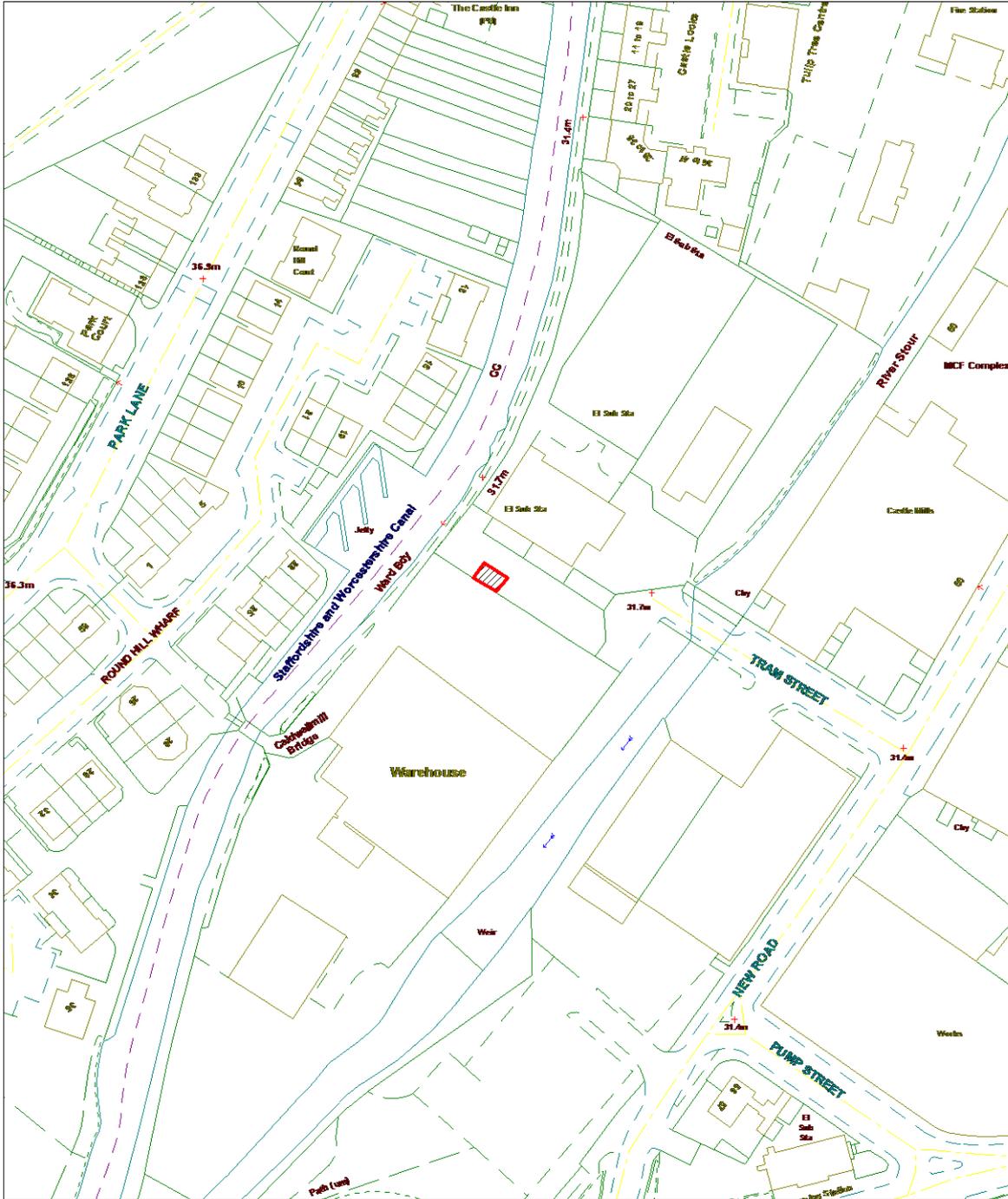
- 4.18 Concerns raised by either statutory or non-statutory consultees which have not already been addressed above are considered below.

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- 4.19 Objections have been received stating that the proposal would blight property values and would be a disincentive for developers wishing to redevelop areas of Kidderminster. Property and land values are not material considerations for the purposes of determining a planning application and as such I can afford no weight to objections based on either of these grounds.
- 4.20 It is advanced that the proposal would lead to blight to the outlook of occupiers of properties on Round Hill Wharf. Whilst there is no doubt that the outlook would be affected, I am mindful that there is no automatic 'right to a view'. Whilst the view from properties will undoubtedly change it is unlikely that the effects of such changes would be so great as to be considered detrimental to the amenity of occupiers sufficient to warrant a refusal of planning permission in this instance.

## 5.0 Conclusions and Recommendations

- 5.1 The proposal would introduce a dominant feature to the townscape of Kidderminster which would have adverse impacts on the visual amenity of the townscape as well as causing 'less than substantial' harm to nearby heritage assets.
- 5.2 There is no doubt that it is vital that communication links between the Tram Street site and the Bewdley and Stourport receivers is essential and given that the existing BT lines are at the end of their life that an alternative means of communication must be found. The applicant has demonstrated that an antenna mounted at 28.5m is, at this present time, the only feasible option to provide the communications needed. Without a new means of communication then the site would not be safe for operation. Bearing in mind that the site helps to supply electricity to 55,000 households then the importance of ensuring it is able to continue to function is clear.
- 5.3 Having carefully considered the proposal it is felt that the need for the development and the practical constraints associated with fulfilling this need carry substantial weight when considering this proposal and do amount to material circumstances sufficient to outweigh the harm to visual amenity and the harm to the setting of heritage assets in this instance.
- 5.4 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. Material/finish of mast to be agreed
  4. Removal of 'permitted development' rights for further antenna on the mast
  5. Any flood vulnerable equipment to be located on the mast to be set above known flood levels. Details to be submitted and approved.



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Kidderminster 132KV/11KV Grid Substation,  
New Road/Tram Street, Kidderminster, DY10 1AB**



Date:- 01 December 2015      Scale:- 1:1250      OS Sheet:- SO8276SE      Crown Copyright 100018317 2014  
 Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556

**Application Reference:** 15/0453/FULL      **Date Received:** 01/10/2015  
**Ord Sheet:** 390530 275826      **Expiry Date:** 26/11/2015  
**Case Officer:** Paul Round      **Ward:** Wyre Forest Rural

**Proposal:** Change of use of redundant agricultural building to dwelling house involving excavation of basement area

**Site Address:** OFF DRAYTON GROVE, DRAYTON ROAD, BELBROUGHTON, STOURBRIDGE, DY9 0BW

**Applicant:** Mr & Mrs Wainwright

<b>Summary of Policy</b>	DS01, DS04, CP02, CP03, CP11, CP12 (CS) SAL.DPL2, SAL.CC1, SAL.CC2, SAL.CC7, SAL.UP1, SAL.UP7, SAL.UP11 (SAAPLP) CC4, CC8, CC9, CC10, C12 (Chaddesley Corbett Neighbourhood Plan)
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

**1.0 Site Location and Description**

- 1.1 The application sites lies within the hamlet of Drayton to the east of the District. The site consists of open fields with a single storey tractor building located to the east of the site.
- 1.2 The site is located within the West Midlands Green Belt and is within an area identified as being susceptible to surface water flooding.
- 1.3 The proposal seeks for the conversion of the existing building to a dwelling.

**2.0 Planning History**

- 2.1 WF.0687/76 – Stables and Hay Storage – Approved 21.09.76

**3.0 Consultations and Representations**

- 3.1 Chaddesley Corbett Parish Council – Object and recommend refusal. We object to the construction of an access road through an agricultural field and around the properties in Drayton Grove and the development of this agricultural building for residential use.

Under our Neighbourhood Plan Policy CC9 also objects to gated developments.

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We consider the proposed excavation for underground accommodation to be inappropriate in the green belt and overdevelopment of the area. It is understood there are other agricultural buildings in the area and this could give risk to further applications

3.2 Highway Authority – No Objection subject to conditions

3.3 Conservation Officer – As the applicant points out in the design and access statement the conversion of this rural building to a dwelling is now permitted development subject to certain conditions. It is for the addition of the subterranean elements of the scheme that planning permission is sought.

Underground construction is rarely encountered in this District although it is now relatively common in city environments where space is at a premium. As a design strategy for sustainable building an underground dwelling such as the one proposed in this application has potential to demonstrate both energy efficiency and harmony with its natural surroundings.

The existing redundant agricultural building dates from the immediate post-war period and does not appear to possess any features of architectural or historic merit, thus Policy SAL.UP6 is not relevant to this application.

Policy SAL.UP11 is, however, relevant to this application.

The building appears to be a permanent structure and capable of conversion. I interpret section 2 ii) to mean that “extension” is an increase in the built footprint of the building, whereas in this specific case the “extension” is downwards into the ground and the footprint remains the same. I’m not certain underground development was considered when the Policy was drawn up, however enlarging the accommodation in this way will have little if any impact on the openness of the surrounding Green Belt.

I think it could be argued that conversion of a single storey building with a steeply pitched roof into a two-storey building by inserting a first floor within the roof envelope is technically extending the accommodation although the footprint of the building remains the same. This sort of “extension” is commonly approved under Policy SAL.UP11.

I note that the design and access statement asserts that no rebuilding is necessary and that following underpinning the existing slab will be broken out and excavated. I have no reason to doubt that this methodology will work as explained, but should the Committee require further confirmation then a pre-start condition could be imposed which requires a fully detailed structural engineer’s report and methodology confirming that indeed complete reconstruction is not required.

The proposed conversion will in my opinion certainly improve the appearance of the existing building, and in this respect I think it complies with Policy SAL.UP11 and should be approved

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3.4 North Worcestershire Water Management – No Objections to treatment of surface and foul water drainage.

3.5 Worcestershire Regulatory Services – No objection subject to contaminated land condition.

3.4 Neighbour/Site Notice – 3 letters of objection received raising the following issues;

- Land is Green Belt – we understood that no future buildings, developments etc would be ever be built on the greenbelt.
- Will suffer upheaval, noise, mess and inconvenience and any other impracticalities.
- Could have an adverse impact on the value of properties.
- The new property will be overlooked
- Object to sharing a vehicular entrance and exit via Drayton Grove
- Neighbourhood Plan does not allow anymore gated entrances within the Parish.
- It would be ‘impractical / impossible and certainly not cost effective’ to retain the building and that the Council will be left with a ‘fait accompli’ once construction has started.
- There are buried diesel tanks within the embankment.
- The Applicant does not own the land. [*Officer Comment – A revised ownership certificate has been supplied confirming that the Applicant is not the owner of the site*]
- Could lead to further development of this Green Belt site.

1 letter of support received raising the following points:

- The existing building and plot of land serves no useful purpose.
- The Approval to a dwelling would benefit the local community, providing improved security.
- The proposed development will be done to a high standard and will have no adverse impact on neighbouring dwellings, in immediate community or the highway.
- By allowing what has for a number of years been dormant, to be put to useful and constructive use, seems to be a win-win situation for all concerned.

#### 4.0 Officer Comments

4.1 The proposal seeks to convert the existing agricultural building that measures approximately 91 sq m to a 3 bed residential unit along with creation of a basement area.

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#### POLICY AND PRINCIPLE OF DEVELOPMENT

- 4.2 The site is located within the West Midlands Green Belt. The National Planning Policy Framework and Adopted Wyre Forest Site Allocations and Policies Local Plan support the re-use of rural buildings to dwellings as being appropriate development in the Green Belt. The National Planning Policy Framework states that such a form of development is not inappropriate provided that the buildings are of permanent and substantial construction.
- 4.3 Policy SAL.UP11 of the Adopted Wyre Forest Site Allocations and Policies Local Plan sets out criteria based approach when considering proposals for the re-use and adoption of rural buildings, as follows:
- i. The building(s) are permanent structures which are in keeping with their surroundings and they are of a size which makes them suitable for conversion without the need for additional extensions, substantial alterations or the addition of new buildings within the curtilage.*
  - ii. The building(s) can be converted without significant building works or complete reconstruction and the conversion works would have no significant detrimental effect on the fabric, character or setting of the building.*
  - iii. That the proposed development enhances and safeguards heritage assets.*
  - iv. That suitable access arrangements can be made, without the need for extensive new access roads.*
  - v. That there is no adverse impact on the countryside, landscape and wildlife or local amenities.*
  - vi. That appropriate drainage and flood risk mitigation, including safe access requirements, can be provided and are available for the lifetime of the development*
- 4.4 There is clearly general in principle policy support for the conversion of rural buildings within the Green Belt and as such the proposal is acceptable in principle.

#### DETAILED CONSIDERATIONS

- 4.5 The appropriateness of the development within the Green Belt can be called into question where a proposal fails to comply with the detailed criteria of Policy SAL.UP11. The relevant points will be considered in turn.
- 4.6 The building itself is a permanent and substantial structure. The proposals indicate the conversion of the building as it stands without any above ground extensions, substantial alterations or the need for substantial building works. The works do include the creation of a basement area below the building to create additional accommodation. A Structural Report has been submitted and detailed discussions have taken place with North Worcestershire Building Control, which has confirmed that the building is capable of being retained and converted in line with the proposals as submitted.

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- 4.7 Whilst it is considered that the provision of a basement is an extension of the accommodation, this is not to the detriment of character of the building and does not in my opinion contravene the spirit or intention of the Policy. Indeed the approach to the proposal has been fully supported by the Conservation Officer as set out under paragraph 3.3 above.
- 4.8 When assessing the amount of provision proposed and the ability for the accommodation to exist below ground without any impact on the Green Belt this provides weight in favour of the application. In addition, a fall back position exists, in that the building can be converted under the Governments extended permitted development rights without the need for formal planning permission. Policy SAL.UP11 only restricts extensions of conversions that have been converted through the formal planning application route and as such any subsequent application for a basement would be acceptable in principle. This 'fallback' position also adds weight in favour of the application.
- 4.9 It is considered that on balance the proposal is of suitable size and structural capabilities to be converted and that the proposal as submitted meets the spirit of Policy SAL.UP11. Where any conflict maybe identified the material circumstances including the 'fall back' position weigh in favour of the application.
- 4.10 Access will be provided as existing from Drayton Grove. The consolidated access track will keep to the boundaries of the adjacent fields leading to the site. The Highway Authority has confirmed that the access arrangements are acceptable and the re-use of the existing access track avoids the need for extensive new access tracks. An electronic gate is shown to be provided set away from Drayton Grove so as to avoid any potential congestion. The Parish Council and neighbour responses have highlighted criterion 2 of Policy CC9 of the Chaddesley Corbett Neighbourhood Plan which seeks to prevent the provision of further gated developments like exists at Drayton Grove. However, it should be noted that criterion 3 of the same Policy states that *"Driveway and entrance gates should reflect the rural nature of the Parish and be of traditional wooden or metal field design, such as "5-bar" gates."* It is clear that gates are proposed to serve the driveway of a single dwelling and not a 'gated development'. The design of the entrance gates has not been provided, however such details can be condition to be a 5-bar gate design, which can be electrically operated.
- 4.11 Detailed discussions have taken place between the Applicant and North Worcestershire Water Management and additional information submitted. It is concluded that the proposed treatment of surface and foul water is appropriate for the proposal and provides adequate facilities within the site.

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- 4.12 The external form of the building will remain as existing with the external elevations treated in cedar cladding with aluminium framed windows and doors. The roof will remain as a mono pitch at the existing height treated with insulated metal roof panels. Two light wells will serve the below ground elements, these will be flush to the ground and not really visible from outside of the site. The external appearance of the building as proposed is considered to be acceptable in this rural location.
- 4.13 The location of the building is approximately 35m from the nearest residential boundary and approximately 50m from the nearest residential property. Given the distances involved and the single storey nature of the dwelling there will not adverse harm be caused to residential amenity. There is adequate space within the application site to provide suitable private amenity space and parking.
- 4.14 The proposal also includes the provision of 2 ground based solar panels to serve the new dwelling. These are acceptable in the Green Belt and being located close to the building will not adversely affect the character of the area. This factor adds to the sustainability credentials of the building, which has been designed to be a energy efficient as possible.

## 5.0 Conclusions and Recommendations

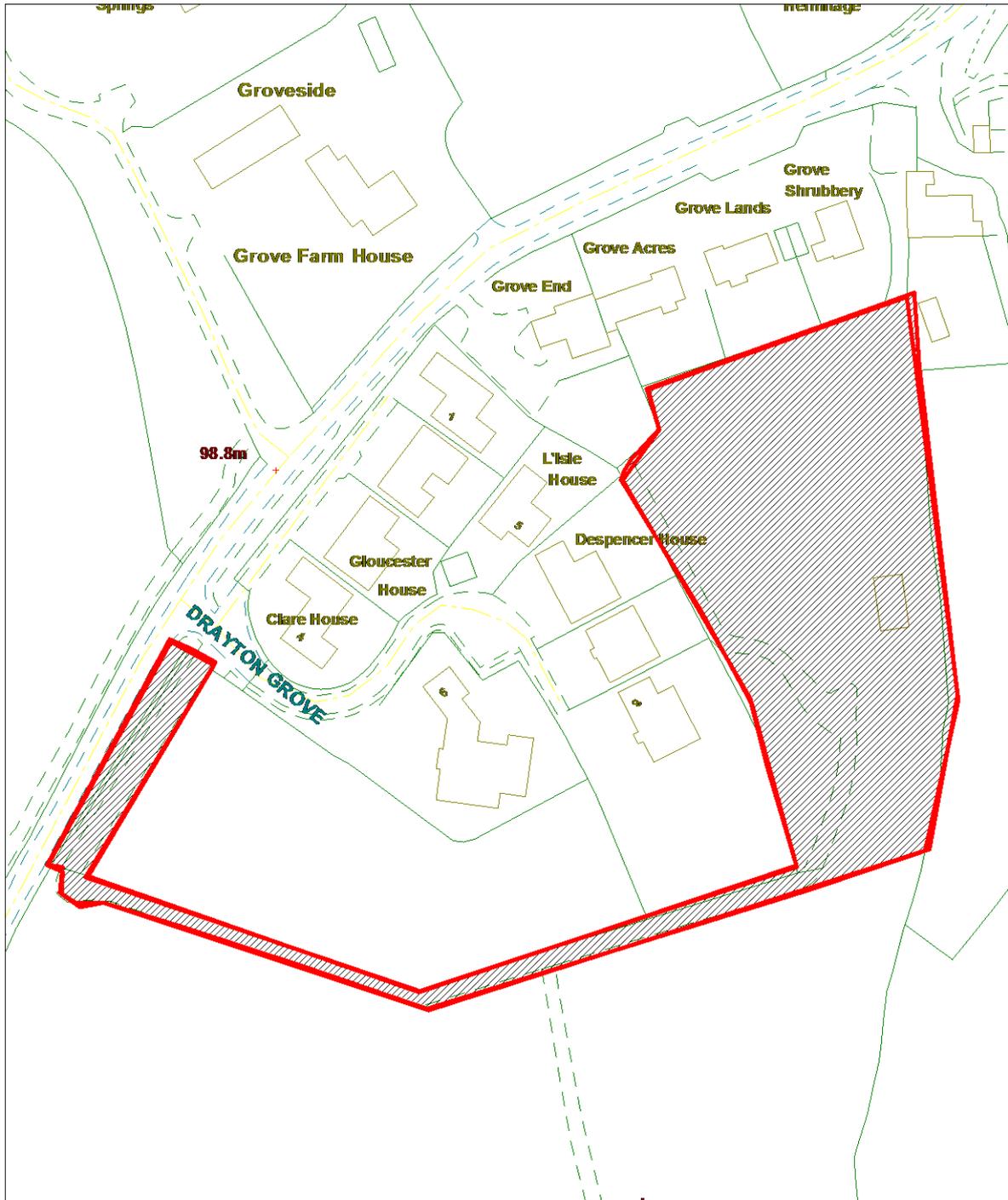
- 5.1 On the basis of the foregoing it is considered that the proposal amounts to appropriate development in the Green Belt. The detailed aspects of the proposal have been fully considered and found to be acceptable and would not result in any harm to the Green Belt or the character of the area. Neighbouring properties will not be adversely affected.
- 5.2 Adequate provision for drainage, amenity space and parking can be provide along with safe access to the highway. The concerns of the Parish Council and neighbours have been fully considered, however the planning balance is in favour of the development.
- 5.3 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. No demolition
  4. B1a (Samples/details of materials)
  5. B11 (Details of enclosure)
  6. B13 (Levels details)
  7. E4 (Drainage prior to occupation)
  8. J1 (Removal of permitted development – residential)
  9. Entrance gate to “5 bar” and retained as such
  10. Access gates

15/0453/FULL

11. Access, turning and parking
12. Cycle parking (single unit)

Notes

- A Mud on highway
- B Private apparatus within the highway



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Off Drayton Grove, Drayton Road  
Belbroughton, DY9 0BW**

Date:- 01 December 2015

Scale:- 1:1250

OS Sheet:- SO9075NW

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Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556



<b>Application Reference:</b> 15/0616/FULL	<b>Date Received:</b> 23/10/2015
<b>Ord Sheet:</b> 383311 276446	<b>Expiry Date:</b> 18/12/2015
<b>Case Officer:</b> Paul Round	<b>Ward:</b> Blakebrook & Habberley South

**Proposal:** Proposed change of use from retail (A1) to drinking establishment (A4)

**Site Address:** 48 OXFORD STREET, KIDDERMINSTER, DY10 1AR

**Applicant:** Beernuts (Mr P Nuttall)

<b>Summary of Policy</b>	CP09 (CS) SAL.GPB2, SAL.CC2 (SAAPLP) KCA.GPB2, KCA.GPB7, KCA.HP1 (KCAAP) Sections 2, 7, 8 (NPPF) NPPG
<b>Reason for Referral to Committee</b>	Third party has registered to speak at Committee
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

- 1.1 The application site forms one of two single storey retail units that front onto Oxford Street within Kidderminster Town Centre, situated between Mann's Newsagents and Oxford Café. Opposite the site are other retail units namely, Tamsin's Bridal Boutique, Vibe Hair and Beauty and the Shaw Trust recruitment office.
- 1.2 The unit was previously a retail shop known as 'Koochie Koo's'. It is allocated within the Adopted Kidderminster Central Area Action Plan as being located within the Primary Shopping Area and being part of a Secondary Shopping Frontage. The site is also part of the wider allocation known as the 'Heritage Procession'
- 1.3 The application seeks for the change of use of the unit to a drinking establishment which falls within use class A5 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)

## 2.0 Planning History (of relevance)

- 2.1 WF.1059/87 – Change of use to Estate Agents : Approved 15.12.87

## 3.0 Consultations and Representations

- 3.1 Highway Authority – No objection

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- 3.2 Worcestershire Regulatory Services – No adverse comments
- 3.3 Crime Prevention Design Advisor – No objections. Sgt Jarvis from the Safer Neighbourhood team has spoken with the applicant and we are both satisfied that this application will have little effect on crime and disorder in the area.
- 3.4 Disability Action Wyre Forest – The approach between door & pavement needs lowering to avoid step.
- 3.5 Neighbour/Site Notice – Four letters received raising the following comments;
- We have only recently got over events in Oxford Street involving continual drinking and drug problems with the homeless people. It has taken over 6 months with continuous policing to resolve these issues and we would be disappointed to have to go back to encouraging this.
  - I own a high class bridal establishment opposite where this proposed bar is to be opening. I am in Full objection to these plans being passed as it would have a massive effect on the privacy and experience given to my clients. There will be an effect on noise and traffic and the area has very recently benefitted from the banning of alcohol consumption in the streets here which I feel would also be effected. This I feel for retailers in Oxford street would pose a threat to our security especially in the evenings when we are not open and at night when we are leaving our store. We welcome new business but strongly feel that this is not the correct business for this area and would greatly impact in a negative light on all the surrounding businesses.
  - A drinking establishment at 48 Oxford Street would:
    - Change the ambience of this part of the street by introducing noise, traffic and inappropriate behaviour,
    - Pose a risk to the security of Staff, Clients and the passing Public in the case of altercation outside a drinking establishment,
    - Increase pedestrian traffic through an already misused alleyway, risk Pedestrian road traffic accident on an existing precarious thoroughfare,
    - Counteract the longstanding efforts to introduce a ban on public alcohol consumption.

In addition, we offer a walk-in hairdressing service directly opposite the property and would not welcome customers of such an establishment who are intoxicated or carry an odour of alcohol and/or cigarettes.

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- I believe that you should refuse this Planning Application on the following grounds:-
  - It is in direct contravention to the Public Space Protection Order which has recently been granted in the immediate locality to prevent unruly and unsociable behaviour within the town centre. I understand from my tenants that the recent siting of signage within the town restricting the use of alcohol has resulted in a significant improvement within the town. If you consent to this Planning Application, you will therefore basically be contradicting your own policy and the recent improvement which you have experienced with become reversed.
  - This will have a significant detrimental impact on the surrounding businesses. Whilst it may mean that 1 vacant property will become occupied, it could well result in several other businesses in the immediate locality closing down.

#### 4.0 Officer Comments

- 4.1 The application seeks for the use of the property as a drinking establishment and it is confirmed within the submission that no food will be prepared on the premises.

#### POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

- 4.2 The Adopted Wyre Forest Site Allocations and Policies Local Plan Policy SAL.GPB2 encourages "...uses that contribute to the vitality and viability of the area will be considered favourably subject to public safety, environmental and amenity considerations." This is subject to proposed uses not having "...an adverse impact in terms of:

- i. Residential amenity
- ii. Pollution (light, litter, noise, odour)
- iii. Crime and disorder"

- 4.3 The Adopted Kidderminster Central Area Action Plan sets out more detailed policies to support the Town Centre. Policy KCA.GPB2 allows, a variety of uses within the Secondary Shopping Frontages including A1-A5 Retail and other general town centre uses that contribute to the vitality and viability of the area. Policy KCA.GPB7 states that "*The District Council will encourage developments that enhance the evening and night-time leisure offer of the town centre. A balanced mix of uses will be specifically encouraged, including late-night shopping, cafes, restaurants, bars, take-aways, clubs and cultural activities. No development should on its own, or cumulatively with other uses, create an unacceptable impact on neighbouring uses or the surrounding area by reasons of noise pollution, light pollution, anti-social behaviour, crime, disturbance or traffic.*"

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- 4.4 The policy position allows for public houses within Secondary Frontages subject to the detailed considerations set out above. It therefore falls that the use of the unit as a drinking establishment is acceptable in principle, the use being specifically mentioned as an acceptable use within this Town Centre location.

#### DETAILED CONSIDERATIONS

- 4.5 The property is located within an area which is primarily business orientated and specifically there are no residential properties within close proximity. It is considered that matters of residential amenity will not be adversely affected by the proposal.
- 4.6 It is unlikely the use will generate significant light, litter, noise or odour pollution. Any noise that will be generated through the playing of amplified music will be comprehended in the context of the town centre. Any pollution that may occur will be minimal and will not result in any significant harm to the amenity of Town Centre.
- 4.7 The greatest concerns raised by third parties is in connection with a perception that the proposed use is likely to lead to an increase in antisocial behaviour within the immediate vicinity. These comments are made in the context of historic issues that the District Council and West Mercia Police sought to resolve. These efforts have culminated in the serving of a Public Spaces Protection Order (PSPO) on 28th August 2015, which encompasses the whole of the Town Centre. This order is imposed to tackle street drinking and related nuisance behaviour in Kidderminster Town Centre by providing police; police community support officers; and council officers (where designated) with certain powers. The objections of the traders close by revolve around the feeling of increased potential for antisocial behaviour which will threaten the viability of the current businesses in the area and put greater pressure on the Police in enforcing the PSPO.
- 4.8 Crime and security as a planning matter gained increased emphasis after Section 17 of the Crime and Disorder Act 1998 required all local authorities to exercise their functions with due regard to the likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority must consider when exercising its planning functions under Town and Country Planning legislation.
- 4.9 This consideration is highlighted within the Development Policies set out above. National Planning Policy Guidance, at paragraph.69, in relation to 'Promoting healthy communities', states that *"Planning policies and decisions...should aim to achieve places which promote:*
- (among other matters)*
- *safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*

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- *safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas."*
- 4.10 As noted above, local authorities are now statutorily bound to consider effect on crime and disorder, in so doing they need to rationalise how much weight should be accorded to the issue. There have been a number of appeal decisions on this issue where the evidence of the police has had an important part to play in evaluating the capability of the use proposed to create a crime and disorder problem of public concern and which would have serious amenity or environmental implications.
- 4.11 Consultation with the Police has been undertaken and the response is provided at paragraph 3.3. Members will note that the Safer Communities Team have discussed the proposal with the Applicant and are satisfied that the provision of a drinking establishment in this location will have little effect on crime and disorder. On this basis of this response it has to be concluded that there will be no serious amenity or environmental harm, and that the existing safeguards of PSPO will not be compromised.
- 4.12 I have some sympathy with the objectors in their perceived fears particularly in view of the historic difficulties that have been faced in this area of the Town. However, from the information available there appears to be no justifiable evidence to demonstrate that the proposed use will result in the increase in crime and disorder that has been referred to. The Police and Local Authority have powers under the Licensing Act 2003 (as amended) to deal with any issues that may arise once the use is commenced.
- 4.13 There are no parking related matters to be considered due to the use proposed and the Town Centre location of the site.
- 4.14 Having considered all representations and consultations I have to conclude that only limited weight can be given to the above mentioned fear of crime, on this occasion. I do not have any substantial evidence to justify the claim that this use will result in businesses relocating and as such only minimal weight can be given. It is concluded that the positive arguments in favour of the development, including the presumption in favour sustainable development, prevail on this occasion.

## **5.0 Conclusions and Recommendations**

- 5.1 The proposed use is acceptable within this Secondary Shopping Area and complies with Development Policy allocations. The proposal will not result in adverse harm to residential amenity, pollution nor result in a severe increase in crime and disorder. The site is located within the Town Centre where adequate parking and public transport facilities exist.

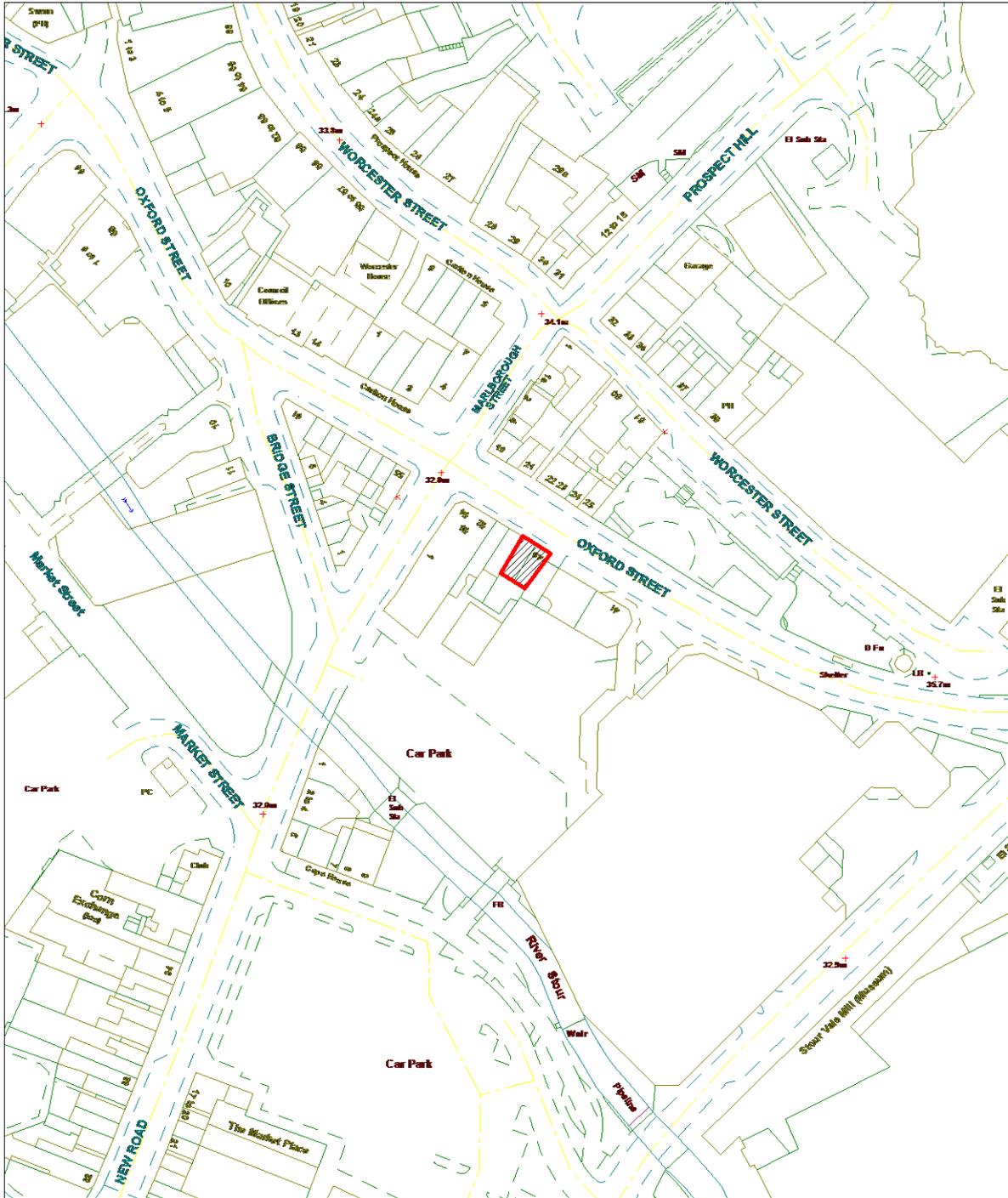
15/0616/FULL

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

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

Note

SN10 (Disability Discrimination Act 1995)



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**48 Oxford Street  
Kidderminster, DY10 1AR**



Date:- 02 December 2015      Scale:- 1:1250      OS Sheet:- SO8376SW      Crown Copyright 100018317 2014  
 Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556

<b>Application Reference:</b>	15/0624/OUTL	<b>Date Received:</b>	29/10/2015
<b>Ord Sheet:</b>	381315 271549	<b>Expiry Date:</b>	24/12/2015
<b>Case Officer:</b>	Paul Round	<b>Ward:</b>	Mitton

**Proposal:** Residential development (max 6 units)

**Site Address:** VALE ROAD CAR PARK, STOURPORT-ON-SEVERN, DY13 9AB

**Applicant:** NORTH WORCESTERSHIRE ECONOMIC DEVELOPMENT AND REGENERATION

<b>Summary of Policy</b>	DS01, DS03, DS05, CP02, CP03, CP11 (CS) SAL.DPL1, SAL.CC1, SAL.CC2, SAL.UP7, SAL.UP9 (SAAP) Planning Obligations SPD Paragraph 14, Sections 6, 7 (NPPF) NPPG
<b>Reason for Referral to Committee</b>	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council. Third party has registered to speak at Committee
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b> <b>subject to Section 106 Agreement</b>

## 1.0 Site Location and Description

- 1.1 The application site forms part of the public car park, including redundant public toilets, situated on Vale Road, Stourport. It is bounded to the north by the remaining public car park; to the east by residential properties/businesses in Mitton Gardens; to the south by St. Wulstan and St. Thomas of Canterbury Catholic Church; and the to the west (on the opposite side of Vale Road) by Mitton Lodge apartments and a petrol filling station.
- 1.2 The site is allocated within the Adopted Wyre Forest Site Allocations and Policies Local Plan for car parking. There are trees to the front of the site, one of which, a Lime, is of high amenity value and has recently been protected by a Tree Preservation Order.
- 1.3 The application is submitted in outline with all matters reserved for future consideration and seeks for residential development of up to 6 dwellings.

## 2.0 Planning History

- 2.1 WF.312/80 – Bottle Bank Skip : Temporary Approval 3 years 30.04.81
- 2.2 WF.872/81 – Re-siting of Bottle Bank Skip : Refused 14.11.81

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2.3 WF.580/83 – Can Bank Skip : Refused 02.09.83

### 3.0 Consultations and Representations

3.1 Stourport-on-Severn Town Council – Views awaited

3.2 Highway Authority – There is no objection in principle to the proposed development from a Highways point of view. However, the access on the indicative plan requires a visibility splay of 2.4m x 43m which needs to be shown and the location of the access needs to be at sufficient distance from the boundary fence.

3.3 Worcestershire Regulatory Services – The history of the site suggests that contamination issues may potentially be a significant issue. As a result, in order to ensure that the site is suitable for its proposed use and accordance with The National Planning Policy Framework, conditions are recommended below for inclusion on any permission granted.

3.4 Severn Trent Water – No objection subject to condition

3.5 Crime Prevention Design Advisor – No objections to this application. However, I do think perimeter security will be an issue as there is easy access to the rear of all the properties. Any fencing should have a minimum height of 1.8 metres and I suggest it be topped with trellis (which will make it harder to climb).

3.6 Arboricultural Officer – No objections.

3.7 Planning Policy Manager - The proposal is for the change of use of part of the existing car park on Vale Road. The car park which is owned by Wyre Forest District Council currently comprises 72 car parking spaces, the proposal for a maximum of 6 dwelling units will reduce the amount of car parking to 24 car parking spaces.

#### THE PRINCIPLE OF DEVELOPMENT

The NPPF was published in 2012 and provides the national planning policy context. The NPPF sets out the presumption in favour of sustainable development.

Section 6 of the NPPF relates to ‘delivering a wide choice of high quality homes’. This sets out how the Government expect Local Planning Authorities to ensure that housing needs are met. It states that ‘Housing applications should be considered in the context of the presumption in favour of sustainable development’.

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ADOPTED CORE STRATEGY

DS01: Development Locations – New development will be concentrated on brownfield sites within the urban areas of Kidderminster and Stourport-on-Severn. The policy sets out a settlement hierarchy of where development should be located and this site is compliant with this. The site is brownfield and lies close to Stourport-on-Severn town centre and therefore is in accordance with the policy.

DS03: Market Towns – Due to its role in the settlement hierarchy and mix of employment and service opportunities Stourport-on-Severn is expected to make an important contribution to meeting the District's requirements for new homes. The focus will be on existing brownfield sites within the town which will accommodate up to 30% of the District's housing requirements up until 2026.

SITE ALLOCATIONS AND POLICIES LOCAL PLAN POLICY

Policy SAL.CC2 Parking – Proposals involving the development of car parks will be considered on a site by site basis. Any proposed reduction in the amount of car parking spaces as a result of development will need to be fully justified.

CONCLUSION

The application site is a brownfield site close to the centre of Stourport-on-Severn. The car park currently appears underused the majority of the time, although this does change on Sunday mornings, and when the church adjacent holds special events as members of the public park to attend services. The proposed development will only be using part of the car park leaving 24 spaces which for the majority of the time seems to be sufficient for meeting public demand.

- 3.8 Neighbour/Site Notice – A 500 signature petition was received by the Council prior to the submission of the planning application opposing the development of the car park.

As part of the planning application consultation 15 letters of objection from local residents have been received raising the following points;

- This is ill thought out. As the population of Stourport grows we need even more Car parks not less. We need a car park both sides of the town. This is a retrograde step that makes no sense. It is just a short sighted plan based on greed. Also we need to bow to democracy for a change and I believe the majority of Stourport people are not in favour of this plan.
- Doing this will increase the number of cars parked in Mitton Close, we already have problems as it is and we don't need any more.
- I strongly disagree with this residential development, why should we lose a car park at the top of the town, not all of us want to park down by the river, it's too far for disabled people, more to the point what else are WFDC going to sell off, Stourport is always the town that gets left out.

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- Do the Council have powers to grant planning permission on a piece of land that was gifted to them?. Thomas Vale Construction left the land known as Vale Road car park for the people of Stourport to park, not for Wyre Forest DC to agree that houses should be built upon it or its use changed. I understand that the documents from Thomas Vale stating the terms of use of this land have been conveniently 'mislaidd'. However somewhere at the land registry or elsewhere those documents must be available, and until those documents have been found and scrutinised by all interested parties, and the facts obtained, then the use of the land cannot change. It is well known in Stourport how this land was intended to be used.
- Parking is essential to the retirement living complex for visitors to take care of family members. If the adjacent site is developed there will be more need for visitor car parking.
- Access onto Vale Road is dangerous. Vale Road is either a total blockage or three lane race track. I believe this will cause traffic and parking problems. Whilst the car park is quiet at times on other occasions with services at the church it is often full.
- Caravan site should be developed before destroying a community asset. The value of the site should be considered not just as land value but tangible community value used by businesses, residents and the church.
- The financial argument is not valid as the ticket machine was out of order for long periods during 2014.
- There are too many properties along Vale Road
- I have seen no elevation drawings of the proposed dwellings and therefore there is no guarantee as to what type of buildings actually get erected or the builders may change their mind as to what gets erected and we will find another block of flat which only invades privacy as it overlooks my property.
- There is already an issue that patients of the dentist and customers of the vets already park outside the residents property making it difficult for home owners to get off and on there own driveways, there has been times where customers have even used driveways to turn their vehicles around. To remove a significant number of parking spaces will only compound the problem in Mitton Gardens and as we are expected to maintain upkeep of the road, the increased traffic will only have a greater financial impact on the residents of Mitton Gardens.

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No consideration has been given to the attendees of the local church who use the car park and the removal of these spaces will add even more frustrations for the church goers and there is a strong possibility that the church could close due to the drop in numbers, as attendees are elderly and need their vehicles to get to church. Lastly I'm failing to understand how the sale of the land is due to the drop of income from the meters as the car park is always full.

- As a resident of Mitton Gardens for almost twenty years it is now almost impossible to find any on-street parking near our house. This is due to the removal of free parking in the Vale Road surface car park, and the further loss of parking will only exacerbate the situation. At certain times there simply is not enough parking available in the town.
- I am very concerned indeed with regards to the impact a residential development will have on the road usage outside of my home. The rise in traffic and on-road parking has an adverse effect on my welfare and the personal safety of my visitors.
- The car park is often full. Whilst there are other car parks on the other side of the town, they are not as convenient for many residents and would increase the traffic flow on the already congested one-way system. Additionally, loss of this local amenity will inevitably impact on the trade of local shops.
- Will remove a historic and well used footpath. There are many sites where development is at a standstill lying dormant for many years. Need to retain this useful facility. There is no statement of the urgency or immediate need for house numbers.
- On Fridays, Saturdays and Sundays the car park is often full or almost full (it has a capacity of about 72) especially in the summer, when Stourport has many tourists at the weekend, as you know. Yet you propose leaving only 24 spaces. There are at least 10 people we know of who have permits to park monthly or annually on the car park, which would leave only 14 for everyone else. How this can possibly 'justify' a change of use is simply laughable, were it not so serious. Where else are the other people to park on this side of Stourport? As for the idea that it is a suitable (or safe) place to build houses where children might live, it beggars belief that a proper study of the traffic, and behaviour of drivers along Vale Road, has not been undertaken. This is the last place where houses should be built. Adjacent to an unpoliced race track, used by constant traffic including huge lorries thundering along and mounting the pavement, hardly seems a safe place to suggest children should live. You would need to build railings on the edge of the pavement to protect people and children, and then how would the owners of the houses get their cars out onto Vale Road? There are many other areas of unused land in Stourport that have been waiting to be utilised for many years, which are suitable and safe for people to live. This is not one of them.

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- Exactly where are all those people to park their cars if only 25 spaces are left, and if those spaces are not long stay? The patients of the 2 dental surgeries adjacent to Vale Road car park also use the car park, and also people attending the adjacent vet's surgery, as well as many of the people living in Mitton Close, Mitton Street, Gilgal and nearby streets, where there is no parking or insufficient parking. Where are all those people supposed to park? In addition the car park is near to the town centre, High Street and Lombard Street shops, where there is otherwise only very short stay parking (or shop parking for customers only, also time limited.) Lidl store on Vale Road has a car park, but it is limited to 90 minutes and for customers' cars only. They do not want hundreds of extra cars piling into their car park, nor is there room in any case. So where are all the shoppers to park?
- If more residential properties are to be built on Vale Road, the council will be forced to spend large amounts of money protecting the occupants of these properties, especially children, from the highly dangerous traffic currently allowed to use and race along Vale Road. That will require new railings and pedestrian crossings, maybe lowering the speed limit

1 letter of support has been received from a local resident stating the following:

- I have seen trouble with boy and older people racing cars and motor bikes late at night and in the early hours, also remember the visit of the travellers. I would rather see houses or flats than the problems we have had. It may help to stop the undesirables coming into our car park and setting alarms off.

1 letter has been received submitted on behalf of three local businesses stating the following:

- We are three thriving small businesses that have been established in Mitton Gardens for over 20 years providing our services to the local people of Stourport, as well as further afield. We all rely on the Vale Road car park for our patients/clients to use when they come to our surgeries for appointments. Between the three businesses we can have up to 200 patients/clients that use the short-stay free parking period spread throughout the day and early evening. During busy periods this total may be even higher.
- We all have a diverse type of person visiting our businesses; there are disabled people, older people who are unsteady on their feet or in wheelchairs, young parents with children in pushchairs or several children, people with sick and injured animals that cannot walk far to the surgeries. The loss of sufficient parking spaces with ease of access from the car park via the pathway opening opposite the dental surgeries may realistically prevent a proportion of patients being able to attend their dental appointments.

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The alternative route along the unadopted road of Mitton Gardens would be very difficult for the old or disabled to use as the surface is uneven and large puddles are liable to form in wet weather. Also clients with sick animals unable to park within a reasonable distance of the veterinary surgery may well decide to take their custom elsewhere.

- The reduction of parking spaces from 72 to a level of "approximately 24" , which will have to include disabled spaces, will mean that there will be insufficient spaces to meet the parking need for local people on the north side of the town, visitors to the town, to our surgeries and the church. Some local residents have paid for annual parking permits allowing them to park for long periods and this may also reduce the availability of short term parking.
- The car park was nearly always full during most of the day before the parking charges were started. Once charging commenced the parking became more short term in nature but still at a fairly consistent level. The short-term one hour free parking numbers are not reflected in the income level raised as tickets were not required or issued. As most of our patients/clients fall into this category the number would not have been recorded by the meter system or occasional visit of the people conducting your audit in May 2015.
- If this severe reduction of suitable parking spaces means that our patients/clients cannot attend our businesses, it will no doubt lead to a significant reduction in our income and could compromise the viability of them in the future.
- We are also concerned that our staff, who also have to use the car park during the day, would find it difficult to find suitable alternative parking nearby. Many of them are young women and we feel that their safety, when walking to and from the parking in the dark, would be compromised.
- In view of the potential financial implications for our businesses, the effect of the loss of parking facilities for our staff the local population and visitors to the area we strongly oppose the planning application for the residential development of the Vale Road car park.

#### **4.0 Officer Comments**

- 4.1 This outline application seeks for the partial re-development of the Vale Road car park for up to 6 residential properties, leaving approximately 24 car parking spaces for use as a public car park.

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- 4.2 The application is submitted with all matters reserved thereby requiring consideration of the principle of development only at this stage. All other matters of layout, access, design, external appearance and landscaping will need to be submitted as Reserved Matters in due course.
- 4.3 The site is owned by Wyre Forest District Council, originally being sold to Stourport-on-Severn Urban District Council in 1947 by Thomas Vale and Sons for a sum of between £1,000 and £1,500. Both the conveyance and title deeds have been examined and there are no restrictive covenants preventing the reduction or redevelopment of the Car Park, despite some of the representations made which challenge this. The only covenant in force is the requirement for the provision of a “quick fence to a height of not less than five feet” to the eastern boundary of the site fronting Mitton Gardens. Matters of covenant and ownership are not matters for planning consideration, however they have been referred to in this report for the sake of transparency and completeness.

**POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT**

- 4.4 Both the National and Local Policy Frameworks actively encourage the development of residential properties on previously developed land. Indeed both the Adopted Wyre Forest Core Strategy and Adopted Wyre Forest Site Allocations and Policies Local Plan seek to focus development within the urban areas of Kidderminster, Stourport and Bewdley. Whilst sites have been specifically allocated to meet the District’s housing needs, it is accepted that windfall sites in the urban areas will further help meet the required demand.
- 4.5 The site is allocated within the Adopted Wyre Forest Site Allocations and Policies Local Plan for car parking. Policy SAL.CC2 states that “*proposals involving the development of car parks will be considered on a site-by-site basis. Any proposed reduction in the amount of car parking spaces as a result of the development will need to be fully justified.*” The policy structure does not rule out development of car parks in principle but requires the consideration of each case on its merits in conjunction with the justification submitted.
- 4.5 The proposal seeks for the loss of two thirds of the current parking provision reducing the current capacity of 72 spaces. North Worcestershire Economic Development and Regeneration have provided the following justification:

*Over the last three full financial years, the total meter income for the car park has been as follows:*

<b>Year</b>	<b>Total Meter Income</b>	<b>Average Income per space</b>
2012/13	£8,423	£116.99
2013/14	£8,770	£121.80
2014/15	£1,971	£27.37

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*There is clearly a sudden dip in income between the financial years in 2012/13 and 13/14 and the figure for 2014/15 which might be explained by avoidance by local shoppers in favour of the new Tesco Car Park. Furthermore, an audit of usage was undertaken in May 2015, before the holiday period. This involved a record being made of the number of cars present in the car park on different days and at different times of the day. The planning application seeks to retain approximately 24 parking spaces to be provided for use on the current pay and display arrangements which would meet local parking need in a more efficient manner appropriate to the level of usage. Excepting Sunday 17th May when an above average use of the car park took place (possibly a special event at the adjacent church) this would be ample to accommodate typical usage.*

*In conclusion, therefore, it is considered there is a clear justification for the proposed loss of car parking spaces within this particular location, as identified in the previous sections of this planning statement. It is felt that this commentary provides adequate support to allow an informed decision to be made in relation to Policy SAL.CC2, which asks for proposals to be considered on a 'case by case basis'. This, coupled with the evidence provided through the various tiers of planning policy, is considered to be a robust reason to allow the principle of residential development to be accepted on this site, in accordance with NPPF.*

- 4.6 The financial case set out in the above table is compelling showing a significant decrease in revenues. That said, it is evident however that such justification will not be able to take account of the free short term periods of use which may have been utilised. There is also indication from residents that during 2014/15 that the pay and display meter was often out of order. This evidence should be treated with caution, although the additional car parking provision created by the new Tesco development in Severn Road does appear to be a factor in this case. To supplement the financial evidence the justification also includes a usage survey.
- 4.7 The usage survey that took place during two weeks in May 2015 showed an average of 16 vehicles using the car park occupying only 22% of the available spaces. During the course of the planning application (from 6<sup>th</sup> November) Officers have undertaken additional surveys at various times of the day which tallies with the findings in the May survey showing on average 18 vehicles using the car park, taking up 24% of the available spaces. The two surveys identify one day of peak usage showing 32 vehicles on 17<sup>th</sup> May and 26 vehicles on 6<sup>th</sup> November. Officers will continue to conduct surveys up until the date of the Planning Committee meeting and the final summary findings will be reported to Members on the Addenda and Corrections Sheet. However, based upon the evidence available at this time I am satisfied that the car park is underused and that there is a justifiable case to develop part of the site for housing. Based on the average usage it would appear that leaving 24 car parking spaces is an acceptable provision, and would meet the typical demand.

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- 4.8 Notwithstanding the above commentary, anecdotal comments from neighbouring properties and businesses highlight that the car park is well used and often full. However no evidence or survey data has been provided to counter the data provided by the applicant to demonstrate higher car parking levels or that the spaces that will remain are inadequate in number to serve the needs of the surrounding businesses or residents. Other parking facilities do exist within the vicinity, admittedly maybe not as convenient for some.
- 4.9 The making of planning decisions should be based on the material circumstances that are manifest at the time and are often based on a balancing of these issues. When matters are finely balanced as with this case, the National Planning Policy Framework sets out that there should be a clear presumption in favour of sustainable development which should add to the weight in favour.
- 4.10 Having balanced all the issues in this case, I have to conclude that the principle of the development for residential development and the reduction of the current car parking facility is acceptable and can be approved as being in conformity with Local and National Policies.

#### ACCESS AND OTHER ISSUES

- 4.11 Access details are to be reserved for future consideration, although an indicative access position is shown on the plans which accompany the submission. The Highway Authority has fully considered the proposal and has concluded that a new access can be provided off Vale Road to serve a maximum of six dwellings. I recognise the concerns that have been expressed in respect of highway safety, however it must be acknowledged that there already numerous access points along Vale Road and when taking into account the nature and speed of the road I would concur with the Highway Authority that the number of dwellings proposed will not result in a deterioration of highway safety.
- 4.12 Matters of layout and design of the properties will be provided as part of any subsequent reserved matters approval, however the indicative layout provides sufficient indication that an acceptable scheme can be provided for the maximum number of 6 dwellings hereby proposed.
- 4.13 Neighbour responses have referred to the footpath that links Vale Road and Mitton Gardens. Members are advised that this is not a public footpath and is provided purely to provide access to the car park. Whilst it may be incidentally used as a short cut to Mitton Gardens there is no requirement for the Council to maintain such a route indefinitely. As part of the re-organisation of the remaining spaces further access points from Vale Road to Mitton Gardens may be provided, however this will be a subject to a separate decision by the Council.

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- 4.14 The adopted Planning Obligations SPD requires contributions towards Public Open Space to be secured for developments of 5 or more units. As detailed plans are not provided at this stage the exact amount will depend on the number and size of dwellings proposed under any subsequent Reserved Matters application. However it is anticipated that this will be in the region of £3,000 to £6,000 if the maximum number of units are developed. The Parks and Open Spaces Manager has indicated the desire to utilise any contributions towards the provision of furniture at the Stourport High Street Public Open Space. The exact details of this will be discussed in further detail as part of the drafting of any Section 106 Agreement.

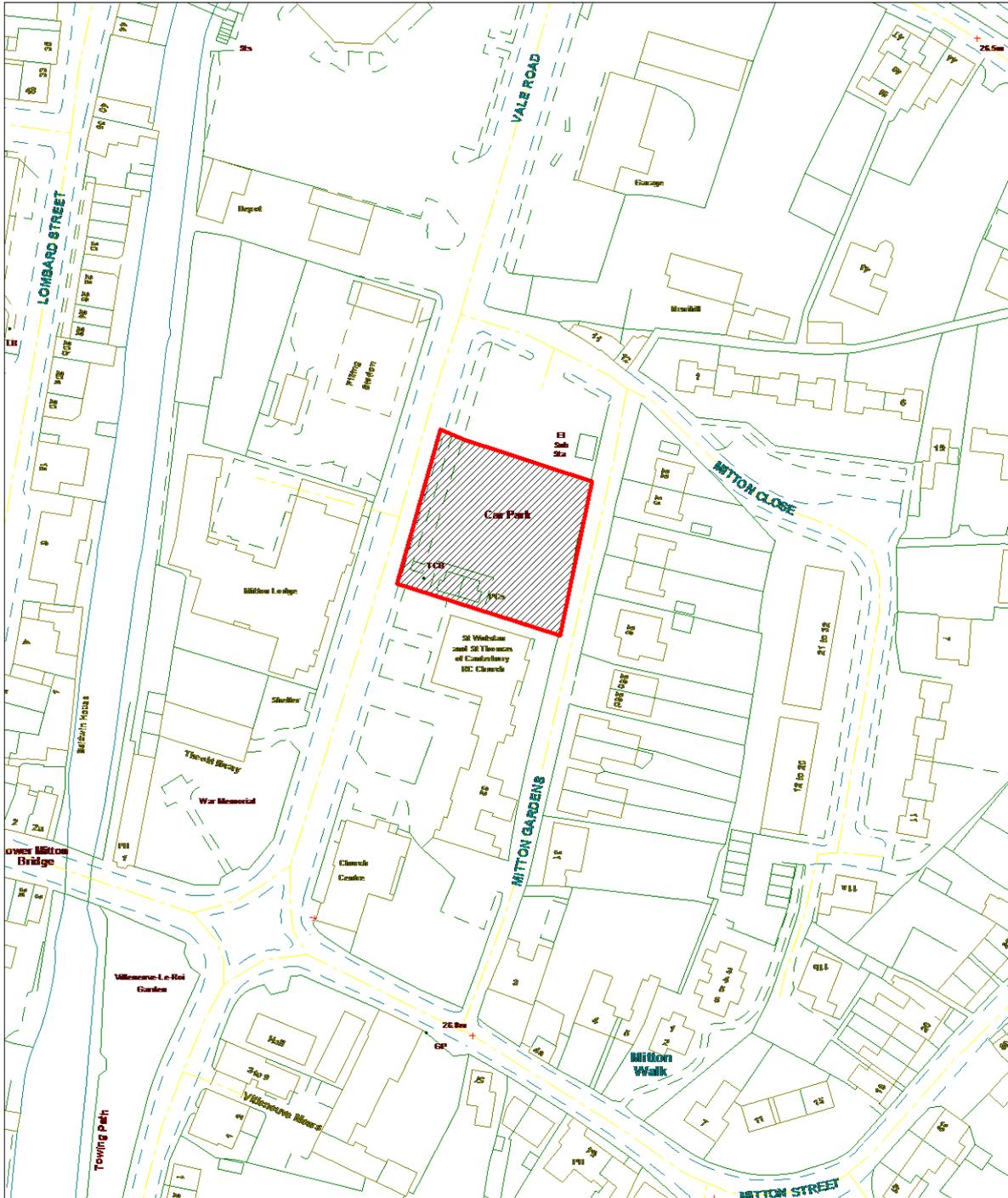
## 5.0 Conclusions and Recommendations

- 5.1 The development of this piece of previously developed land within the urban area of Stourport-on-Severn is acceptable in principle. Adequate justification has been provided for the reduction in the amount of car parking spaces and the number to be retained. Vehicular access can be provided directly off Vale Road to the satisfaction of the Highway Authority. Sufficient information has been provided to give confidence that the number of dwellings proposed can be provided without causing harm to neighbours' amenity or the overall character and appearance of the area.
- 5.2 It is therefore recommended that **delegated APPROVAL** be given subject to:
- a) the signing of a **Section 106 Agreement** for contributions towards Public Open Space; and
  - b) the following conditions:
    - 1. A1 (Standard outline)
    - 2. A2 (Standard outline – reserved matters)
    - 3. A3 (Submission of reserved matters)
    - 4. A5 (Maximum of 6 residential units, single point of access)
    - 5. A11 (Approved plans)
    - 6. B1 (Samples/details of materials)
    - 7. B12 (Erection of fences/walls)
    - 8. C3 (Tree protection during construction)
    - 9. C6 (Landscaping – small scheme)
    - 10. C8 (Landscape implementation)
    - 11. Contaminated Land
    - 12. E2 (Foul and surface water)
    - 13. F5 (Construction site noise/vibration)
    - 14. J1 (Removal of permitted development – residential)
    - 15. J9 (Open plan frontages)

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Notes

- A SN2 (Section 106 Agreement)
- B SN1 (Removal of permitted development rights)
- C SN6 (No felling – TPO)
- D Alteration of highway to provide new or amend vehicle crossover



ECONOMIC PROSPERITY AND PLACE DIRECTORATE

**Vale Road Car Park**  
**Stourport on Sever, DY13 9AB**

Date:- 01 December 2015      Scale:- 1:1250      OS Sheet:- SO8171SW      Crown Copyright 100018317 2014  
 Wyre Forest House, Finepoint Way, Kidderminster, Worcs. DY11 7WF Telephone: 01562 732928. Fax: 01562 732556



WYRE FOREST DISTRICT COUNCIL

**PLANNING COMMITTEE**  
**15<sup>TH</sup> DECEMBER 2015**

**PART B**

<b>Application Reference:</b>	15/0468/FULL	<b>Date Received:</b>	21/08/2015
<b>Ord Sheet:</b>	383259 276276	<b>Expiry Date:</b>	16/10/2015
<b>Case Officer:</b>	John Baggott	<b>Ward:</b>	Blakebrook & Habberley South

**Proposal:** Construct a new single storey extension to existing Aldi Retail Food Store incorporating a new frontage, a new full height glazed shop front and entrance and a new glazed canopy.

**Site Address:** ALDI FOOD STORE LTD, GREEN STREET, KIDDERMINSTER, DY10 1JF

**Applicant:** Aldi Stores Ltd

<b>Summary of Policy</b>	DS01, DS02, CP01, CP02, CP09, CP11 (CS) SAL.GPB2, CC2, CC7, UP7, UP8 (SAAPLP) KCA.GPB1, GPB2, CC1 (KCAAP) Design Quality SPD Sections 2, 7 (NPPF)
<b>Reason for Referral to Committee</b>	Application involving proposed Section 106 obligation
<b>Recommendation</b>	<b>DELEGATED APPROVAL</b> <b>subject to Section 106 Agreement</b>

**1.0 Site Location and Description**

- 1.1 The application site consists of the existing Aldi store and the adjoining "Pike Mills" public car park located off Green Street, Kidderminster. The current store was constructed in the mid 1990's.
- 1.2 Of brick and tile construction and appearance, the current store is one of the earlier examples of an Aldi store within the wider West Midlands area, and is of a size and scale which is somewhat smaller than Aldi's current store model.
- 1.3 The site is located within the immediate vicinity of established retail (A1) and cafe/restaurant (A3) uses, and sits directly adjacent to the Primary Shopping Area of the Town Centre, as defined within the Kidderminster Central Area Action Plan (KCAAP).

15/0468/FULL

## 2.0 Planning History

- 2.1 WF.366/91 – Outline application for Food Retail Store : Approved 13/05/92.
- 2.2 WF.779/92 – Reserved Matters for Food Retail Store : Approved 15/12/92

## 3.0 Consultations and Representations

- 3.1 Kidderminster Town Council – The submission of the application pre-dates the formation of the Town Council.
- 3.2 Highway Authority – No objections.
- 3.3 North Worcestershire Water Management (NWWM) –

### FLOOD RISK OF THE DEVELOPMENT

It is my understanding that the proposed development is located in flood zone 2, with a modelled flood level of 31.17 m AOD for the 1 in 100 year + climate change event. I understand that the topography of the car park area that will form the extension is between 31.42 and 32.07 m AOD, so between 25 and 90 mm above the flood level. I further understand that the existing store has a finished floor level of 32.00 m OAD, so 83 mm above the flood level.

As the proposed extension is in Flood zone 2, is commercial and is less than 250 m<sup>2</sup> the EA suggests in their standing advice that the applicant should either:

- (1) Floor levels within the proposed development will be set no lower than existing levels (so in this case 32.00 m AOD) and,
- (2) Flood proofing of the proposed development has been considered by the applicant and incorporated where appropriate to in 100 year flood level, including climate change allowance (in this case not relevant as this level of 31.17 is below existing finished floor level of 32.00 m AOD)

or preferably that:

- (3) Floor levels within the extension will be set 600 mm above the 1 in 100 year flood level including climate change allowance (so in this case 31.77 m AOD).

Reviewing the information, I am not sure what the proposed finished floor level of the extension is going to be. Would you be able to clarify this with the applicant?

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FLOOD RISK AS A RESULT OF THE DEVELOPMENT

The existing site is currently a car park and believed to be surfaced with an impermeable material. As such the proposed extension into the existing car park will not increase the amount of impermeable area and therefore the amount of runoff generated by the proposed development. As the site is located above the 1 in 100 year flood level there is no requirement for compensatory storage etc either.

SURFACE WATER DRAINAGE

It is my understanding that the proposal is to discharge the runoff from the extended roof to the mains sewer. I'm not sure whether the existing car park drains into the sewer already.

It is my understanding that this part of the town is served by combined sewers only (taking both storm water and foul water). The discharge of clean roof water into a combined sewer should only be seen as the last resort as discharge of storm water impacts upon the efficiency of the sewage treatment works and can cause pollution after heavy rainfall when the sewer system cannot cope and discharges polluted water into the water environment (Stour) via a combined sewer overflow (CSO).

Following building regulations discharge to the ground should be considered in full first, then discharge to a nearby watercourse (the Stour), then discharge to a surface water sewer (not present) and only when this all cannot be done discharge to a combined sewer can be considered.

In addition to the Building Regulations the Council has included in the Adopted Core Strategy (CP02) that 'New developments will be required to incorporate appropriate sustainable drainage measures (SuDS)' so again, discharge to the combined sewer would only be seen appropriate if other options have been ruled out.

Ideally the development should be seen as an opportunity to improve the situation, rather than to preserve the status quo.

CONCLUSION

I would advise to get confirmation regarding the finished floor levels, which should preferably be set at minimum 31.77 m AOD. Furthermore, I would like to advise to ask the applicant to explore whether it would be possible to discharge roof water from the extended property to the ground (if ground conditions allow) or to the nearby watercourse rather than discharging it to the combined sewer.

3.4 Crime Risk Prevention Advisor (West Mercia Police) – No objections.

3.5 Neighbour/Site Notice – No representations received.

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**4.0 Officer Comments**

- 4.1 As identified above, the original store was constructed in the mid 1990's and is of a much smaller scale than the current model being used by Aldi. The current store consists of a retail floorspace of 757 sq.m. whereas the current model store, as evidenced by the recent application for a new Aldi store at Silverwoods, consists of 1,254 sq.m. retail floorspace.
- 4.2 The existing Green Street store is extremely popular with shoppers and has for some time been significantly over-trading. This being the case, the applicants have identified a need to increase the floorspace of this store in order to better meet the demands of customers and to alleviate existing in-store congestion, and to create a better overall shopping experience for customers.
- 4.3 It is proposed to erect a single storey extension to the side of the existing store, along the elevation facing Green Street to provide additional retail floorspace. No additional "back of house" floorspace is proposed.
- 4.4 With external dimensions of 4.5m wide x 44.1m deep (i.e. the depth of the existing store, not including the service bay), the proposal would incorporate an integral entrance foyer and would increase the total retail floorspace from the current 757 sq.m. to some 962 sq.m. Members will note that this is still some way short of Aldi's current model store size. However there are other factors at play in this case, principally matters relating to the car park, which are discussed in more detail later within this report.
- 4.5 The additional floorspace to be created equates to little more than 200 sq.m. over and above the current retail floorspace. This is a Town centre location and as such, this level of floorspace increase is clearly in accordance with the respective Town Centre Retail Policies contained within both the Site Allocations and Policies Local Plan (SAAPLP) and the KCAAP (Policies SAL.GPB2 and KCA.GPB2, respectively), as well as Section 2 of the National Planning Policy Framework (NPPF).
- 4.6 In design terms, the proposed extension is of a simple render/brick pier and tile construction, which will complement and refresh the original store building, albeit with a reduced roof height, supplemented by a glazed canopy which will over-sail the entrance lobby. By adopting a reduced roof height in this location, the main roof, particularly when viewed from Green Street, would maintain its dominance with the extension blending in against this backdrop. The existing full height glazing evident along the north elevation, facing into the car park, will be continued and wrapped around the corner of the building in the form of the glazed entrance lobby.

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- 4.7 The proposed extension is of a simple design, which is both functional and practical, and delivers the required additional floorspace without excessive alterations to the form and appearance of the original store building. In this regard the proposal is found to be acceptable and in line with policies SAL.UP7 and SAL.UP8 of the SAAPLP, and the Design Quality SPD.

#### SECTION 106 AGREEMENT

- 4.8 The location of the extension is such that the existing car park layout within the Council maintained and operated Pike Mills car park is impacted upon, with a reduction of some 16 parking spaces, and a reconfiguration of retained spaces and circulation space within the immediate vicinity of the store.
- 4.9 At the time of the original permission for the existing store (WF.366/91) a Section 106 Agreement was entered into between the Council and Aldi Stores Ltd with respect to the laying out; number of parking spaces; and future management of the Pike Mills car park.
- 4.10 In light of this, and given the resulting reduction in the number of car parking spaces within the Pike Mills car park and the resulting impact upon income to the Council, as a direct result of the propose development, it is necessary for a Section 106 Agreement to be entered into. Such an Agreement would deliver a single commuted sum payment to the Council of £99,999.00, which would be used solely for the future maintenance and upkeep of Council owned publicly accessible car parks within Kidderminster town centre.

#### OTHER MATTERS

- 4.11 There have been no objections to the proposed development from County Highways, subject to a suitable condition relating to the laying out of the reconfigured section of car park.
- 4.12 There are no objections in terms of flood risk from NWWM, subject to the finished floor level of the store extension exceeding 31.77m AOD (Above Ordnance Datum). In this regard, the applicants have advised that the proposed finished floor level would be 32.00m AOD, thereby satisfying this requirement. Matters relating to drainage can be addressed via suitably worded conditions(s).

### **5.0 Conclusions and Recommendations**

- 5.1 The proposed extension of the current Aldi store, in this town centre location, is in full accordance with the retail planning policies of both the SAAPLP and the KCAAP, as described above. Furthermore, there is clear support for what is a relatively modest increase in retail floorspace within the NPPF.
- 5.2 The design and layout of the proposed extension is acceptable, and the resulting reconfiguration of the car park and circulation space is also acceptable, subject to the Section 106 Agreement requirements referred to above.

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5.3 It is recommended that **delegated APPROVAL** be given subject to:

- a) the signing of a **Section 106 Agreement** to secure a commuted sum payment of £99,999.00 to be used solely for the future maintenance and upkeep of Council owned publicly accessible car parks within Kidderminster town centre; and
- b) the following conditions:
  1. A6 (Full with no reserved matters)
  2. A11 (Approved plans)
  3. B6 (External details – approved plans)
  4. Access, turning and parking)
  5. E2 (Foul and surface water)

<b>Application Reference:</b>	15/0566/FULL	<b>Date Received:</b>	05/10/2015
<b>Ord Sheet:</b>	390215 274489	<b>Expiry Date:</b>	30/11/2015
<b>Case Officer:</b>	Paul Round	<b>Ward:</b>	Wyre Forest Rural

**Proposal:** Two storey rear extension

**Site Address:** THE COACH HOUSE, TANWOOD LANE, CHADDESLEY CORBETT, KIDDERMINSTER, DY10 4NT

**Applicant:** Mrs R Moore

<b>Summary of Policy</b>	CP11, CP12 (CS) SAL.UP1, SALUP7, SAL.UP8 (SAAPLP) CC8, CC9, CC10 (CCNP) Design Guidance SPD Sections 7, 9 (NPPF) NPPG
<b>Reason for Referral to Committee</b>	Statutory or non-statutory Consultee has objected and the application is recommended for approval
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

- 1.1 The application site lies approximately 500m to the east of the Bluntington crossroads situated on Tanwood Lane. The existing building, known as the Coach House, is of brick and tile construction built in approximately 1900, and sits within a small triangle of land. There is one dwelling, Tanwood Cottage, which lies opposite, the site is otherwise situated in an isolated position being surrounded by fields.
  
- 1.2 The site lies within the Green Belt and within an area defined by the County's Landscape Character Assessment as part of the Chaddesley Corbett Principal Timbered Farmlands. The character of this area is described as *"an area of soft rock sandstone with sandy brown soils and a rolling lowland topography. The land use is primarily mixed farming and the tree cover comprises relic ancient woodland, often associated with densely scattered hedgerow oaks. The settlement pattern is one of farmsteads and clusters of wayside dwellings, associated with a moderate to high level of dispersal and a small to medium scale field pattern"*
  
- 1.3 The building has an established use as an office via permission granted in 2004. In 2014 the applicant benefited from the Government's expansion of permitted development rights which allowed the use of the property to be converted to residential without the need for formal planning permission. Prior approval was given following due consideration of highway, flooding and contamination impacts. The current application seeks for approval of an extension to the rear of the property.

15/0566/FULL

## 2.0 Planning History

- 2.1 WF.0579/00 – Conversion of redundant building to Residential : Refused;;  
Appeal Dismissed.
- 2.2 WF.1330/04 – Conversion and refurbishment of Building to Office : Approved
- 2.3 14/3020/PNRES - Change of use from office to dwelling : Permitted  
Development, Prior Notification Approved.
- 2.4 15/0583/FULL - Demolition of existing dwelling and replacement with new  
dwelling : Withdrawn

## 3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council – Objects and recommends Refusal.  
The proposal is not in accordance with NP Policy CC10...

1. New development should enhance and reinforce ... general character, scale, mass and layout of the site, building or extension fits within the grain of the surrounding area.

2. New development should ... which responds to the characteristics of the site and its surroundings ...

We do not consider that this proposal compliments the design of the original building.

- 3.2 Conservation Officer – No objections. A residential use has previously been established for The Coach House under 14/3020/PNRES. Thus despite clearly being a “rural building” the property is exempt from the provisions of SAL.UP11, because no new use is proposed, and possesses permitted development rights as would any other dwelling.

Although clearly of some age, I have checked the Worcestershire HER and confirm that the building is not included on this database.

The Design and Access Statement provides a convincing case for the proposed design which is radically up to date, yet retains all those architectural features which give The Coach House its character as viewed from Tanwood Lane.

Given that the alternative is (uncontrolled) permitted development I am supportive of this application which uses high quality materials and design to augment the restricted accommodation contained within the historic structure

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3.3 Neighbour/Site Notice – 1 letter received making the following comments;

1 There are two references in (the design and access statement), which attempt to frame the application which are incorrect:-

I 'The extension to be implemented would be permitted development (PD).'  
That is predicated upon the building being in residential use. It is not in such use.

II 'Provision of an "additional bedroom".'  
There is no bedroom as the building is not in residential use.

Therefore:-

2 The proposal is for an extension to an existing building and is contrary to the following adopted planning policies:-

I Policy CC9.5 (Chaddesley Corbett Neighbourhood Plan) states:  
*"extensions to properties should be of subordinate scale to the original building"*.

The use of the wording "**narrow**" in the design and access statement is misleading. Although shallow in depth the extension as proposed is not subordinate to the original building as follows:-

- The proposed roofline is not subordinate to the existing. As such:-
- The proposed extension would occupy 86% of the rear elevation.  
And:-
- The proposed extension would occupy 36% of the elevations at both gable ends.

Therefore in aggregate this is not subordinate.

II Policy CC8.3 (Landscape Design Principles, Chaddesley Corbett Neighbourhood Plan) states that  
*"development proposals should seek to preserve or enhance the character of the village and hamlets both within and outside the Conservation Areas, especially those with buildings dating from the nineteenth and early twentieth century...."*

This building dates back to the 19th Century and the materials proposed for the extension do not preserve or enhance that character.

III Policy CC10 (Building Design Principles, Chaddesley Corbett Neighbourhood Plan).

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There are two sub-clauses relevant.

- Clause 4 states:  
*“building alterations or extensions in the Parish Conservation Areas especially should be sensitive to the local context in terms of materials, design, colour scheme, scale and structure”.*  
The use of the materials proposed are not sensitive to the local context. Also:-
- Clause 5 states:  
*“redevelopment, alteration or extension of historic farmsteads and agricultural buildings within the Parish should be sensitive to their distinctive character, materials and form.....”*

The proposal is not sensitive to the form and character of the building and reference to “contemporary materials” being used in extensions in Tanwood Lane is incorrect. Indeed, the design brief states that the new materials *“will contrast”* with the existing building .. this is hardly “sensitive” design.

#### Design Brief

The brief comments upon the site being *“well screened by a high hedgerow on the roadside”*. This feature was one which the previous application wanted radically scaled-down.

The use of cedar cladding: *“similar to cladding on barns and agricultural buildings in nearby field locations”* are unknown to us, who have been resident for over twenty years. Neither are we aware of *“examples of buildings designed in contemporary style on Tanwood Lane so the approach is not without precedent in the area.”* Where non-brick construction has been involved, this relates to buildings of contemporary design and do not involve premises over 100 years in age.

#### Access

We would once again question whether sightlines for traffic going to and from the property are adequate. Traffic in either direction is entitled to move at 60 mph (equivalent to 120 mph head-on speed) and access and egress will be sideways to the flow of traffic, onto the single carriageway - at a point where approaching traffic cannot see the other due to a slight chicane and a rising brow of the slope (none of which can be fully appreciated by reference to a large-scale map).

15/0566/FULL

#### 4.0 Officer Comments

##### PRINCIPLE OF DEVELOPMENT AND APPROPRIATENESS

- 4.1 The site is within the Green Belt and as such it is important to establish the appropriateness of the development in line with Local and National Policy. Policy SAL.UP1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan echoes the Government's guidance the National Planning Policy Framework allowing extensions to buildings, including dwellings, so long as the extension is proportionate to the original property.
- 4.2 There is no definition of what constitutes proportionate additions, however a consideration of the percentage increases as proposed provides a clear demonstrable way for consideration. The Coach House is in its original state. The extensions proposed seek to provide approximately an additional 9.2m<sup>2</sup> of floorspace across two floors, equating to a 44% increase over and above the original. In volumetric terms the extension to the rear provides approximately a 33m<sup>3</sup> increase on the original which would result in an 45% addition to the volume of the original structure. Based on these considerations it is concluded that the addition is proportionate to the original property.
- 4.3 On this basis the extension as proposed is appropriate development in the Green Belt and is acceptable in principle. It therefore falls to consider the design of the extension as proposed.

##### POLICY CONSIDERATIONS

- 4.4 Within the development plan there are four layers of design policies that need to be considered from the Adopted Wyre Forest Core Strategy, Adopted Wyre Forest Site Allocations and Policies Local Plan, the Chaddesley Corbett Neighbourhood Plan and the Design Guidance SPD.
- 4.5 In respect of extensions Policy CP11 of the Adopted Wyre Forest Core Strategy provides an over arching strategic aim to provide design quality. SAL.UP8 of the Adopted Wyre Forest Site Allocations and Policies Local Plan provides details stating that Proposals involving the extension or alteration to an existing residential property, including curtilage buildings and previous extensions should:
- i. Accord with the 45 degree code as set out within the Council's Adopted Design Quality SPG (2004).
  - ii. Be in scale and keeping with the form, materials, architectural characteristics and detailing of the original building.
  - iii. Be subservient to and not overwhelm the original building, which should retain its visual dominance.
  - iv. Harmonise with the existing landscape or townscape and not create incongruous features.
  - v. Unless it can be demonstrated that there is no other alternative, the development of flat roofed extensions will not be allowed.

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- 4.6 The Chaddesley Corbett Neighbourhood Plan includes two design policies in CC9 and CC10. These policies cover all proposals and clauses provided differentiate between ‘new development’, ‘new buildings’, ‘building alterations and extensions’, and ‘redevelopment’. In respect of extensions the following policy statements apply.
- i. Policy CC9 - Extensions to properties should be of a subordinate scale to the original building.
  - ii. Policy CC10 - Building alterations or extensions in the Parish Conservation Areas especially should be sensitive to the local context in terms of materials, design, colour scheme, scale and structure.
- 4.7 The Council adopted a new Design Guidance SPD in June this year which provides guidance on design solutions for all new developments and extensions. With specific regard to domestic extensions the guidance states that extensions should;
- i. Respect the existing character of the area and the appearance of the streetscene by avoiding a harmful terracing effect and other incongruous additions.
  - ii. Maintain original frontage rhythms by stepping back slightly from the original building line.
  - iii. Typically, a first floor side extension should be set back 0.75m from the front elevation of the original building.
  - iv. Ensure that ridge heights are lower than the original building. Eaves heights should not exceed those of the original building.
  - v. Ensure that the “front face width” of extensions is based on the original proportions of the house to be extended. As a general rule extensions to the side should have a maximum width of 4/7ths of the original front face width.
  - vi. Any projections should not detract from an established building line at the front of the property.
  - vii. Distinctive landscape elements such as trees should not be compromised.
  - viii. The use of flat roofs has the potential to have a significant impact on the aesthetics of a development. As such, proposals incorporating flat roofs will be assessed on their merits.
  - ix. Dormers should be finished with pitched roofs and be positioned away from the edges of the roof.
  - x. In order to preserve the privacy enjoyed by the occupants of neighbouring dwellings, the positions of windows and the inclusion of features such as balconies should be carefully considered.
  - xi. To preserve the levels of light and outlook enjoyed by the occupants of neighbouring properties, the 45° code guidelines would normally be applied.

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DESIGN CONSIDERATIONS

- 4.8 The proposed extension is modern in design and provides a two storey rectilinear extension expressed in contemporary materials of cedar cladding and aluminium windows, providing a contrast between the new and old building forms. The extension is set in from the sides of the building and due to the position of the extension to the rear only limited views will be obtained from the public highway. The corner of the extension that may be seen is to be glazed and will provide a light weight appearance to the addition. The extension is two storeys in height and incorporates a flat roof design which is required for this design solution.
- 4.9 The National Planning Policy Framework states at paragraph 60 that *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative...”* Whilst there is a need for extensions to be in “scale and keeping” there is no requirement to copy existing designs. The Landscape Character Assessment also advises that within this landscape character type that although brick and tile buildings are a characteristic, *“it is not intended that new buildings should necessarily copy such characteristic styles”*. Indeed the Chaddesley Corbett Neighbourhood Plan at Policy C10 states that *“New development proposals need not imitate earlier architectural periods or styles and could be the stimulus for the use of imaginative modern design using high quality materials in innovative ways.”* I see no reason why this principle cannot be applied to extensions which are outside Conservation Areas and not Heritage Assets, as is the case with this application. There is no specific policy reason as to why a modern approach cannot be adopted following due consideration of the merits of such a solution.
- 4.10 Opportunity has been taken to consult with the Council’s Conservation Officer and his comments are replicated at paragraph 3.2, raising no objection. Whilst the extension will mask one elevation of the building, the others remain unaffected by this proposal, allowing the original structure to retain its dominance. Given the position of the extension to the rear it would have no discernible harm to the isolated character of the streetscene or the character of the building. To the rear elevation will be screened by existing hedgerow trees which will be retained. The materials proposed will limit harm to views from afar, as they will merge into the tree screen. The use a flat roof element can be seen as poor design in certain circumstances, however in this instance it is a key component of the design approach. The Design Guidance SPD allows for flat roof designs to be considered on their merits, and in this case it is found to be acceptable.
- 4.11 The Design Statement submitted with the application sets out the reasoning behind the proposal and explains that the same space could be obtained from permitted development extensions through the provision of single storey rear extension and flat roof dormer. This is a genuine fall back position and could take place when the property is converted. It is considered that the proposal as set out in this application provides a better design solution to the fall back position. This adds weight in favour of the application..

15/0566/FULL

4.12 I have considered fully the Parish Council's and Neighbour comments in respect of design of the property. However the references made to Policy CC10 are in respect of new development and when read in conjunction the rest of criterion and the Policy as a whole it allows for the design new development to be justified through design statements. Whilst it is accepted the design as proposed does not replicate the characteristics of the existing property following due consideration it is concluded that design approach taken is an acceptable solution utilising high quality materials and an innovative design. I do not find that the proposal is contrary to policies of the development plan in respect of extensions.

4.13 Having considered the extension on its merits and in line with Local and National Policy I conclude that the extension is acceptable in design. Whilst the fall back position adds weight it is not decisive as I consider the design of the extension to be acceptable in its own right.

#### **OTHER CONSIDERATIONS**

4.14 Comments have been made that the property has not been converted to residential use and that the fall back position cannot be relied upon. Whilst this is true, both Local and National Policies allow for extensions to both domestic and non domestic properties in the Green Belt. The fall back position has been taken into account but as set above the design of the extension is acceptable for the reasons advanced.

4.15 Access arrangements to the property remain as existing, and as accepted as part of the Permitted Development Prior Notification. The proposal increase the amount of bedrooms from 1 to 2 and in line with the County Council's parking standards there is a requirement for a single parking space. The existing site allows for the parking of two vehicles and as such there is no harm to highway safety as a result of this proposal.

4.16 The extension will have no impact on residential amenity due to the isolated position of the property and the position of the extension to the rear.

### **5.0 Conclusions and Recommendations**

5.1 The proposed rear extension is appropriate development within the Green Belt. The design of the extension is considered to be an acceptable design solution provide a contemporary approach in an innovative way. There are no other material considerations that indicate that the proposal should not be supported.

15/0566/FULL

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. B1a (Samples/details of materials)
4. C3 (Tree protection during construction)
5. C8 (Landscape implementation)

<b>Application Reference:</b>	15/0583/OUTL	<b>Date Received:</b>	09/10/2015
<b>Ord Sheet:</b>	381331 272411	<b>Expiry Date:</b>	08/01/2016
<b>Case Officer:</b>	Emma Anning	<b>Ward:</b>	Mitton

**Proposal:** Outline application for new two storey 6th Form block and two storey classroom teaching block to replace temporary classrooms.  
(Layout to be agreed with all other matters reserved)

**Site Address:** STOURPORT HIGH SCHOOL, KINGSWAY, STOURPORT-ON-SEVERN, DY13 8AX

**Applicant:** Mr C King

<b>Summary of Policy</b>	CP01 CP03 CP11 (CS) SAL.PFSD1 SAL.DPL12 SAL.CC1 SAL.CC2 SAL.UP1 SAL.UP4 SAL.UP7 SAL.UP9 (SAAPLP) Sections 7, 9 (NPPF)
<b>Reason for Referral to Committee</b>	'Major' planning application
<b>Recommendation</b>	<b>APPROVAL</b>

## 1.0 Site Location and Description

- 1.1 The application site is the Stourport High School located between Kingsway, Minster Road and Windermere Way in Stourport on Severn.
- 1.2 The site currently benefits from a range of teaching buildings spread across the 0.58 hectare site. Fronting Minster Road, on the south east boundary of the site, are the main school buildings and school entrance. The majority of the school buildings sit behind the main entrance occupying the entire width of the site giving the school a second frontage and entrance off Windermere Way. Elsewhere on the site at the far north west, behind properties on Conniston Crescent sits a sixth form block. The remainder of the site is given over to open playing fields.
- 1.3 The site is washed over by the West Midlands Green Belt.

## 2.0 Planning History

- 2.1 13/0651/FULL – Proposed new sports hall and link to existing building : Approved
- 2.2 13/0641/ADVE – 2 no. proposed freestanding totem signs : Approved

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- 2.3 130236/FULL - Proposed change of use of part of existing playing fields to create car parking associated with adjacent fitness suite. Rendering of south elevation, alterations to fenestration and replacement of existing entrance canopy : Approved
- 2.4 09/0782/WCCR [Application determined to Worcestershire County Council] – Redevelopment of Stourport High School and Burlish Park Primary School site to form a replacement High School and Primary School : Decided

### **3.0 Consultations and Representations**

- 3.1 Stourport-on-Severn Town Council – Views awaited
- 3.2 Highway Authority – No objection. The development proposal is essentially to replace existing teaching facilities. Any consequential amendments required to car parking etc. can be dealt with under any reserved matters application.
- 3.3 North Worcestershire Water Management NWWM - The design and access statement contains a brief section regarding water management. It is stated that:
- The external paved and landscaped areas will be permeable surfaces.
  - The additional external sports courts will consist of a permeable asphalt surface.
  - The rainwater from the two buildings will be taken to soakaways locations to be agreed along with any necessary underground box culverts.

The proposed water management methods would be classed as SuDS. The design criteria have not been specified but as it should be possible to meet the National Standards for SuDS with the proposed methods at this site, I don't believe that any further information is required at this outline stage. I would like to invite the applicant to think about whether green, aboveground SuDS features could be used instead of the currently proposed permeable surfaces and soakaways. There are inspirational examples of what can be achieved.

Although I appreciate that it is not appropriate to expect a detailed design as part of a future reserved matter application I do believe that as a minimum a drainage strategy should be submitted that includes the intended design criteria and demonstrates the deliverability of the proposed scheme. A detailed drainage design can then be conditioned. Alternatively the applicant could choose to submit a detailed design (including calculations) at the reserved matter application, to prevent to need for conditions to be attached. I would be more than happy to discuss the requirements up front.

I would welcome an outline approval to contain a condition that details that we will receive a drainage strategy (plan + info about how the proposed scheme works + design criteria which should be conform National Standards) as part of the future reserved matters application.

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CONCLUSION

I believe there is no reason to withhold approval of this application on flood risk grounds. Although no drainage strategy has been submitted it has been indicated that the use of SuDS is foreseen. I would like to invite the applicant to think about whether green, aboveground SuDS features could be used instead of the currently proposed permeable surfaces and soakaways. I would welcome a condition to ensure that a drainage strategy will accompany the future reserved matters application.

- 3.4 Sport England - It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in the light of the National Planning Policy Framework (particularly Para 74) and Sport England's policy to protect playing fields, 'A Sporting Future for the Playing Fields of England'.

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply.

THE PROPOSAL AND IMPACT ON PLAYING FIELD

The application is in outline (with all matters reserved) for (1) the construction of a new two-storey 6<sup>th</sup> form centre on an area of playing field at Stourport High School and (2) the construction of a two-storey classroom block to replace existing temporary classrooms on non-playing field land. The application includes the demolition of the existing 6<sup>th</sup> form college and the reinstatement of the land to playing field.

ASSESSMENT AGAINST SPORT ENGLAND POLICY/NPPF

The proposed 6<sup>th</sup> form centre includes the loss and replacement of playing field and shall therefore be assessed against Policy Exception E4.

The design and access statement reports that the replacement playing field will be 3022 sq.m. larger than the area of playing field lost. However this does not take into consideration the area of playing field to the west of the red line boundary and the blue line boundary as shown on drawing number 14/1170-02. The blue line excludes an area of the playing field which has been given to the County Council to build a new Primary School.

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The proposal will result in the area of playing field land becoming less suitable or unsuitable for pitch sports; it will be difficult to fit in even a small pitch with suitable runoffs or for the area to form part of a pitch without using the County Council owned land. It is therefore considered that the future limited use should be accounted for when calculating the loss/gain in playing field land. However the area of playing field to be reinstated following the demolition of the 6<sup>th</sup> form college would create a large rectangular area of usable playing field to the north of the site which could be laid out for various pitch sports.

On balance therefore, the replacement playing field is considered acceptable and meets policy exception E4 as the playing field lost will, subject to conditions, be replaced by equivalent or better in terms of size and quality.

#### CONCLUSION

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet exception E4 of its Playing Fields Policy. The absence of an objection is subject to the following conditions being attached to the decision notice should the local planning authority be minded to approve the application:

#### CONDITIONS

- a) The new replacement playing fields shall be provided in accordance with drawing no. 14/1170-02 and shall be made available for use before first occupation of the development hereby permitted [or another specified time period].

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.

- b) Unless otherwise agreed in advance and in writing by the Local Planning Authority after consultation with Sport England, the playing field shall not be used other than for outdoor sport and play.

Reason: To protect the playing field from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches.

- c) No development shall commence [or another specified time period] until a playing field restoration scheme for the site edged on drawing no. 14/1170-02 has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The restoration scheme shall provide details of the following:

- i. existing and proposed ground levels;
- ii. existing and proposed soil profiles;
- iii. measures to dispose of/accommodate waste materials on the site;
- iv. drainage measures including where appropriate under drainage;
- v. proposed seeding, feeding, weeding and cultivation measures;
- vi. boundary treatment;
- vii. five year aftercare and maintenance arrangements;

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- viii. installation of equipment (e.g. goal posts);
- ix. restoration and maintenance programme.

Reason: To ensure the quality of pitches is satisfactory

Informative: It is recommended that the restoration scheme is undertaken by a specialist turf consultant. The applicant should be aiming to ensure that any replacement playing field is fit for its intended purpose and should have regard to Sport England's technical Design Guidance Note entitled "Natural Turf for Sport" (2011) and relevant design guidance of the National Governing Bodies for Sport e.g. performance quality standards produced by the relevant pitch team sports, for example the Football Association.

If you wish to amend the wording or use another mechanism in lieu of the above conditions, please discuss the details with the undersigned. Sport England does not object to amendments to its recommended conditions, provided they achieve the same outcome and it is consulted on any amendments.

If your Council decides not to attach the above conditions, Sport England would wish to raise an objection to this application.

Should the local planning authority be minded to approve this application without the above conditions, then given Sport England's subsequent objection and in accordance with The Town and Country Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit.

- 3.5 Arboricultural Officer – I am happy, in principle, to recommend approval as long as an Arboricultural Impact Assessment is submitted at the full application phase with tree protection plans etc.
- 3.6 Planning Policy Manager – Views awaited
- 3.7 Disability Action Wyre Forest (DAWF) – No objection. Welcome development with good access.
- 3.8 Neighbour/Site Notice – No representations received

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**4.0 Officer Comments**

**PROPOSAL**

- 4.1 Outline planning permission is sought for a new, two storey, 16-classroom teaching block to replace a suite of 16 portacabin classrooms on site and for the construction of a two storey sixth form block to replace an existing sixth form building on site. At this stage all matters are reserved save for the siting (layout) of the proposed development.
- 4.2 The proposed plans and information submitted with the application indicate that the proposed teaching block would be located on the site of the existing portacabin classroom buildings. It is the intention that this building would be a two storey structure containing 17 classrooms.
- 4.3 The proposed two storey sixth form block would be located adjacent to the existing school sports centre, fronting Windermere Way. The existing sixth form block would be demolished and replaced with sport pitch provision.

**PRINCIPLE OF DEVELOPMENT**

- 4.4 The site is washed over by the West Midlands Green Belt as such, and in addition to the considering the principle of development under Policy SAL.DPL12 (which relates specifically to education sites), it is necessary to determine whether the proposal would constitute 'appropriate' development or if not whether there are any very special circumstances which exist to outweigh the harm by virtue of inappropriateness and any other harm.
- 4.5 Policy SAL.UP1 of the Site Allocations and Policies Local Plan and the National Planning Policy Framework define what is considered as appropriate development in the Green Belt. One form of appropriate development is the replacement of a building provided that the building would be in the same use and not materially larger than the building it would replace.
- 4.6 The two buildings proposed on site would be for the same use as the buildings they would replace. The application form submitted with the application shows that, in terms of floorspace there would be a net decrease overall, as detailed in the table below:

Existing Floorspace (sq.m)	Floorspace to be lost (sq.m)	Total proposed new floorspace (sq.m)	Net increase in floorspace (sq.m)
14,573	3617	3476	-141

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- 4.7 With specific reference to the sixth form block the existing block occupies a footprint of 1763sq.m and is surrounded by ancillary amenity space amounting to a total site area of 7337sq.m. The proposal would see the existing block demolished and re-sited adjacent to the main school buildings on a footprint of 1232sq.m. The result of this proposal would be a net gain of 3022sq.m of open space (to be laid over to sports pitch provision) and a decrease in total floor area of 531sq.m. The detail contained in the application indicates that the sixth form building would be a two-storey structure, a scale which would sit comfortably against the existing school buildings on site which range from single storey up to three storeys.
- 4.8 The proposed re-siting of the sixth form building from the existing location to a position adjacent to the existing school buildings would, in my view, offer significant improvements to openness in this Green Belt location.
- 4.9 Given that the replacement building would be in the same use as the building it would replace, it would be smaller in scale and it would offer significant benefits to openness I am satisfied that the proposed replacement sixth form block represents appropriate development in this Green Belt location. In order to protect the Green Belt and to ensure that the benefits to openness identified above would arise then it would be necessary to ensure the full removal of the existing sixth form building from site. This could be controlled by condition.
- 4.10 The proposal also includes the replacement of a suite of portacabin classrooms with a purpose built 16 classroom teaching block. Detail provided by the applicant confirms that the combined footprint of the existing classrooms amounts to 1145sq.m. The proposed classroom block would occupy a footprint of 850sq.m but would be two storeys in scale.
- 4.11 The existing portacabin classrooms, notwithstanding the temporary nature of their construction, are and have been a permanent feature of the schools' teaching provision since 2006/2007. It was intended that the classrooms would be removed under the 'Building Schools for the Future' (BSF) initiative and would be replaced with more suitable teaching provision. When funding for the BSF initiative was withdrawn the classrooms had to remain.

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- 4.12 There is little question in my mind that the provision of a purpose built teaching block would afford pupils of the school greatly enhanced learning facilities. I attach significant weight to the fact that the school was successful in obtaining planning permission for a total refurbishment under the BSF initiative which confirms that the facilities currently on site should be replaced, and that the existing provision is not adequate. Whilst the proposed block would be a two storey structure and would replace single storey classrooms there would be a net decrease in footprint. I consider the fact that the proposed building would occupy a reduced footprint, that it would be no taller (two storey) than the adjacent school building would allow the building to harmonise with its setting and not result in the creation of an incongruous feature in this Green Belt location. The visual enhancement which would arise through the removal of the portacabins would, to my mind weigh significantly in favour in drawing the conclusion that this would be an enhancement to the visual amenity of the Green Belt.
- 4.13 In assessing the proposal against relevant Green Belt policy I am minded to conclude that whilst the replacement of a temporary structure with a permanent building would not meet the definition of appropriate development I consider there to be very special circumstances in this instance, as outlined above, which would outweigh the harm by virtue of inappropriateness and any other harm.
- 4.14 Given that the Green Belt policies of the development plan are satisfied it remains to be considered whether the principle of the proposed development would accord with Policy SAL.DPL12 of the Site Allocations and Policies Local Plan.
- 4.15 Policy SAL.DPL12 offers support for new development within existing educational sites provided that the proposals would not have an adverse effect on sports provision and recreational space and would be compatible with adjoining uses. Given the conclusions drawn below I am satisfied that the principle of the development proposed accords with the requirements of the development plan.

#### IMPACT ON OPEN SPACE, SPORT AND RECREATION

- 4.16 The proposal would encroach on an area of the school site which is currently used for outdoor recreation and sports. In order for the development to be considered acceptable, in accordance with Policy SAL.DPL12, it is for the applicant to demonstrate that the scheme would not result in any net loss of provision and that any loss is compensated with a suitable quality replacement facility.

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- 4.17 Through the demolition of the existing sixth form building there would be a net increase in sports provision proposed. In order to assess the quality of the provision proposed Sport England has been consulted and have commented as detailed above. The scheme does offer a betterment to sports provision and as such Sport England do not raise any objections. Sport England have recommended conditions (as detailed above) to ensure that the development is carried out without any detriment to the provision of sports facilities. I consider the conditions recommended to be both necessary and reasonable in this instance.

#### IMPACT ON AMENITY

- 4.18 Given that the proposal would be contained entirely within the grounds of the existing school site and that the re-siting of the sixth form block to within the main collection of school buildings would offer an improvement to the relationship between the site and neighbouring residential uses then I am satisfied that the proposal would not have an adverse impact on the amenity of occupiers of adjacent residential properties.

#### HIGHWAY SAFETY

- 4.19 Given that Highway Authority do not raise any objections to the proposal I am satisfied that the development is capable of implementation without harm to highway safety.

#### WATER MANAGEMENT

- 4.20 North Worcestershire Water Management has provided comment on the proposal, as detailed above. In light of the comments made I consider it both reasonable and necessary that a condition of the type described should be added to any permission issued in order to ensure compliance with Policy SAL.CC7 of the Site Allocations and Policies Local Plan with regards to water management.

#### LANDSCAPING AND TREE PROTECTION

- 4.21 Being in outline form only, no detail of the proposed landscaping or tree protection measures have been provided. However, given the importance of both matters and being mindful of the comments made by the Council's Arboricultural Officer a condition requiring the submission of such information is considered necessary and reasonable to be addressed at the reserved matters stage.

#### RESERVED MATTERS

- 4.22 Only layout has been considered as part of this outline application which leaves the reserved matters as set out below still to be considered;
- a. access
  - b. appearance
  - c. landscaping
  - d. scale

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ACCESS

- 4.23 The detail shown on the proposed plan does not indicate any new or revised means of access to the site, however full details of site layout will be required to be submitted as part of the reserved matters application as confirmed by Worcestershire Highways.

APPEARANCE

- 4.24 No details have been provided. Such details will be confirmed at the reserved matters stage.

LANDSCAPING

- 4.25 No details have been provided. Such details will be confirmed at the reserved matters stage.

SCALE

- 4.26 The information submitted with the current application indicates that the proposed buildings would both be a maximum of two storeys in height which is considered an appropriate scale of development in this location. In order to ensure that no further increase in height would be proposed as part of the reserved matters application, which could have a detrimental impact on openness and visual amenity, I consider a condition restricting the scale of the new buildings to a maximum of two storeys and no higher than any existing building on site to be reasonable and necessary.

**5.0 Conclusions and Recommendations**

- 5.1 The proposal to replace and re-site the existing sixth form block represents appropriate development in the Green Belt. The proposal to construct a new teaching block, whilst an inappropriate form of development, is considered to benefit from very special circumstances which would outweigh the harm by virtue of inappropriateness. The proposal is capable of implementation without harm to highway safety or neighbour and visual amenity.

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

1. A1 (Standard outline)
2. A2 (Standard outline – reserved matters)
3. A3 (Submission of reserved matters)
4. A11 (Approved plans)
5. Reserved matters to show buildings of two storeys only and a height no greater than any existing building on site.
6. The existing sixth form block shall be demolished and completely removed from site and the site laid out for the provision of playing fields within three months of the date of first occupation of the replacement sixth form block.
7. Materials to be agreed
8. Landscaping to be agreed

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9. Landscape implementation
10. Tree protection details to be agreed
11. Water management/drainage details to be agreed
12. The new replacement playing fields shall be provided in accordance with drawing no. 14/1170-02 and shall be made available for use in accordance with the requirements of Condition 6 above.
13. Unless otherwise agreed in advance and in writing by the Local Planning Authority after consultation with Sport England, the playing field shall not be used other than for outdoor sport and play.
14. No development shall commence until a playing field restoration scheme for the site edged on drawing no. 14/1170-02 has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The restoration scheme shall provide details of the following:
  - i. existing and proposed ground levels;
  - ii. existing and proposed soil profiles;
  - iii. measures to dispose of/accommodate waste materials on the site;
  - iv. drainage measures including where appropriate under drainage;
  - v. proposed seeding, feeding, weeding and cultivation measures;
  - vi. boundary treatment;
  - vii. five year aftercare and maintenance arrangements;
  - viii. installation of equipment (e.g. goal posts);
  - ix. restoration and maintenance programme.

<b>Application Reference:</b>	15/0619/FULL	<b>Date Received:</b>	26/10/2015
<b>Ord Sheet:</b>	384658 274552	<b>Expiry Date:</b>	21/12/2015
<b>Case Officer:</b>	Julia McKenzie-Watts	<b>Ward:</b>	Aggborough & Spennells

**Proposal:** Change of use of amenity land to residential curtilage (retrospective).

**Site Address:** 18 NIGHTINGALE DRIVE, KIDDERMINSTER, DY10 4JJ

**Applicant:** Mrs J Cramp

<b>Summary of Policy</b>	CP11 (CS) SAL.UP7, SAL.UP10 (SAAPLP)
<b>Reason for Referral to Committee</b>	The applicant is Wyre Forest District Council or is made on land owned by Wyre Forest District Council
<b>Recommendation</b>	<b>APPROVAL</b>

### 1.0 Site Location and Description

- 1.1 Number 18 Nightingale Drive is a detached property located on the Spennells estate in Kidderminster.
- 1.2 The application seeks retrospective consent for the change of use of amenity land to residential curtilage.

### 2.0 Planning History

- 2.1 None relevant

### 3.0 Consultations and Representations

- 3.1 Neighbour/Site Notice – 1 letter received: ‘In support of the home owners as they have maintained the area to a high standard at their own expense for some time and I have no doubt this will remain so. All we would ask is that if the boundary fencing is to be extended to include the land, shrubs or other suitable plants could be planted to lessen the visual impact’.

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#### 4.0 Officer Comments

- 4.1 The current application seeks retrospective consent to change the use of a 40 square metre area of amenity land to domestic curtilage which is currently in the ownership of Wyre Forest District Council and forms part of the original Spennells estate development. The small piece of land forms part of a larger rectangular piece of amenity land which measures approximately 724.5 square metres located between two public footpaths surrounded by residential properties in Nightingale Drive and Redstart Avenue.
- 4.2 The applicant is currently in the process of purchasing this strip of land from the Council and has been using it as part of their domestic curtilage since 2009. The land itself measures 2.5m in width, 17 metres in length and runs parallel with the side of the existing boundary fence of the property. It is fenced from the larger section of the amenity land by way of a post and rail fence to a height of approximately 0.30 metres.
- 4.3 The impact of the change of use on the streetscene is minimal as the land has been in its current state since 2009 and the application does not propose the re-location of the existing two metre high side boundary fence to enclose the land at this time. The development fits well with the existing street scene and surrounding area as the existing low fencing is of good quality sitting well within this residential area and its retention will allow the open plan character of the housing estate to be retained.

#### 5.0 Conclusions and Recommendations

- 5.1 The continued use of land as residential curtilage is considered acceptable. The retention of the existing low level fencing to enclose the newly created residential curtilage, by virtue of its siting and design, harmonises well with the existing street scene and does not cause harm to amenity and, as such, accords with the policies listed above.
- 5.2 It is therefore recommended that the application is **APPROVED**.

## WYRE FOREST DISTRICT COUNCIL

**Planning Committee**

**15 December 2015**

### PLANNING AND ENFORCEMENT APPEALS

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Reps. or Statement required by	Proof of Evidence required by	Hearing or Site Visit date	Decision
WFA1440 14/0060/HHED	APP/HH/14/1380	Mr D Scriven	NEW HOUSE FARM BELBROUGHTON ROAD BLAKEDOWN KIDDERMINSTER  High Hedge Complaint	WR  04/08/2014	08/09/2014			

Agenda Item No. 6

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Reps. or Statement required by	Proof of Evidence required by	Hearing or Site Visit date	Decision
WFA1453 15/0113/FULL	APP/R1845/W/1 5/3032552	Mr M Richardson	CRUNDALLS COTTAGE CRUNDALLS LANE BEWDLEY DY121NB  Retrospective application to seek retention of extensions to property	WR  16/07/2015	20/08/2015			
WFA1454 15/0013/S73	APP/R1845/W/1 5/3129859	BURLISH PARK GOLF CLUB - MR T PLUMMER	BURLISH PARK GOLF CLUB ZORTECH AVENUE KIDDERMINSTER  Variation of condition 11 of Planning Permission 12/0739/FULL to allow importation of material between 7:00 - 8:30 and 9:30 - 18:00 (Monday to Friday) and 7:30 - 13:30 (Saturday)	WR  20/07/2015	24/08/2015			Allowed  20/11/2015

Agenda Item No. 6

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal) by	Form of Appeal and Start Date	Reps. or Statement required by	Proof of Evidence required by	Hearing or Site Visit date	Decision
WFA1455 14/0548/FULL	APP/R1845/W/1 5/3053080	CONCEPT FLOORING CO	CONCEPT FLOORING CO 33 HOLMAN STREET KIDDERMINSTER  Erection of one bungalow and one detached house on site of 33 Holman Street, Kidderminster, DY11 6QY	WR  15/09/2015	20/10/2015			
WFA1456 15/0122/FULL	APP/R1845/D/15 /3133366	Mrs D Taylor	32 ANTON CLOSE BEWDLEY DY121HX 24/09/2015  Detached garden store to front of property	WR  24/09/2015	29/10/2015			Dismissed  02/12/2015
WFA1457 15/3053/PNRE	APP/R1845/W/1 5/3136851	Mr A Taylor	AGRICULTURAL BUILDING AT BROCKENCOTE HOUSE FARM  Change of use of Agricultural Building to Dwellinghouse	WR  27/10/2015	01/12/2015			

Appeal and Application Number	Planning Inspectorate Reference	Appellant	Site (Proposal)	Form of Appeal and Start Date	Reps. or Statement required by	Proof of Evidence required by	Hearing or Site Visit date	Decision
WFA1457 15/0667/ENF	APP/R1845/C/15 /3136640	Mr D Matthews	GREEN ACRES THE HOLLOWAY CHADDESLEY CORBETT  Erection of new residential dwelling (Enforcement Case 15/0097/ENF)	WR  25/11/2015	30/12/2015			
WFA1458 14/0661/OUTL5	APP/R1845/W/1 5/3133945	Callow Oils Ltd	LAND AT STATION YARD OFF LYNWOOD DRIVE BLAKEDOWN  Outline application with access and layout to be determined for up to 16 residential dwellings and provision of parking	HE  16/11/2015	21/12/2015			

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## Appeal Decision

Site visit made on 20 October 2015

**by Y Wright BSc (Hons) DipTP MSc DMS MRTPI**

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

**Decision date: 20 November 2015**

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**Appeal Ref: APP/R1845/W/15/3129859**

**Burlish Park Golf Club, Zortech Avenue, Kidderminster DY11 7DY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Terry Plummer (Burlish Park Golf Centres Ltd) against the decision of Wyre Forest District Council.
  - The application Ref 15/0013/S73, dated 8 January 2015, was refused by notice dated 21 April 2015.
  - The application sought planning permission for re-modelling of existing golf course without complying with a condition attached to planning permission Ref 12/0739/FULL, dated 13 November 2013.
  - The condition in dispute is No 11 which states that: *No deliveries shall be made to the site prior to 09:30 and after 15:30.*
  - The reason given for the condition is: *To prevent HGV movements on the highway at peak traffic hours in accordance with Policy SAL.CC1 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan.*
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### Decision

1. The appeal is allowed and planning permission is granted for re-modelling of existing golf course at Burlish Park Golf Club, Zortech Avenue, Kidderminster DY11 7DY in accordance with the application Ref 15/0013/S73, dated 8 January 2015, without compliance with condition number 11 previously imposed on planning permission Ref 12/0739/FULL dated 13 November 2013 and subject to the following conditions:
  - 1) The development hereby approved shall be carried out in accordance with the following plans/drawings: Drawing No. SK01 Rev E and Drawing No SK02.
  - 2) The total volume of imported materials shall not exceed 213,080 m<sup>3</sup>. Records of the dates, quantity, type and source of imported materials which are deposited at the site shall be kept at the site until the development is completed and shall be made available to the local planning authority on demand.
  - 3) This permission shall remain valid for a maximum period of six years from the date that operations commenced on site. All fill operations shall take place in accordance with the phasing schedule detailed below and as identified on the approved plan:

Phase 1 – Fill operations to be completed within 2 years of the date that operations commenced on site.

Phase 2 – Fill operations shall not commence until the completion of Phase 1 and shall be completed within 4 years of the date that operations commenced on site.

Other works – All other works of fill shall be completed within 6 years of the date that operations commenced on site.

- 4) All 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 within the next available planting season following completion of each phase or in accordance with the timetable agreed in writing by 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 the same species, size and number as originally approved, by the end of the first available planting season thereafter.
- 5) Clean, uncontaminated rock, subsoil, brick rubble, crushed concrete, ceramic and topsoil only shall be used as infill material.
- 6) The development shall be completed within 6 years of the date that operations first commenced on site (in accordance with conditions 1 and 3) by the spreading of top soil over the areas that have been filled and the landscaping of the site in accordance with condition 4 above.
- 7) Prior to any operations commencing on site an Ecological Management Plan shall be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the approved Ecological Management Plan.
- 8) Prior to the commencement of operations under Phase 2 a scheme of ecological assessment and mitigation measures shall be submitted to the local planning authority for approval in writing. The recommendations and mitigation measures, including time periods for implementation, contained within the approved scheme shall be carried out in accordance with the approved timescales.
- 9) No deliveries shall be made to the site outside the following hours: Monday to Friday 0700-0830 and 0930-1800 and Saturday 0730-1330.
- 10) The development shall not begin until wheel cleaning apparatus has been provided in accordance with details to be submitted to the local planning authority for approval in writing, and which shall be operated and retained throughout the entire period of works hereby permitted.
- 11) The development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to the local planning authority for approval in writing and such provision be retained and kept available throughout the entire period of works hereby permitted.
- 12) Prior to the commencement of phase 2 of the development a method statement covering that phase and associated other works including the importation of top soil, detailing lorry movements and access/egress, shall be submitted to the local planning authority for approval in writing.

During the construction of phase 2 and associated other works including the importation of top soil, lorries shall only access and exit the site in accordance with the approved scheme.

### **Preliminary Matter**

2. The appeal seeks to vary a condition which would restrict the times for HGV deliveries to the site, albeit such hours would be extended. However this would not prevent use of the public highway by these HGVs during the restricted times as this cannot be controlled by a planning condition. However I determine the appeal on the basis of the application that is before me.

### **Background and Main Issues**

3. Planning permission has been granted for the re-modelling of the golf course through the importation of material to create a number of mounds and landscaped areas to increase the interest and complexity of the golf course. The appeal seeks permission to vary condition 11 by extending the hours that HGV deliveries are able to be made to the site to between 0700-0830 and 0930-1800 Monday to Friday and 0730-1330 on Saturday.
4. The main issue is the effect of the development on the safe and efficient operation of the highway network in the vicinity of the appeal site.

### **Reasons**

5. The appeal site forms part of the Burlish Park Golf Club, an established golf facility, located on the outskirts of Kidderminster on land that lies within the West Midlands Green Belt. Development on the site has commenced.
6. The Highway Authority objects to the proposal on the basis that it would result in HGVs travelling to the site during peak times which, together with the turning movements of vehicles travelling from the north, would delay other road users and adversely impact on network performance. I acknowledge that the Highway Authority has a duty under the Traffic Management Act 2004 to secure the expeditious movement of traffic on the road network, but this cannot be achieved through the use of planning conditions, which only apply to land within the ownership or control of the holder of the planning permission.
7. I note that access to the site is via the northbound side of the A451 Minster Road, a dual carriageway with the national speed limit, and that the Council is concerned that this and other roads within the vicinity of the site, where local schools are located, are particularly congested at peak times. Data provided by the Highway Authority shows that the highest concentration of traffic during the day occurs between 0800 and 0900, whilst the average peak time for the afternoon is between 1300 and 1400. Deliveries are already permitted during the afternoon peak period.
8. Whilst the appellant is unable to state the precise number of lorries that would deliver to the site at any one time due to a range of variables, the Highway Authority has referred to the supporting evidence to the original planning permission Ref 12/0739/FULL. This stated that in year 2 of the development there would be on average 60 lorry movements per day which equates to approximately 9 HGVs per hour. As the appellant states that the aim of the proposal is to finish the works sooner in order to retain golf club members, and as I have no evidence to the contrary, it is reasonable to assume that the

average arrival rate for lorries could extend into these additional hours including during peak times.

9. I recognise that Minster Road is a key transport corridor for the area providing access to employment sites and that its efficient operation is key to meeting the corporate objective of being 'open for business'. Whilst I acknowledge that additional lorries during peak times could add to delays within the traffic network, when compared to the large number of existing traffic movements that already occur, I consider the impact would be minimal. Consequently I do not consider that this would result in the deterioration of the highway network to such an extent that its efficient use would be severely compromised.
10. Furthermore the extended hours would allow HGV movements early in the morning and later in the afternoon when traffic levels are reduced. Whilst I note that deliveries could occur during afternoon school pick up time, I have no specific evidence before me to substantiate the Council's claims that this would be materially harmful to highway safety.
11. Regarding HGV deliveries between 0830 and 0930 Monday to Friday, the proposed condition would restrict access to the site for lorries during this period. However as previously stated, it would not prevent such lorries from using the public highway during this time and as a consequence they would be required to wait before delivering to the site. I note that provision has been made by the appellant for lorries to wait off the public highway. In addition on my site visit I saw that Zortech Avenue serves limited businesses and facilities, is a wide straight no through road and has no restrictions on parking. Consequently I am satisfied that waiting HGVs would not severely affect highway safety.
12. As regards the Council's concerns about the enforceability of the hours proposed by the appellant, I consider these would be clearly defined and could be monitored, managed and enforced. I am therefore satisfied that their imposition as a condition would meet the tests within the Planning Practice Guidance.
13. The National Planning Policy Framework (the Framework) states that development should only be refused on transport grounds where the residual cumulative impacts are severe. As such, based on the evidence before me I conclude that the proposal would not severely affect highway safety or the efficient operation of the highway network. As such condition 11 is unreasonable as it restricts development that would be in accordance with the Framework and Policy SAL.CC1 of the Wyre Forest District Site Allocations and Policies Local Plan (2013) which does not permit proposals which would lead to the deterioration of highway safety. I therefore delete condition 11 and substitute it with an amended version as set out in my decision.
14. The guidance in the national Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Whilst I acknowledge that the development has commenced on site, I have no information before me about the status of the other conditions imposed on the original planning permission and as such I shall impose all those that I consider remain relevant, though revise them so that they accord with best practice and guidance. In the event

that some of the conditions have in fact been discharged, that is a matter which can be addressed by the parties.

**Conclusion**

18. For the reasons given above I conclude that the appeal should be allowed.

*Y. Wright*

INSPECTOR

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## Appeal Decision

Site visit made on 17 November 2015

**by Philip Lewis BA (Hons) MA MRTPI**

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

**Decision date: 02 December 2015**

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**Appeal Ref: APP/R1845/D/15/3133366**

**32 Anton Close, Bewdley, Worcestershire DY12 1HX**

- 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 Mrs Dawn Taylor against the decision of Wyre Forest District Council.
  - The application Ref 15/0122/FULL, dated 1 March 2015, was refused by notice dated 5 June 2015.
  - The development proposed is described as *constructing a single storey detached garden store to the front garden, with up & over double doors to the front elevation, all constructed in facing brickwork with tiles roof over.*
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The submitted plans show a side extension to the appeal property as existing which I noted at my site visit has not yet been constructed.

### Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

### Reasons

4. No 32 Anton Close is a two storey dwelling at the end of a short terrace, situated at the junction of Anton Close and Trimpley Lane. There are a number of short terraces arranged around Anton Close, with some dwellings projecting forward of others, giving them a stepped appearance rather than a straight building line. Nevertheless, the fronts of the terraces are defined strongly, with gardens and car parking areas provided to the front of them creating a sense of openness to the street, uninterrupted by garages or other domestic buildings.
5. The proposed garden store would project significantly beyond the front of the host dwelling. Whilst there are dwellings in the neighbouring terrace which project further forward than the host dwelling, almost the full extent of the proposed building would be visible in the street scene in the open area forward of the dwellings. I note the comment by the appellant that the proposed building is of a modest scale, but nevertheless, consider that it would be prominent in the street scene. I saw at my site visit that the flank wall of No 7 Anton Close, which is situated on the opposite side of the road, projects out

- near to the edge of the footway, but consider this does not diminish the effect of the proposed development on the street scene.
6. I also saw at my site visit that the landscape planting at the junction between the appeal site and Trimpley Lane screens the appeal site from views on Trimpley Lane. The landscape planting would also provide a backdrop for the proposed building when viewed from further along Anton Close, but it would not diminish its prominence.
  7. Whilst I note that the proposed building is of a similar height to the single storey mono-pitch roof on the approved extension, it would nevertheless be uncharacteristic of the area and consequently would appear incongruous and dominant in the open area to the front of the dwellings.
  8. During my site visit, I also visited the other parts of estate and saw detached garages which have been built forward of dwellings. However, I also noted that those streets have different types and styles of dwellings to Anton Close and are laid out differently. Therefore, I do not consider that the presence of buildings forward of dwellings in other parts of the estate would justify the appeal proposal, as Anton Close is of a different design and layout and such development is not characteristic in Anton Close.
  9. The proposal would therefore have an unacceptable effect upon the character and appearance of the area and conflict with Wyre Forest District Council Core Strategy Policy CP11 which includes that new development should sensitively connect to the surrounding streets, spaces and communities. It also does not accord with Wyre Forest District Council Site Allocations and Policies Local Plan 2006-2026 (Local Plan) Policy SAL.UP7 which is concerned with achieving quality design and includes that development must demonstrate that it has appropriate regard to the common building line. The appellant has referred to Local Plan Policy SAL.UP8 which is concerned with the design of extensions and curtilage buildings including that they should harmonise with the existing townscape and not create incongruous features. I find that the proposed building does not accord with this policy.

### **Other matters**

10. In reaching my decision I have taken account of the policies of the National Planning Policy Framework referenced by the appellant. However, this has not led me to a different decision.

### **Conclusion**

11. For the reasons given above and having considered all matters raised, I conclude that the appeal should be dismissed.

*Philip Lewis*

INSPECTOR