

Open

Planning Committee

Agenda

6pm
Tuesday, 16 April 2024
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

Chairman: Councillor R Drew
Vice-Chairman: Councillor D Little

Councillor J Aston

Councillor L Carroll

Councillor P Harrison

Councillor N Martin

Councillor C Rogers

Councillor B Brookes

Councillor H E Dyke

Councillor M J Hart

Councillor F M Oborski MBE

Councillor D Ross

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 Louisa Bright, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email

louisa.bright@wyreforestdc.gov.uk

Disclosure of Interests

Members and co-opted Members of the Council are reminded that, in accordance with the Council's Code of Conduct and the statutory provisions of the Localism Act, they are required to consider in ADVANCE of each meeting whether they have a

disclosable pecuniary interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. If advice is needed, Members should contact the Monitoring Officer or other legal officer in good time before the meeting.

If any Member or co-opted Member of the Council identifies a DPI or ORI which they have not already registered on the Council's register of interests or which requires updating, they should complete the disclosure form which can be obtained from Democratic Services at any time, copies of which will be available at the meeting for return to the Monitoring Officer.

Members and co-opted Members are required to disclose any DPIs and ORIs at the meeting.

Where the matter relates to a DPI they may not participate in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.

Where the matter relates to an ORI they may not vote on the matter unless granted an advance dispensation.

Where a Member or co-opted Member has an NRI which directly relates to their financial interest or wellbeing, or that of a relative or close associate, they must disclose the interest at the meeting, may not take part in any discussion or vote on the matter and must not stay in the meeting unless granted a dispensation.

Where a matter affects the NRI of a Member or co-opted Member, the Code of Conduct sets out the test which must be applied by the MEMBER to decide whether disclosure is required. Again please ensure you have spoken in ADVANCE to the relevant legal officer and determined whether it is appropriate to declare the NRI and leave.

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

You should be aware that the Council is a Data Controller under the Data Protection Act 1998. The footage recorded will be available to view on the Council's website for 6 months and shall be retained in accordance with the Council's published policy.

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.

*Unless there are no reports in the open session.

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 Head of Strategic Growth 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 Head of Strategic Growth.
- 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, 16 April 2024

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any disclosable pecuniary interest (DPI), an other registrable interest (ORI) or a non-registrable interest (NRI) in relation to any matter on the agenda. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 20 February 2024.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	12
6.	Planning and Related Appeals To receive a schedule showing the planning appeal decisions from 5 July 2023 until 31 March 2024.	38
7.	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.	

8.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in paragraph 3 of Part 1 of Schedule 12A to the Act”.</p>	
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Part 2

Not open to the Press and Public

9.	<p>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.</p>	
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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

20 FEBRUARY 2024 (6PM)

Present:

Councillors: R Drew (Chairman), D Little (Vice-Chairman), J Aston, B Brookes, L Carroll, P Dyke, P Harrison, M J Hart, N Martin, S Miah, C Rogers and D Ross.

Observers:

There were no members present as observers.

PL.33 Apologies for Absence

Apologies for absence were received from Councillors: H E Dyke and F M Oborski MBE.

PL.34 Appointment of Substitutes

Councillor P Dyke was a substitute for Councillor H E Dyke.
Councillor S Miah was a substitute for Councillor F M Oborski MBE.

PL.35 Declarations of Interests by Members

Councillor M Hart declared a non-registrable interest (NRI) in respect of part b application 24/0023/HOU that he was a personal friend of the applicant, and he would leave the room whilst the application was being determined.

Councillor B Brookes declared a disclosable pecuniary interest (DPI) in respect of application 24/0023/HOU that it is a property that he owns, and the application is made by his spouse. He would leave the room whilst the application was being determined.

Councillor D Ross declared a NRI in respect of application 24/0023/HOU that he is known to the applicant and would leave the room whilst the application was being determined.

Councillor R Drew declared a NRI in respect of application 24/0023/HOU and would leave the room whilst the application was being determined.

Councillor S Miah declared a NRI in respect of application 23/0675/FUL that the applicant is a client of his firm, and he would not take part in that discussion. He would leave the room whilst the application was being determined.

PL.36 Minutes

Decision: The minutes of the meeting held on 19 December 2023 be confirmed as a correct record and signed by the Chairman.

PL.37 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 615 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 615 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.38 Habberley Road Kidderminster (APP/R1845/W/22/3309021) – Award of Costs

The Committee received a report from the Planning Manager in respect of application 21/0421/OUT Land At Os 381000 277300, Habberley Lane, Low Habberley, Kidderminster, Worcestershire.

A member congratulated the officers for appropriately negotiating and ensuring that only appropriate costs were payable.

Decision: The details be noted.

There being no further business, the meeting ended at 6.26pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

20 February 2024 - Schedule 615 Development Management

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 Planning Manager, Wyre Forest House, Finepoint Way, Kidderminster. However, a brief description can be seen in brackets alongside each standard condition, note or reason mentioned.

Application Reference: 23/0882/FUL
Site Address: Alton Nurseries, Long Bank, Bewdley, Worcestershire, DY12 2UL
APPROVED subject to:
<p>a. the following conditions</p> <ol style="list-style-type: none"> 1. Three-year time limit to commence development 2. Details of materials to be submitted prior to commencement 3. Implementation of visibility splays prior to commencement 4. Contaminated Land tiered investigation 5. No HGV deliveries between Mon – Fri 19:00 – 07:00, Sat 13:00 – Mon 07:00 and no Bank Holidays 6. Restriction on noise levels of 43dB during daytime and 19dB during night-time 7. Implementation of proposed acoustic fencing prior to commencement 8. Submission of a Construction Environment Management Plan prior to commencement 9. Submission of external lighting details prior to commencement 10. Submission of details regarding proposed cycle parking and electric vehicle charging points 11. CEMP to be submitted prior to commencement detailing demolition method and removal of materials from site 12. Tree protection details to be submitted prior to commencement 13. Details of bird and Bat boxes to be submitted and approved 14. Works to be undertaken in a precautionary manner to avoid any harm or injury to protected species that may be present 15. Drainage details implemented prior to first use of the site 16. Retention and maintenance of all proposed permeable paving areas in accordance with the submitted details 17. Walkover reptile survey to be undertaken by a suitably qualified ecologist, the findings of which to be reported to the LPA prior to commencement, and any recommendations implemented during the construction phases 18. Require development to be in accordance with the approved plans

Application Reference: 23/0838/FUL
Site Address: 42 Briar Hill, Chaddesley Corbett, Worcestershire, DY10 4SH
APPROVED subject to:
<p>a) the following conditions:</p> <ol style="list-style-type: none"> 1. 3-year Time Limit to commence development 2. Materials

3. Site Level and Finished Floor levels
4. Boundary treatment
5. All works in accordance with submitted Preliminary Ecological Assessment
6. Removal of permitted development rights
7. Obscure glazing to side windows
8. Highways
9. Landscaping
10. Drainage
11. Water efficiency condition
12. Measures to secure renewable energy sources
13. Development to be in accordance with the approved plans

Note

- a. Highways informative

Councillor S Miah left the meeting at 6.21pm whilst application 23/0675/FUL was considered.

Application Reference: 23/0675/FUL

Site Address: 8 Burcher Green, Kidderminster, Worcestershire, DY10 3AZ

APPROVED subject to:

a. the following conditions:

1. Three years to commence development
2. External materials to be in accordance with the submitted plans
3. No refrigeration units, plant or equipment units shall be installed to the roof of the extension hereby approved
4. Development to be carried out in accordance with the approved plans and drawings

Note

- a. Nesting Birds

Councillor S Miah returned to the meeting at 6.22pm
Councillors B Brookes, R Drew, M Hart and D Ross left the meeting at 6.22pm whilst application 24/0023/HOU was considered.

The Vice-chairman, Councillor D Little, chaired the meeting from this point.

Application Reference: 24/0023/HOU

Site Address: 6 Highfield Road, Kidderminster, Worcestershire, DY10 2TL

APPROVED subject to:

a. the following conditions:

1. 3-year Time Limit to commence development
2. Materials to match existing dwelling
3. To require the development to be in accordance with the approved plans

Councillors B Brookes, R Drew, M Hart and D Ross returned to the meeting at 6.23pm.

Councillor R Drew resumed his role of Chairman from this point for the remainder of the meeting.

Application Reference: 23/0561/HOU
Site Address: The Forge, Churchill Lane, Churchill, Kidderminster, Worcestershire, DY10 3LX
APPROVED subject to: a. the following conditions: 1. 3-year Time Limit to commence development 2. Details of the design and materials of all new windows and doors 3. Surface water drainage condition 4. To require finished ground floor levels to be set no lower than the existing ground floor level 5. To require the development to be in accordance with the approved plans

Application Reference: 23/0649/HOU
Site Address: 9 Mill Lane, Blakedown, Kidderminster, Worcestershire, DY10 3ND
APPROVED subject to: a. the following conditions: 1. 3-year Time Limit to commence development 2. To require the development to be constructed in external materials that match the existing dwelling house 3. Rear facing first floor window to be installed with obscure, non-opening glazing 4. To require the development to be in accordance with the approved plans

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

Part A Applications

Ref:	Address of Site	Recommendation	Page No.
23/0835/FUL	Former Unit 6A And 7A And 8 To 11 Park Street Industrial Estate Hill Street Kidderminster Worcestershire	Approval	13

Part B Applications

Ref:	Address of Site	Recommendation	Page No.
23/0908/HOU	26 Gaymore Road Cookley Kidderminster Worcestershire DY10 3TU	Approval	24
24/0006/HOU	44 Elderfield Gardens Coventry Street Kidderminster Worcestershire DY10 2BT	Approval	29
24/0011/HOU	14 Spindle Close Kidderminster Worcestershire DY11 5DX	Approval	32
24/0102/HOU	407 Stourport Road Kidderminster Worcestershire DY11 7BG	Approval	35

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

16 April 2024

PART A

Application	23/0835/FUL	Date	14.11.2023
Reference:		Received:	
Ord Sheet:	382750 276682	Expiry	13.02.2024
		Date:	
Case Officer	Julia Mckenzie-Watts	Ward:	Blakebrook And Habberley South

Proposal: Rebuilding of warehouses previously destroyed by fire

Site Address: Former Unit 6A And 7A And 8 To 11, Park Street Industrial Estate, Hill Street, Kidderminster, Worcestershire, ,

Applicant: Mr Chris Metti

Summary of Policy	SP.1, SP.2, SP.3, SP.20, SP.23, SP.27, SP.30, SP.31, SP.32, SP.33, SP.37, DM.24, DM.25, DM.26 of the Wyre Forest District Local Plan Design Guidance SPD Streetscape Design Guide National Planning Policy Framework National Planning Practice Guidance
Recommendation	Approval
Reason for referral to Committee	Major Planning Application

1.0 Planning History

1.1 WF/0545/82 – Conversion of warehouse to 7 Industrial units: Approved 7th September 1982.

2.0 Consultee Responses

2.1 Kidderminster Town Council – No objection.

2.2 WCC Archaeologist – No objection.

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- 2.3 Conservation Officer – No objection. It is advised that the application has been submitted with an accompanying report titled: Historic Environment Record Search for a Desk Based Assessment at 6a, 7 and 8 to 11 Hill Street, Kidderminster. This document is detailed in its description of the heritage assets potentially impacted, when combined with the provided plans and Design and Access Statement, it is possible to ascertain the potential harm and benefits of the proposal. Therefore, it is acceptable as a Heritage Statement and complies with Para.194 of the NPPF. The provided plans and Design and Access Statement show the design has been considered with the industrial character of the surrounding buildings. With this in mind, it is clear that the proposal will do no harm to the character of any nearby heritage assets. The design is entirely sympathetic and will cause no additional impact. Approval is recommended.
- 2.4 North Worcestershire Water Management – No objection. It is noted that to my knowledge this site is not at risk of flooding. The proposed development will marginally reduce the amount of impermeable area and therefore the amount of surface water runoff generated on this site. The development therefore constitutes a small improvement from a flood risk perspective. The planning statement includes that ground investigation showed a sandy river terrace, but does not touch upon whether infiltration drainage has been considered for the site. In line with Council Policy SP.31 and Building Regulations discharge via infiltration will need to be prioritised. Looking at the location plan it appears to me that the whole site is taken up by the proposed replacement warehouse, as previously, with the exception of a small strip, which means that there is presumably insufficient space for the applicant to incorporate soakaway drainage. Instead, the water management statement submitted details that the drainage arrangements that used to serve the former unit are to be reinstated, which includes an unattenuated discharge to the sewer. I assume that STW will need to improve the discharge to their network, even when reusing the previous connection. Since Building Regulations (H3 - rainwater drainage) already require that 'adequate provision shall be made for rainwater to be carried from the roof of the building', I don't deem it necessary for this planning application to recommend attaching a drainage condition.
- 2.5 Highway Authority – No objection subject to conditions to require: implementation of the Travel Plan measures as agreed; details of cycle storage facilities to be sited within the warehouses; Delivery and Service Management Plan; Construction Environment Management Plan; no alterations to the roller shutter doors as approved; and retention of the six staff parking spaces. It is advised that the applicant has submitted additional information as requested by Highways during the course of this application to address the matters raised and as stated in the application details, the proposed site for the rebuilding of warehouses destroyed by fire, comprises the former units 6a, 7, 7a, 7b, 8, 9, 10 and 11 Hill Street and this equates to a site area increase of 18%. Internally, the proposed office and showroom space will increase from 65sqm to 95sqm however the justification for this is to bring the space up to 'contemporary standards', and it is stated that the number of staff will decrease from previous numbers with a maximum of 7 staff (4 full time and 3 full time equivalent) and 5 staff are said to be on site at any one time. Nonetheless, it is recommended that travel planning measures are put in place, to promote sustainable travel to work options to staff and these measures should be extended to

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the visitors attending the site which are estimated at 10 per week. It is acknowledged that the site has sustainable credentials, and it has been confirmed that the Park Lane – Hill Street Steps which provide pedestrian connectivity towards the town centre are fully operational again and pedestrian access to the regular bus service from the stops on Bewdley Road is available as well. It is stated that secure cycle parking will be provided inside the warehouses and further details are required by condition.

Furthermore, there are known parking pressures on the streets in this location and the Applicant has now confirmed that parking is not permitted on the concrete apron to the rear of the building. Accordingly, details of 6 parking spaces exclusively for staff use have been provided, on a site on the opposite side of Hill Street which is within the Applicant's ownership. Therefore, there should be no on street parking demand in relation to staff and these spaces are indicated on a revised plan (Drawing No RP/CSW/SK1-051223 Rev A) which also includes delivery access to the rear via Brussels Street which is a private road. Details of the size, type and frequency of deliveries have been submitted, as requested and it is stated that "goods inwards" will generate 1 x 40 ft container a month; 3 x 17.5 tonne lorries a week, and 15 long wheelbase vans a week. "Goods out" are estimated to generate 5 x 17.5 tonne lorries a week and 12 long wheelbase vans a week. These details are supported by vehicle tracking on Drawing No. 25521-01 which demonstrates that manoeuvres are achievable for a range of large vehicles, to enable entry and exit in a forward gear. However, this is on the basis that the turning area is kept clear, and no other vehicles are present, and it is noted that this area is a shared facility. It is recommended that a Delivery and Service Management Plan is put in place, to include refuse collection details which have not been provided. Moreover, it is stated in the submitted Technical Note that the proposed design of the Brussels Street elevation contains 3 large roller shutter doors, and these will enable unloading/loading at multiple points so that it is extremely unlikely that goods vehicles will need to queue in Brussels Street. Similarly, the proposed Park Street elevation has 3 large roller shutter doors so that, occasionally, 'goods out' into smaller container vans/cars, use that street if Brussels Street is busy. A revised Site Plan (Drawing No. CSW-03 Rev A) shows the dropped kerbs aligned to the roller shutter doors on Hill Street and works in the highway will require a S184 / S278 Agreement. Early contact with the Highway Authority is advised. Finally, a Construction Environment Management Plan will be required to ensure adequate on-site measures are in place throughout the construction phase of the development.

- 2.6 Worcestershire Regulatory Services (Contaminated Land team) – No objection subject to conditions.
- 2.7 Worcestershire Regulatory Services (Noise Nuisance team) – No objection subject to a condition to require a Construction Nuisance Management Plan detailing the proposed measures to monitor and mitigate emissions of noise, vibration (piling) and dust during the construction phase for approval. It is recommended that the applicant should make reference to BS5228 Parts 1 & 2 'Code of practice for noise and vibration control on construction and open sites'. It was also recommended that details of the Air Source Heat Pumps should be submitted for consideration however Worcestershire Regulatory Services have now agreed that these details can be agreed by condition.
- 2.8 Health and Safety Executive – Awaiting comment.

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2.9 Hereford and Worcester Fire and Rescue Service – Awaiting comment.

2.10 Neighbour/Site Notice Representations - One comment received from a nearby occupier. They have expressed that they are very much in favour of the proposal but ask that a clause is placed on the Planning Permission to ensure vehicles associated with construction and building etc do not use Hill Street for access and parking. It was advised by the occupier that during the unfortunate fire and subsequent clearance it became a nightmare for the business and property owners down Hill Street with the entrances regularly being obstructed and that they already experience difficulties with people who work in the town centre parking in inconsiderate locations and causing chaos to existing businesses in Hill Street.

3.0 Site Location and Description

3.1 The application site measures 1.3 hectares in total site area and is located within Park Street Industrial Estate, Kidderminster. The site is currently cleared of all buildings due to the former Comfort Shoe Warehouse that stood on the site being destroyed by fire in September 2021. All remnants of the building that remained above ground were subsequently cleared from the site.

3.2 The adjacent units at numbers 4 and 4a Hill Street were also badly damaged in the fire but have since been repaired and units 5 and 5a were badly damaged but subsequently demolished and have now been rebuilt under Planning Permission 22/0515/FUL.

3.3 The application site is located within an area occupied by other warehouses including ATS tyres to the west and other smaller units to the north, east and south of the site with residential properties known as Rock Cottages to the northeast of the site. The immediate area is predominantly light industrial in character with the wider area comprising a mix of residential and commercial uses. The town centre of Kidderminster is within 0.5 miles of the site.

3.4 The application is for the erection of a Warehouse building (Use Class E(g)(ii)(iii)), which would be subdivided internally with separate office and staff toilet space and a larger office and showroom on a mezzanine level in one part of the building. The proposed building would be built over a slightly larger site area compared to the former warehouse which would equate to a site area increase of 18%. Internally, the proposed office and showroom space would increase from 65sqm to 95sqm compared to the former warehouse buildings that were in situ. The warehouse will be heated using air-source heat pumps, and the envelope will be constructed to surpass building regulations requirements.

3.5 The building is to be used by the previous company ('Comfort Shoe Warehouse') who import shoes, store them and sell them on the UK market, the Planning Statement has advised that the design of the building is based on that intention.

3.6 The proposed development would create 7 job opportunities comprising 4 full time and 3 full time equivalent posts and it is proposed that there would be 5 employees on site at any one time.

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- 3.7 There would be no change to the existing access arrangements at the site or parking provision (6 spaces).
- 3.8 The application has been accompanied by a Combined Phase 1 and Phase 2 Site Investigation Report, Water Management Statement, Transport Note, Design and Access Statement and a Planning Statement.

4.0 Officer Comments

4.1 The main considerations for this application are:

- Principle of Development
- Character and Appearance
- Impact on Residential Amenity
- Impact on Highway Safety
- Impact on the Heritage Environment
- Flood Risk and Drainage
- Other Matters

PRINCIPLE OF DEVELOPMENT

- 4.2 The Wyre Forest District Local Plan 2016-2036 (the local plan) was adopted in April 2022. The National Planning Policy Framework and the accompanying Planning Practice Guidance (PPG) sets out the Government's planning policies for England and how these should be applied. The starting point in determining the acceptability of development proposals is the local plan, where the policies are considered consistent with the National Planning Policy Framework.
- 4.3 The National Planning Policy Framework advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The economic objective of sustainable development is to help build a strong, responsive and competitive economy.
- 4.4 Policy SP.2 of the Wyre Forest District Local Plan sets out a settlement hierarchy and aims to provide new development in the most accessible and sustainable locations.
- 4.5 Policy SP.2 advises that Kidderminster is the administrative centre of the District where employment development should be focused. Policy SP.3 further advises that Kidderminster is the strategic centre for the District and seeks to focus new employment development within the town. It further states that all new development should make a positive contribution to the vitality and viability of the town and support the creation of a safe, attractive, and accessible urban environment and improve both the overall mix of land uses in the town.
- 4.6 Policy SP.17 at point 5 states that land and premises within the District's existing employment areas will be reserved for B2 and B8 use classes as well as employment generating use including Class E offices (other than professional and financial

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services offices), research and development and light industrial uses and where appropriate sui generis uses. At point 8 it states that proposals for the expansion, updating and intensification of employment uses on existing sites will be supported where they do not compromise the activities of the employment area or conflict with other policy objectives.

- 4.7 The introduction of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, resulted in the removal of use Class B1 and the introduction of Class E uses which covers a wide range of commercial business and services uses, with the specific Class E subsections applied for of E g (ii) and E g (iii) relating to the research and development of products and processes or any industrial process respectively, that can be carried out in any residential area without detriment to the amenity of that area by means of noise, vibration, smell, fumes, smoke, soot, ash dust or grit.
- 4.8 The proposed development is to construct a warehouse building (Class E (g)(ii)(iii)), of a similar size as the units destroyed by the fire in 2021. It is intended that the warehouse would be re-occupied by the former occupiers (Comfort Shoe Warehouse). The design of the warehouse is such that storage and workspace would be accommodated at ground floor level with vehicle and separate pedestrian accesses and at a mezzanine level there would be office accommodation and a showroom. The Design and Access Statement also advises that 'Alternative office space could be created at ground floor if necessary'. The footprint of the building would be 1242 sq. metres which is slightly smaller than the original building as it has been pulled back from the ownership boundary on the west side to allow improved access, fire safety, insulation, drainage and service runs.
- 4.9 The proposal would retain the land in employment use, which is compatible with the existing employment area and would not result in any undue harm to the amenity of nearby residents subject to conditions. Furthermore, the proposed building would be installed with air source heat pumps and the development would provide modernisation and environmental enhancements.
- 4.10 The proposed development is therefore considered to be in accordance with the key policies of the Wyre Forest District Local Plan and in principle is an acceptable form of development for the location subject to the following site-specific considerations.

CHARACTER AND APPEARANCE

- 4.11 Policy DM.24 of the Wyre Forest District Local Plan states that all development will be expected to be of a high design quality. It will need to integrate effectively with its surroundings, in terms of form and function, reinforce local distinctiveness and conserve, and where appropriate, enhance cultural and heritage assets, landmarks and their settings.
- 4.12 The National Planning Policy Framework echoes this stating that good design is a key aspect of sustainable development and excellence in design can create a sense of place, improve the attractiveness of a location and create safer places to live and work, thereby enhancing the quality of people's lives.

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- 4.13 The site is currently largely cleared and unused, located on the southern side of Hill Street and within the Park Street Industrial Estate. The site was previously occupied for storage purposes and has now been vacant since the fire in 2021. The proposed warehouse would occupy most of the site and would be seen alongside the adjacent light industrial buildings in Hill Street. The character and appearance of the proposed development would therefore sit well within the street scene.
- 4.14 The massing of the building has been broken down by the design of the roof which would have a series of pitched roofs to reflect the adjacent ATS tyres building on Hill Street. The original warehouse building was a simple parapet wall with a north lit roof behind it, however the current design replicates the scale and height of the ATS units in order to bring a sense of place back to Hill Street. The proposed wall height at the corner of the north and east elevations (closest point to the residential properties known as the Rock Houses) is 6.7m from pavement level, this is 240mm higher above the top of parapet than the former building. The warehouses will have rendered walls up to a pressed metal grey capping, brick in parts and insulated metal sheeting to match the adjacent units. The roof areas will be in a light-grey metal profile but due to their height will be concealed from view. All doors, roller shutters and windows will be grey aluminium.
- 4.15 Your Officers consider that the proposed warehouse building would be of an acceptable design and scale and would be aesthetically in keeping with the character and appearance of the area whilst the redevelopment provides the opportunity for the previous employers to come back to the site.
- 4.16 The proposed development is therefore considered to be in accordance with Policies SP.20, DM.24 of the Wyre Forest Local Plan and the National Planning Policy Framework.

IMPACT ON RESIDENTIAL AMENITY

- 4.17 Policy DM.24 of the Wyre Forest District Local Plan requires new developments to be designed to avoid any significant adverse impacts from pollution and provide adequate level of privacy, outlook, sunlight and daylight and should not be unduly overbearing. Policy SP.33 also advises that Development proposals must be designed in order to avoid any significant adverse impacts from pollution, including cumulative ones.
- 4.18 The National Planning Policy Framework advises that planning should always seek to secure high quality design and that new developments should avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 4.19 The nearest residential properties to the application site are Rock Cottages. The end terrace is number 1 Rock Cottages and is at a lower level than Hill Street, separated from the application site by the Rock steps which provide access onto Park Lane below. The front elevation of the nearest property faces the now demolished units and is approximately 6.6 metres away from the side elevation of the proposed warehouse building. In terms of the living conditions for the occupants of this property, the warehouse would be built on the same footprint as the demolished warehouse building albeit 0.24m higher.

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- 4.20 No objection has been raised by Worcestershire Regulatory Services in terms of nuisance and potential contaminated land, subject to safeguarding conditions to require the submission of a Construction Nuisance Management Plan detailing the proposed measures to monitor and mitigate emissions of noise, vibration (piling) and dust during the construction phase for approval. Also, conditions are recommended to require a scheme of remediation and a validation report to ensure any land contamination issues have been fully addressed through the development and details of the proposed air source heat pumps to ensure a satisfactory development of the site.
- 4.21 Your Officers therefore consider that the development would not result in an unacceptable development in terms of noise, potential contaminated land, impact on privacy, outlook sunlight, daylight or be unduly overbearing due to the adequate separation distance between the front of the nearest dwelling and the side of the proposed warehouse building. This coupled with the fact that the replacement building is of very similar dimensions to the one which was removed from the site results in a development that is therefore in accordance with Policy DM.24 of the Wyre Forest District Local Plan and the National Planning Policy Framework.

IMPACT ON HIGHWAY SAFETY

- 4.22 Policy SP.27 of the Wyre Forest District Local Plan advises that proposals must demonstrate that:
- a. the location and layout of development will minimise the demand for travel.
 - b. they offer viable sustainable transport choices, with a particular focus on active travel modes with attractive and well-designed walking and cycling networks.
 - c. they address road safety issues.
 - d. and in particular, they are consistent with the delivery of the Worcestershire Local Transport Plan objectives.
- 4.23 Paragraph 115 of the Framework advises that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.24 Deferral was originally recommended by the Highway Authority, however further information has now been submitted to show the provision of private off-road parking on the opposite side of Hill Street for six cars and the Highway Authority have confirmed that they raise no objection.
- 4.25 The application site has sustainable credentials with access to the town via Hill Street steps and pedestrian access to a regular bus service on Bewdley road also available. The ancillary office and showroom space will increase from 65sqm to 95 sqm to bring the space up to 'contemporary standards' with a reduction in staff number to 7 (4 full time and 3 part time) with 5 staff on site at any one time. However, even with this reduction the Highway Authority have stated that Travel Plan measures will need to be implemented to promote sustainable travel for staff and that the parking provision of 6 car parking spaces for staff members would provide sufficient parking for both staff and visitors to the proposed warehouse. Planning conditions have been recommended accordingly.

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- 4.26 The Highway Authority have also recommended conditions including the submission of details of cycle parking, a Delivery and Service Management Plan to include refuse collection details, and a Construction Environment Management Plan to ensure adequate on-site measures are in place throughout the construction phase of the development.
- 4.27 The proposals have been carefully considered by the Highway Authority, who have advised that they have no objection to the proposals subject to the inclusion of the above recommended conditions. The development therefore accords with Policy SP.27 of the Local Plan and the National Planning Policy Framework.

IMPACT ON THE HERITAGE ENVIRONMENT

- 4.28 There is a statutory requirement on decision makers to have special regard to the desirability of preserving Heritage Assets or their setting or any features of special architectural or historic interest which they possess, as set out in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4.29 Policy SP.21 states that development proposals should protect, conserve and enhance all heritage assets and their settings, including assets of potential archaeological interest, subject to the provisions of Policy DM.23 (Safeguarding the Historic Environment).
- 4.30 The Conservation Officer has raised no objection and has advised that the design has been considered with the industrial character of the surrounding buildings and therefore the proposal would not harm the character or any nearby heritage assets due to its sympathetic design.
- 4.31 Your Offices concur with the Conservation Officer's view and considers that the proposal complies with Local Plan Policies SP.21, DM.23 and the National Planning Policy Framework.

FLOOD RISK AND DRAINAGE

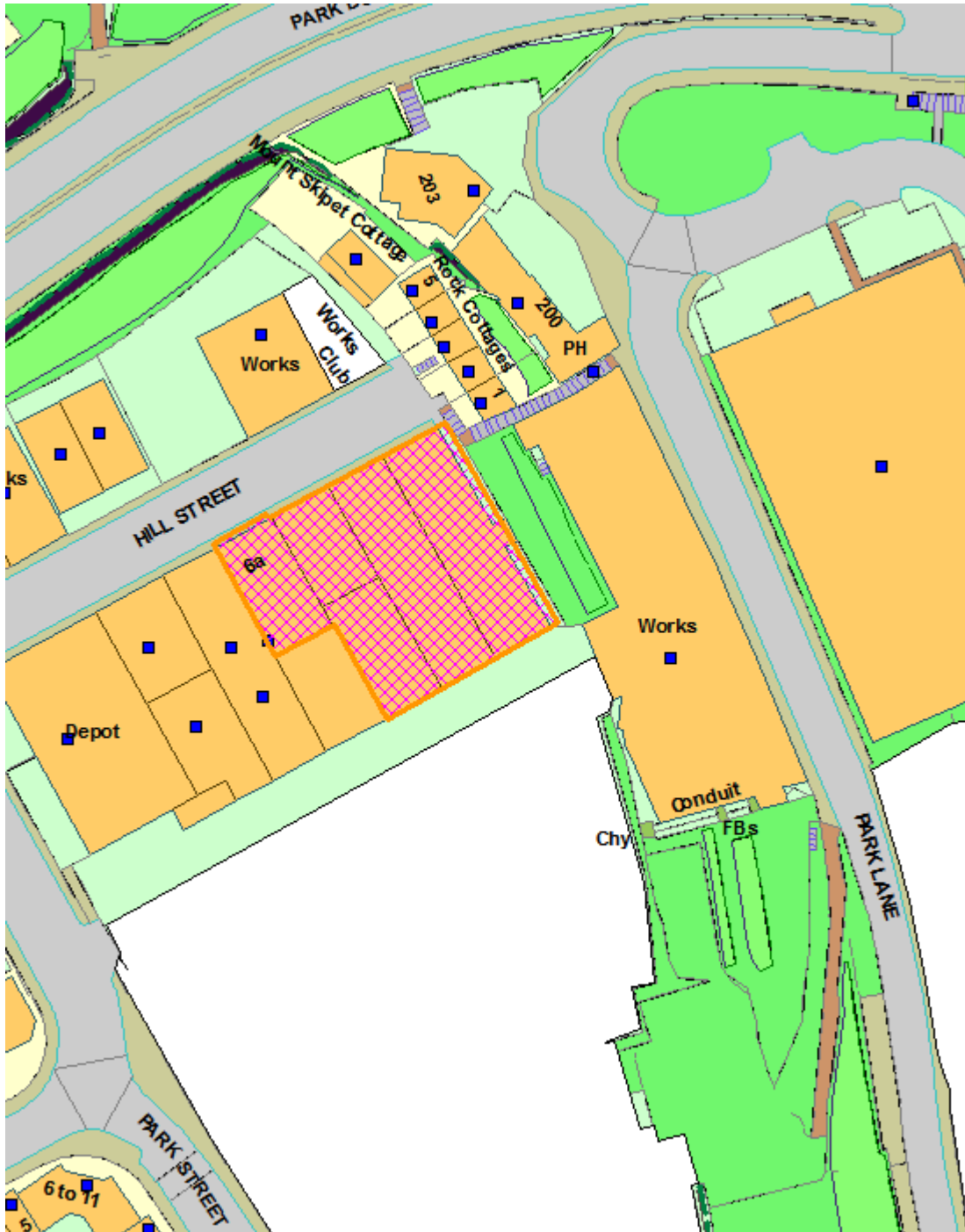
- 4.32 The site is not in an area at risk of flooding. The proposed development would marginally reduce the amount of impermeable area and therefore the amount of surface water runoff generated in this area and therefore the development constitutes a small improvement from a flood risk perspective.
- 4.33 The North Worcestershire Water Management Officer has carefully considered the submitted documents and the proposed development and has raised no objection with no requirement for the addition of conditions. The development would therefore accord with Policy SP.31 and SP.32 of the Wyre Forest District Local Plan and the National Planning Policy Framework.
- 4.34 **OTHER MATTERS**
Policy SP.37 relates to Renewable and Low Carbon Energy and sets out that all new development and the redevelopment of existing buildings where possible should take steps to incorporate renewable and low carbon energy. The application states that high efficiency air source heat pumps will be used which will assist with renewable

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energy equivalent to at least 10% of predicted energy requirements in accordance with Policy. A condition has been recommended to require the submission of a full Energy Statement to ensure that the 10% energy requirement can be achieved as part of the development.

5.0 Conclusions and Recommendations

- 5.1 The public comment received has been carefully considered and taken into account in the assessment of the application and no other statutory consultee has raised an objection to the application subject to conditions.
- 5.2 The proposed rebuilding of the warehouse building is considered to be acceptable in principle and the site is situated in a sustainable location with good links to Kidderminster town centre. The development is of an acceptable design and scale in the locality and would allow the previous occupiers to re-commence their business at the site.
- 5.3 There are no outstanding technical issues that cannot be addressed by condition and the development is considered to be in accordance with the Wyre Forest District Local Plan.
- 5.4 Your Officers therefore recommend **Approval** subject to:
- a. the following conditions:
1. 3-year Time Limit to commence development
 2. Materials
 3. Tiered investigation for potential contaminated land
 4. Unexpected Contamination
 5. Building to be used for use Classes E(g) (ii) and (iii) only
 6. Air Source Heat Pumps
 7. Energy Statement
 8. Cycle Storage
 9. Delivery and Service Management Plan
 10. Construction Environment Management Plan (Highways)
 11. Construction Nuisance Management Plan (Noise and Vibration)
 12. Parking area to be provided, marked out on the ground and retained
 13. Travel Plan measures
 14. No alterations to the roller shutter doors
 15. To require the development to be in accordance with the Approved Plans



Strategic Growth

Former Unit 6A And 7A And 8 To 11 Park Street Industrial Estate, Hill Street, Kidderminster, Worcestershire

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PART B

Application Reference:	23/0908/HOU	Date Received:	11.12.2023
Ord Sheet:	384691 280193	Expiry Date:	22.02.2024
Case Officer:	Kelly Davies	Ward:	Wyre Forest Rural

Proposal: Construction of a two storey and single storey rear extension

Site Address: 26 Gaymore Road, Cookley, Kidderminster, Worcestershire, DY10 3TU

Applicant: Mr and Mrs Stockley

Summary of Policy	SP.20, SP.27, DM.24, DM.25, DM.26 of the Wyre Forest District Local Plan Design Guidance SPD Streetscape Design Guide National Planning Policy Framework National Planning Practice Guidance
Recommendation	Approval
Reason for referral to Committee	Departure of the Development Plan

1.0 Planning History

1.1 WF1132/88 - Proposed kitchen extension.

2.0 Consultee Responses

2.1 Bewdley Town Council – Recommends approval.

2.2 North Worcestershire Water Management – No objection.

To my knowledge this site is not at risk of flooding. The proposed development will increase the amount of impermeable area and therefore the amount of surface water runoff. This extra volume should be kept on site, in order to avoid increasing flood risk elsewhere. As areas in the vicinity of the proposed development are believed to be at risk of surface water flooding (see <https://flood-warning-information.service.gov.uk/long-term-flood-risk>) it is important that surface water from the development will be disposed of responsibly. The proposal does not detail how surface water will be disposed of. I do not know what the drainage arrangements are for the existing dwelling. In line with building regulations discharge via infiltration will need to be prioritized. I have no reason to believe that ground conditions on this site would not be suitable for infiltration drainage. If the property is currently drained via

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soakaway drainage then the existing soakaway(s) might need to be relocated and enlarged to accommodate the development.

Since Building Regulations (H3 - rainwater drainage) already require that 'adequate provision shall be made for rainwater to be carried from the roof of the building', I don't deem it necessary for this planning application to recommend attaching a drainage condition.

2.3 Neighbour/Site Notice Representations - No comments received.

3.0 Site Location and Description

3.1 The application relates to a two-storey, three-bedroom, semi-detached dwellinghouse, situated on a relatively large corner plot within Cookley village. The surrounding area is predominantly residential in character with open countryside to the far East of the application site. The site currently has provision for two car parking spaces.

3.2 The proposal seeks planning permission to extend the existing single storey rear extension nearest to the adjoining neighbouring property and erect a first-floor extension nearest to the road, which would extend across half the rear elevation of the dwellinghouse. In terms of layout, the proposed extensions would provide a large family area at ground floor and the creation of a study area and a family bathroom at first floor. The number of bedrooms and parking provision would remain unchanged.

4.0 Officer Comments

4.1 The main considerations for this application are:

- Design and Scale
- Impact on Residential Amenity
- Flood Risk and Drainage
- Highway Safety

DESIGN AND SCALE

4.2 Policy DM.24 of the Wyre Forest District Local Plan states that all development will be expected to be of a high design quality. It will need to integrate effectively with its surroundings, in terms of form and function, reinforce local distinctiveness and conserve, and where appropriate, enhance cultural and heritage assets, landmarks and their settings. New and innovative designs which promote high levels of inclusivity and sustainability will be encouraged and supported where they enhance the overall quality of the built environment. Policy DM.25 also states that residential extensions should: Be in scale and keeping with the form, materials, architectural characteristics and detailing of the original building; be subservient to and not cumulatively, when taken with previous extensions, overwhelm the original building, which should retain its visual dominance; harmonise with the existing landscape or townscape and not create incongruous features; and not encroach onto neighbouring

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land not owned by or under the control of the applicant, including highway pavements where properties are built up to the back of the pavement.

- 4.3 The National Planning Policy Framework echoes this stating that good design is a key aspect of sustainable development (paragraph 139) and excellence in design can create a sense of place, improve the attractiveness of a location and create safer places to live and work, thereby enhancing the quality of people's lives.
- 4.4 The proposal would replace an existing single storey rear extension that extends across the entire rear elevation of the dwellinghouse and the proposed development would consist of both a single storey rear extension and a two storey rear extension, both elements would be constructed from materials to match the existing dwellinghouse, ensuring that they blend well with the appearance of the original dwellinghouse and the development would be in keeping with the scale and architectural characteristics of the existing dwellinghouse.
- 4.5 The proposed extensions would be of an acceptable design and scale and would be aesthetically in keeping with surroundings as recommended by the Parish Council. The proposed development is therefore considered to be of a high design quality, in accordance with Policies SP.20, DM.24 and DM.25 of the Wyre Forest District Local Plan.

RESIDENTIAL AMENITY

- 4.6 Policy DM.25 of the Wyre Forest District Local Plan states that extensions and alterations, whether to residential or non-residential properties should not have a serious adverse effect on the amenity of neighbouring residents or occupiers and that they should accord with the 45 Degree Code.
- 4.7 The proposed single storey rear extension would breach the 45 Degree Code in relation to the East facing rear habitable office window of the adjoining dwellinghouse. The development therefore is in conflict with criteria a of Policy DM.25.
- 4.8 The submitted plans show that the existing extension already conflicts with the 45 Degree Code in relation to the nearest rear facing habitable room window at 28 Gaymore Road. The proposed extension would extend the existing rear extension by a further 2.74 metres resulting in an overall extension projecting 5.5 metres off the rear of the original dwellinghouse. Your Officers consider that the impact on the amenity of the neighbouring residents in terms of loss of light and outlook would not be significantly greater than that of the existing situation, as the boundary treatment and the orientation of the dwelling is such that the existing extension already reduces light ingress into the nearest habitable room which is an office.
- 4.9 It should also be noted that a fallback position exists in terms of Permitted Development Rights, and the applicant could submit a prior notification for a larger home extension the size criterion for which would result in a greater impact than that of the development currently proposed. It is therefore considered that in this instance the applicant has a clear and realistic fallback position which would result in more harm to the neighbouring occupants than that being considered in this

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application and this fallback position is a material consideration which should be afforded significant weight in the planning judgement of this application.

- 4.10 No objections have been received from the occupants of the adjoining property nor by the Parish Council. Therefore, the conflict with Policy DM.25, in terms of the breach in the 45-degree code, is outweighed by other material considerations and is not considered a reason to warrant refusal of the application.
- 4.11 The proposed first floor extension includes a side facing hallway window and to ensure no undue overlooking of the adjoining property, a condition has been recommended to require this window to be installed with obscure non-opening glazing.

FLOOD RISK AND DRAINAGE

- 4.12 The site is not located within a flood zone and is not recorded as being susceptible to surface water flooding.
- 4.13 The North Worcestershire Water Management Officer has carefully considered the submitted documents and the proposed development and has raised no objection. Your Officers concur with this view and do not consider that the development would be at risk to flooding or increase the flood risk elsewhere and would achieve appropriate drainage which would be covered by Building Control.
- 4.14 The development would therefore accord with Policies SP.31 and SP.32 of the Wyre Forest District Local Plan and the National Planning Policy Framework.

HIGHWAY SAFETY

- 4.15 Policy SP.27 of the Wyre Forest District Local Plan advises that proposals must demonstrate that:
 - a. the location and layout of development will minimise the demand for travel.
 - b. they offer viable sustainable transport choices, with a particular focus on active travel modes with attractive and well-designed walking and cycling networks.
 - c. they address road safety issues.
 - d. and in particular, they are consistent with the delivery of the Worcestershire Local Transport Plan objectives.
- 4.16 Paragraph 115 of the National Planning Policy Framework advises that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.17 As the development would not be enlarging the residential property in terms of bedrooms, no additional parking spaces would be required. Also, as the proposed extensions are to the rear of the dwellinghouse there would be no obstruction to the existing car parking spaces. The development therefore accords with Policy SP.27 of the Wyre Forest District Local Plan, the Streetscape Design Guide and the National Planning Policy Framework.

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5.0 Conclusions and Recommendations

5.1 The design and scale of the proposed extensions are considered acceptable and would not detract from the appearance of the property or its setting in the street scene. The proposal would have minimal additional impact on the residential amenity of the adjoining residential property above and beyond that of the current situation and when considered against the permitted development fallback position. It is therefore considered that there are other material considerations which indicate that a departure of the development plan is justified, in this instance.

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

a. the following conditions:

1. 3-year Time Limit to commence development
2. To require external materials to match existing building
3. First floor side facing window to be obscure non-opening glazing
4. To require the development to be in accordance with the Approved Plans

PART B

Application Reference:	24/0006/HOU	Date Received:	11.01.2024
Ord Sheet:	383672 276934	Expiry Date:	26.04.2024
Case Officer:	Megan Skelding	Ward:	Broadwaters

Proposal: Demolition of outside toilet/log store and construction of single storey extension

Site Address: 44 Elderfield Gardens , Coventry Street, Kidderminster, Worcestershire, DY10 2BT

Applicant: Mr & Mrs Price

Summary of Policy	SP.20, SP.21, SP.23, SP.27, SP.31, SP.32, SP.33, DM.23, DM.24, DM.25, DM.26 of the Wyre Forest District Local Plan Design Guidance SPD Streetscape Design Guide National Planning Policy Framework National Planning Practice Guidance
Recommendation	APPROVAL
Reason for Referral to Committee	Departure of the Development Plan due to conflict with the 45 Degree Code (Policy DM.25)

1.0 Planning History

1.1 15/0116/FULL – Proposed Porch: Approved 15/04/2015.

2.0 Consultee Responses

2.1 Kidderminster Town Council – No objection.

2.2 North Worcestershire Water Management Officer – No objection. To my knowledge this site is not at risk of flooding. The proposed development will I understand only increase the amount of impermeable area marginally. I do not know what the drainage arrangements are for the existing dwelling and the proposal does not detail how surface water will be disposed of. I understand that a Building Control application will be required. Building Regulations detail that discharge via infiltration will need to be prioritised. I have no reason to believe that ground conditions on this site would not be suitable for infiltration drainage. If the property is currently drained via soakaway drainage, then the existing soakaway(s) might need to be relocated and enlarged to accommodate the development. Since Building Regulations (H3 - rainwater drainage) already require that 'adequate provision shall be made for rainwater to be carried from

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the roof of the building', I don't deem it necessary for this planning application to recommend attaching a drainage condition.

2.3 Neighbour/Site Notice Representations – No comments received.

3.0 Site Location and Description

3.1 The application site refers to a two-storey semi-detached dwellinghouse off Coventry Street, Kidderminster. The existing dwellinghouse has an outdoor toilet/log store facility, with a large outdoor space to the rear of the property. The dwellinghouse is set back a considerable distance from Coventry Street, with the street scene comprising of a row of similar houses in terms of building forms and styles.

3.2 The proposed development is for the demolition of the existing outdoor toilet/log store, and the construction of a single storey rear extension.

3.3 The single storey rear extension would provide a small downstairs WC, as well as a small utility room, and snug area to the rear of the property. The proposed extension will consist of a shallow pitched roof, constructed of walls made of brick to match the existing rear projection, and the roof to be constructed of concrete roof tiles to match those on the existing rear projection.

4.0 Officer Comments

4.1 The main considerations for this application are:

- Design and Scale
- Impact on Residential Amenity

DESIGN AND SCALE

4.2 Policies SP.20 and DM.24 of the Wyre Forest District Local Plan states that all development will be expected to be of a high design quality. Policy DM.25 of the Wyre Forest District Local Plan refers to extensions and alterations and advises that residential extensions should be in scale and keeping with the form, materials, architectural characteristics and detailing of the original building; be subservient to and not overwhelm the original building and ensure that they harmonise with the existing townscape and do not create incongruous features.

4.3 The National Planning Policy Framework paragraph 135 echoes this stating that good design and excellence in design can create a sense of place, improve the attractiveness of a location, and create safer places to live and work, thereby enhancing the quality of people's lives.

4.4 The scale, height and massing of the proposed extension are appropriate and in keeping with the character and appearance of the existing dwelling. The extension would be constructed in external materials to match the existing dwellinghouse and the proposed design of the extension would be of high quality. Your Officers therefore consider that the proposed extension would make a positive contribution to the quality

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of the built environment and would be in accordance with Policies SP.20, DM.24 and DM.25 of the Wyre Forest District Local Plan and the National Planning Policy Framework. A planning condition has been recommended to ensure the development is constructed in external materials to match the existing dwellinghouse, as shown on the submitted plans.

IMPACT ON RESIDENTIAL AMENITY

- 4.5 Policy DM.25 of the Wyre Forest District Local Plan states that extensions and alterations, whether to residential or non-residential properties should not have a serious adverse effect on the amenity of neighbouring residents or occupiers and stipulates that residential extensions should accord with the 45 Degree Code. The National Planning Policy Framework requires all new developments to secure a high standard of amenity for existing and future users.
- 4.6 The existing outside toilet/log store conflicts with the 45-degree code in relation to the nearest habitable room windows at both the neighbouring properties 43 and 45 Coventry Street, and it is recognised that the proposed single storey extension would therefore result in a similar breach of the 45-degree code. It is noted that the nearest habitable window at Number 43 Coventry Street serves a reception room, whilst the nearest habitable window at Number 45 Coventry Street serves a living room. Whilst there is a breach in the 45-degree code, it is considered that the harm to the amenity and enjoyment of the neighbouring property, in terms of daylight, sunlight and outlook, would not be made worse by the proposed extension because it is to replace an existing outbuilding which already conflicts with the 45-degree code. It is further noted that a fallback position of a 4m permitted development could be completed, without planning permission, which would also breach the 45-degree code.

5.0 Conclusions and Recommendations

- 5.1 The proposed scheme would be in keeping with the residential character and appearance of the existing dwellinghouse in terms of design, form, and materials. Whilst acknowledging the conflict with Policy DM.25 in terms of the breach of the 45-degree-code, it is considered that the proposal would not result in additional loss of daylight/sunlight and outlook over and above the existing situation. It is therefore considered that there are other material considerations in this case to allow a departure of the Development Plan.
- 5.2 Your Officers therefore recommend **APPROVAL** subject to:
- a. the following conditions:
 1. 3-year Time Limit to commence development
 2. To require the development to be constructed in external materials that match the existing dwelling house
 3. To require the development to be in accordance with the Approved Plans

PART B

Application Reference:	24/0011/HOU	Date Received:	09.01.2024
Ord Sheet:	382648 278160	Expiry Date:	31.05.2024
Case Officer:	Megan Skelding	Ward:	Franche And Habberley North

Proposal: Single storey front and rear extension

Site Address: 14 Spindle Close, Kidderminster, Worcestershire, DY11 5DX

Applicant: Mr Steven Ford

Summary of Policy	SP.20, DM.24, DM.25, DM.26 of the Wyre Forest District Local Plan Design Guidance SPD Streetscape Design Guide National Planning Policy Framework National Planning Practice Guidance
Recommendation	APPROVAL
Reason for Referral to Committee	Departure of the Development Plan due to conflict with the 45 Degree Code (Policy DM.25)

1.0 Planning History

1.1 No previous planning history at this site.

2.0 Consultee Responses

2.1 Kidderminster Town Council – No objection.

2.2 Neighbour/Site Notice Representations – No comments received.

3.0 Site Location and Description

3.1 The application refers to a semi-detached dwelling on Spindle Close, in Kidderminster. The dwelling is part of a pair of similar semi-detached dwellings; however, the overall street scene comprises of a mixture of building styles.

3.2 The proposed development is for a single storey front and rear extension.

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- 3.3 The proposed single storey front extension would create a porch to the front of the dwelling and would include an extension of the garage, to allow for a games room, study, utility room and small WC. Additionally, the rear extension will create an open plan kitchen/dining room.

4.0 Officer Comments

- 4.1 The main considerations for this application are:

- Design and Scale
- Impact on Residential Amenity

DESIGN AND SCALE

- 4.2 Policies SP.20 and DM.24 of the Wyre Forest District Local Plan states that all development will be expected to be of a high design quality. Policy DM.25 of the Wyre Forest District Local Plan refers to extensions and alterations and advises that residential extensions should be in scale and keeping with the form, materials, architectural characteristics and detailing of the original building; be subservient to and not overwhelm the original building and ensure that they harmonise with the existing townscape and do not create incongruous features.

- 4.3 The National Planning Policy Framework echoes this stating that good design is a key aspect of sustainable development and excellence in design can create a sense of place, improve the attractiveness of a location, and create safer places to live and work, thereby enhancing the quality of people's lives.

- 4.4 The scale, height and massing of the proposed extensions are considered to be appropriate and in keeping with the character and appearance of the existing dwelling and the local area. The extensions would be constructed in external materials to match the existing dwellinghouse and the proposed design of the extensions would be of high quality. Your Officers therefore consider that the proposed extensions and alterations would be sympathetic to the existing building and would improve its overall design. The proposed development would make a positive contribution to the quality of the built environment and would be in accordance with Policies SP.20, DM.24 and DM.25 of the Wyre Forest District Local Plan and the National Planning Policy Framework. A planning condition has been recommended to ensure the development is constructed in external materials to match the existing dwellinghouse, as shown on the submitted plans.

IMPACT ON RESIDENTIAL AMENITY

- 4.5 Policy DM.25 of the Wyre Forest District Local Plan states that extensions and alterations, whether to residential or non-residential properties should not have a serious adverse effect on the amenity of neighbouring residents or occupiers and stipulates that residential extensions should accord with the 45 Degree Code. The National Planning Policy Framework also requires all new developments to secure a high standard of amenity for existing and future users.

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4.6 The existing garage conflicts with the 45-degree code in relation to the nearest habitable room window at the neighbouring property and it is recognised that the proposed single storey front extension would also result in a further breach of the 45-degree code. Whilst there is a clear breach in the 45-degree code, which is going to be exacerbated by the development, it is considered that the harm to the amenity and enjoyment of the neighbouring property would not be significant because of the already existing breach of the 45-degree code as is existing on site at present. Your Officers therefore consider that due to the fallback position of the existing garage at the front of the property already breaching the 45-degree code, the proposed further breach in the 45-degree code does not warrant refusal of the application.

5.0 Conclusions and Recommendations

5.1 The proposed scheme would be in keeping with the residential character and appearance of the existing dwellinghouse and the local area. Whilst acknowledging the breach of the 45-degree Code, it is not considered that the development would result in serious adverse effects on the living conditions of the occupiers of 13 Spindle Close given that the existing dwelling already breaches the 45-degree code.

5.2 It is therefore considered that a departure of the Development Plan in respect of the conflict with Policy DM.25 can be justified in this instance.

5.3 Your Officers therefore recommend **APPROVAL** subject to:

a. the following conditions:

1. 3-year Time Limit to commence development
2. To require the development to be constructed in external materials that match the existing dwelling house
3. To require the development to be in accordance with the Approved Plans

PART B

Application Reference:	24/0102/HOU	Date Received:	23.02.2024
Ord Sheet:	382414 275172	Expiry Date:	19.04.2024
Case Officer:	Robert Wall	Ward:	Foley Park And Hoobrook

Proposal: Extension to dropped kerb

Site Address: 407 Stourport Road, Kidderminster, Worcestershire, DY11 7BG,

Applicant: Mr Christopher Watkins

Summary of Policy	SP.20, SP.27, DM.24 and DM.25 of the Wyre Forest District Local Plan Design Guidance SPD Streetscape Design Guide National Planning Policy Framework National Planning Practice Guidance
Recommendation	Approval
Reason for referral to Committee	Applicant is related to an employee of Wyre Forest District Council

1.0 Planning History

1.1 No relevant planning history.

2.0 Consultee Responses

2.1 Kidderminster Town Council - No objection.

2.2 Highway Authority – No objection, on the basis that the application site can achieve standard parking dimensions and it has also been advised that whilst turning facilities would be expected on a classified road, in line with policy in the Streetscape Design Guide, in this location, Stourport Road (A451) is subject to a 30mph speed limit and there is no personal injury accident record which is directly attributable to the use of a private vehicular access without on-site turning. An informative is recommended to ensure that all works carried out within the publicly maintained highway are carried out by the County Council's Approved Contractor, Ringway Infrastructure Service.

2.3 Neighbour/Site Notice Representations - No comments received.

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3.0 Site Location and Description

- 3.1 The application site relates to a residential property that fronts onto Stourport Road (A451), a classified 'A' road, which runs into Kidderminster from Stourport-on-Severn and is predominantly residential in context with a combination of other use types.
- 3.2 The application seeks planning permission to extend the existing dropped kerb on a classified road. No alterations are proposed to the existing driveway or parking provision.

4.0 Officer Comments

4.1 The main considerations for this application are:

- Impact on Highway Safety
- Impact on Residential Amenity

IMPACT ON HIGHWAY SAFETY

4.2 Policy SP.27 of the Wyre Forest District Local Plan advises that proposals must demonstrate that:

- a. the location and layout of development will minimise the demand for travel.
- b. they offer viable sustainable transport choices, with a particular focus on active travel modes with attractive and well-designed walking and cycling networks.
- c. they address road safety issues.
- d. and in particular, they are consistent with the delivery of the Worcestershire Local Transport Plan objectives.

4.3 Paragraph 115 of the National Planning Policy Framework advises that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

4.4 The proposals for an extension to the dropped kerb have been carefully considered by the Highway Authority, who have advised that on the basis that the standard parking dimensions of 2.4m x 4.8m are achievable, there is no objection.

4.5 The Highway Authority have also advised that whilst turning facilities would be expected on a classified road, in line with policy in the Streetscape Design Guide, in this location, Stourport Road (A451) is subject to a 30mph speed limit and there is no personal injury accident record which is directly attributable to the use of a private vehicular access without on-site turning.

4.6 Your Officers concur with this view and consider that the proposed extension to the existing dropped kerb would not result in a detrimental impact on highway safety. The development is therefore in accordance with Policy SP.27 of the Wyre Forest District Local Plan and the National Planning Policy Framework.

24/0102/HOU

IMPACT ON RESIDENTIAL AMENITY

- 4.7 It is noted that there is already an existing dropped kerb on the site, and the application proposes an extension to this kerb. It is considered that when taking into account the comments received from the Highways Authority, any extension to the existing dropped kerb would have no impact on neighbouring amenity and the extension to the existing kerb would create a betterment to the existing situation. The development therefore would not result in any undue harm to the amenity of neighbouring residents.

5.0 Conclusions and Recommendations

- 5.1 All comments received have been carefully considered and taken into account in the assessment of the application and no other statutory consultee has raised an objection to the application. The proposed extension to the existing dropped kerb would create a betterment for the existing occupiers of the dwellinghouse and would not result in a detrimental impact on highway safety or the amenity of neighbouring residents. The development therefore accords with the Development Plan.

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

a. the following conditions:

1. 3-year Time Limit to commence development
2. To require the development to be in accordance with the Approved Plans

NOTE

1. All highway works carried out within the publicly maintained highway shall only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service.

Planning Appeal decisions from 5 July 2023 until 31 March 2024

- 1.1 From the period of 5 July 2023 (1 day after the last report) until 31st March 2024, there have been 17 appeal decisions since the last assessment was undertaken. Of these appeals, 11 appeals (64.7%) have been dismissed and 6 appeals (35.3%) have been allowed.
- 1.2 The table below gives details of these decisions in date order with the most recent decision at the end of the list.

Date of decision	Location	Planning reference	Appeal Reference	Proposal	Decision
13/07/2023	Woodpecker Barn, Woodside Farm, Tanwood Lane, Bluntington, Chaddesley Corbett, Worcestershire DY10 4NX	22/0019/ENFO RC	APP/R1845/C/22/3300 622r	Appeal against Enforcement Notice for without planning permission the erection of a greenhouse.	Dismissed
17/08/2023	Land At Os 381000 277300 Habberley Lane Low Habberley Kidderminster Worcestershire	23/0002/REF	APP/R1845/W/22/3309 021	Outline planning application (with all matters reserved except for means of access) for erection of up to 124 dwellinghouses, including public open space and landscaping surface water attenuation and associated infrastructure	Allowed
13/09/2023	Cedar Wood, Lea Lane, Cookley, Kidderminster, Worcestershire DY10 3RH	22/0443/OUT	APP/R1845/W/23/3316 369	Outline application for the proposed development of one dwelling on land at Lea Lane, Cookley	Dismissed
27/09/2023	7 Mitton Street, Stourport on Severn, DY13 9AF	22/0765/FUL	APP/R1845/W/23/3317 324	Change of use of verge to extend curtilage of dwelling house and the relocation of existing walls to allow for the formation of an accessible access and car parking for a	Dismissed

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				disabled person's dwelling house.	
17/10/2023	Westfield, Ribbesford Road, Stourport On Severn DY13 0TF	22/0795/FUL	APP/R1845/W/23/3314 052	Change of use of agricultural land to increase domestic curtilage. Erection of new outbuildings and swimming pool.	Dismissed
30/10/2023	75 Mill Road, Stourport-on- Severn DY13 9BJ	22/0742/OUT	APP/R1845/W/23/3318 603	Proposed redevelopment to create 2no 3 bedroom 2 storey dwellings and 2no 3 bedroom bungalows.	Dismissed
03/11/2023	Land opposite 350 Chester Road North, Kidderminster DY10 2RU	23/0001/FUL	APP/R1845/W/23/3320 195	Removal of an existing wall (if needed), removal of any old fence (metal). Replace with a new 6ft feather edged fence. Also scrape back any shoots, rubbish or debris off the pavement to make way. Possibly trim any trees upon erection. Small gate at one end for access (foot), not vehicle	Dismissed
03/11/2023	1 Walnut Grove, Stourport on Severn DY13 9NT	23/0359/HOU	APP/R1845/D/23/3326 285	First floor extension over garage and internal alterations	Allowed
24/11/2023	22 Belbroughton Road, Blakedown, Kidderminster, Worcestershire DY10 3JG	23/0388/HOU	APP/R1845/D/23/3329 437	Single Storey carport	Allowed
08/12/2023	Wharton Park Golf Club, Longbank, Bewdley DY12 2QW	21/0333/FUL	APP/R1845/W/23/3318 254	Change of use of land for the siting of holiday lodge caravans	Appeal Allowed / Costs Dismissed
13/12/2023	12 Francis Road, Stourport-on- Severn, DY13 8PL	23/0570/HOU	APP/R1845/D/23/3330 528	First-floor side and rear extension	Dismissed
19/12/2023	Land to rear 40 Wardle Way, Wolverley, Kidderminster	22/0912/S73	APP/R1845/W/23/3320 016	Reserved matters for "Residential development for 1x3 bed single storey	Allowed

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				bungalow” without complying with conditions attached to reserved matters Ref 22/576/RES	
09/01/2024	Fingerpost Cottage, Cleobury Road, Far Forest, Kidderminster DY14 9TA	23/0161/CLP	APP/R1845/X/23/3321 716	Certificate of lawfulness for a proposed concrete slab and erection of timber triple bay single storey garage.	Allowed
09/01/2024	2 Malvern View, Chaddesley Corbett, Kidderminster, DY10 4SJ	23/0305/FUL	APP/R1845/W/23/3325 507	Erection of a one-bedroom dwelling	Dismissed
11/01/2024	96 Canterbury Road, Kidderminster DY11 6DH	22/0953/FUL	APP/R1845/W/23/3324 160	Change of use and alterations to existing stores to form 2 bedroom apartment.	Dismissed
13/02/2024	The Poppies, 17 Birmingham Road, Kidderminster DY10 2BX	22/0836/FUL	APP/R1845/W/23/3323 958	Conversion of existing building to form 6no. apartments with associated car parking	Dismissed
19/02/2024	Northwood Farm, Northwood Lane , Bewdley, DY12 1AP	23/0456/FUL	APP/R1845/W/23/3330 036	Erection of dog breeding building	Dismissed

Main Issues for Allowed Appeals

2.1 Land at Habberley Road, Kidderminster

The main issue related to this appeal is the effect of the proposed development on highway safety.

The inspector considered that based on the evidence submitted and the comments made by the LHA, and in the absence of any cogent evidence to the contrary, they were satisfied that the conclusions contained with the TA and associated documents had been made on a sound methodology and robust data.

The inspector concluded that the proposal would not harm highway safety. It would therefore comply with LP Policy SP.27 which seeks, amongst other things, to ensure that development would minimise the demand for travel and address road safety issues. They also concluded that the proposal also complies with paragraph 111 of the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

2.2 1 Walnut Grove, Stourport on Severn DY13 9NT

The main issue related to this appeal was the effect of the proposal on the character and appearance of the host property and the area.

The inspector considered that the proposed extension would be built directly over the existing garage to create a 2-storey side extension of a considerable width. However, the generous set back and noticeably lower ridge height, along with its position, would ensure that it has a subordinate appearance, and the visual dominance of the existing dwelling would be maintained. Therefore, despite its width, it would not overwhelm the appearance of the original dwelling and would not be an incongruous extension when viewed from Walnut Grove. It would therefore comply with LP Policy DM.24, DM.25 and SP.20.

2.3 22 Belbroughton Road, Blakedown, Kidderminster, Worcestershire DY10 3JG

The main issue related to this appeal was the effect of the proposed development on the character and appearance of the area.

The inspector acknowledged that there are no similar structures within the immediate street scene. However, they considered that the street scene is varied in character and style, and also includes single storey front projections. Some of which are sited much closer to Belbroughton Road than the appeal proposals would be.

The Inspector identified that the building would be modest in scale and would be appropriately sited within its plot to not result in a prominent or intrusive addition in the street. The Inspector identified that there were no policies which indicate that the need for householder development should be demonstrated. However, they considered the effect of the proposal acceptable on its individual merits.

2.4 Wharton Park Golf Club, Longbank, Bewdley DY12 2QW

The main issues were the effect of the proposal on the character and appearance of the area; and, whether or not the appeal site is an appropriate location for development of this type, having regard to policy.

The Inspector considered that overall, the proposal would introduce urban form to an existing open area of land. However, the specific part of the appeal site that would be directly affected is a driving range that has already introduced a man-made, slightly artificial, character and appearance.

The inspector acknowledged Policy DM30 which seeks to resist new chalet, caravan and mobile home development. They discussed that the reasoned justification for this policy outlines that a key pressure relates to such sites becoming residential. Conditions restricting the use of the holiday caravans to holiday use only would ensure that they are not used for residential purposes.

The Inspector concluded that in consideration of these factors, the proposal would therefore preserve, and enhance, the character and appearance of the area. It complies with Policies SP19, SP22 and DM30 of the Wyre Forest District Local Plan (2016-2036) (LP) (2022) which seek, amongst other things, to ensure that caravan development does not impact on the landscape and that all developments protect and where possible enhance the unique character of the landscape. It would also comply with Paragraphs 85 and 174 of the National Planning Policy Framework (the Framework) which requires countryside development to be sensitive to its surroundings and recognises the intrinsic character and beauty of the countryside.

The costs application associated with this appeal was dismissed.

2.5 Land to rear 40 Wardle Way, Wolverley, Kidderminster

The appellant contends that condition 3 should not have been imposed on the reserved matters approval in the first instance and furthermore the Building Regulations cover the requirement to install EV charging facilities. Hence the main issue was whether the disputed condition 3 is necessary and reasonable having regard to the reserved matters approval and in light of Building Regulations.

The Inspector identified that the Council has not provided any substantive evidence to explain why the Building Regulations would not secure appropriate provision of an EV charging point and why the Design Guide specification should be adhered to over and above the Building Regulations. Nor has it brought to their attention any material differences between the requirements of the different documents that would render compliance with Building Regulations inadequate.

The Inspector concluded that condition 3 goes beyond the scope of the reserved matters and should not have been imposed on the reserved matters approval. Furthermore, condition 3 duplicates the Building Regulations with regard to the provision and installation of EV charging facilities. Hence condition 3 is not necessary or reasonable.

2.6 Fingerpost Cottage, Cleobury Road, Far Forest, Kidderminster DY14 9TA

The main issue was whether the Council's decision to refuse to issue an LDC was wellfounded. The decision turns on whether the proposed garage building would benefit from planning permission granted by Article 3(1) and Class E, Part 1 of Schedule 2 of the GPDO.

The Council refused to grant the LDC on the grounds that the use of the building would not be lawful. This is because it was considered that the size of the building would be much larger than genuinely and reasonably required to serve its specified incidental purposes

The Inspector considered that the size of the proposed garage is consistent with the envisaged use and not excessive in this instance. The use of the space as proposed would be carried out as a function of the personal enjoyment of the occupant of the dwellinghouse and therefore the appeal was allowed.

Main Issues for Dismissed Appeals

3.1 Woodpecker Barn, Woodside Farm, Tanwood Lane, Bluntington

Main issues are: 1. Inappropriate development in the green belt 2. The effect on living conditions for neighbours 3. The effect of the development on the setting of the curtilage listed barns and Grade II Listed Woodside Farm 4. whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

The Inspector concluded that the development constitutes inappropriate development in the Green Belt as defined by the Framework. This is a matter to which substantial weight is given. They have also identified conflict with Policy DM.29 of the WFLP which adds moderate weight against the development.

3.2 Cedar Wood, Lea Lane, Cookley, Kidderminster

The main issues are: 1. Whether the proposed development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; 2. The effect on the openness of the Green Belt; and 3. Whether any harm by reason of inappropriateness, and any other

harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Inspector's conclusions: In line with the Framework the proposal would be inappropriate development in the Green Belt. It would also result in the loss of openness.

3.3 7 Mitton Street, Stourport-on-Severn DY13 9AF

The main issue is the effect of the development on highway safety.

The inspector concluded that the development would have an unacceptable impact on highway and pedestrian safety. Accordingly, this would conflict with policies DM.24 and SP.27 of the Local Plan and paragraphs 110, 111 and 112 of the Framework, which amongst other things, seek to ensure highway safety for all users. Therefore, the appeal is dismissed.

3.4 Westfield, Ribbesford Road, Stourport on Severn DY13 0TF

The main issues are: 1. The effect of the proposed development on the character and appearance of the site and its surroundings; 2. Whether or not the proposal would be tantamount to the creation of an independent dwelling; and 3. Whether the proposal would be acceptable with regard to its effect on biodiversity.

The inspector concluded that the proposal would conflict with the development plan when taken as a whole. Accordingly, and having regard to all other relevant material considerations, the appeal should be dismissed.

3.5 75 Mill Road, Stourport-on-Severn DY13 9BJ

The main issues are the effect of the proposed development on protected species and whether adequate justification has been provided for the proposed demolition of the locally listed building on the site.

The inspector concluded that whilst they found that adequate justification has been provided for the proposed demolition of a locally listed building on the site, they were unable to conclude that there would be no harm to protected species. It would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict.

3.6 Land opposite 350 Chester Road North, Kidderminster DY10 2RU

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

The inspector concluded that the proposed development would be harmful to the character and appearance of the area. Therefore, the proposed development fails to accord with the aims of Policies SP.20, SP.28, DM.24 and DM.26 of the Wyre Forest District Council Local Plan 2016-2026, which together, amongst other things, require development to integrate effectively with its surroundings and make a positive addition to the streetscape and Green Infrastructure, and to reinforce local distinctiveness. Therefore the appeal was dismissed.

3.7 12 Francis Road, Stourport-on-Severn, DY13 8PL

The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of Number 10 Francis Road, with regards to outlook.

The inspector found that the proposed development would harm the living conditions of the occupiers of Number 10 Francis Road with regards to outlook, contrary to the National Planning Policy Framework; and to Local Plan Policies DM.24, DM.25 and SP.20 which together amongst other things, seek to protect residential amenity. Therefore the appeal was dismissed.

3.8 2 Malvern View, Chaddesley Corbett, Kidderminster, DY10 4SJ

The main issues are: 1. Whether the proposal constitutes 'inappropriate development' in the Green Belt and the effect on its openness; 2. The effect on the character and appearance of the area; 3. The effect on the occupiers of the adjacent property of 25 Briar Hill and on the occupiers of the new dwelling itself; and 4. Whether harm caused by inappropriate development, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances.

The Inspector found that the proposed house would not sit comfortably in the street scene but would have an awkward cramped appearance which would harm the character of the area and result in a loss of openness. Overall, the Inspector found that the factors raised in support of the proposal do not outweigh the harm to the Green Belt and very special circumstances therefore do not arise in this case. The conflict with the development plan and national policy is not outweighed by other considerations and therefore the appeal should not be allowed.

3.9 96 Canterbury Road, Kidderminster DY11 6DH

The main issues are: 1. Whether or not adequate living conditions would be created for future occupiers of the proposal, with reference to noise and disturbance, 2. Whether the living conditions of future occupiers of the proposal would be acceptable, with particular regard to the provision of outdoor amenity space and 3. The effect of the proposal on highway safety.

The Inspector concluded that adequate living conditions would not be created for future occupants of the proposal, the development would have an unacceptable impact on highway and pedestrian safety. Accordingly, this would conflict with policies DM.3 and SP.27 of the LP and paragraphs 114, 115 and 116 of the Framework, which together and amongst other things, seek to ensure highway safety for all users.

3.10 The Poppies, 17 Birmingham Road, Kidderminster DY10 2BX

The main issues are: 1. The effect of the proposal on the character and appearance of the area; 2. The effect on the living conditions of neighbouring occupiers with regard to noise and disturbance; and 3. Whether the development would provide acceptable living conditions for its future occupiers.

The Inspector found that the development would harm the character and appearance of the area. It would therefore fail to accord with policies SP.20 and DM.24 of the Wyre Forest District Local Plan. They also found that it would be likely to harm the living conditions of the occupiers of No 15. It would therefore conflict with policy DM.3 which aims to ensure flat conversions minimise noise disturbance to neighbours.

The inspector concluded that although the proposal would provide suitable living conditions for its own occupiers, it would harm the character and appearance of the area and the living conditions of neighbouring residents. It would therefore conflict with the development plan taken as a whole and there are no other considerations that indicate a decision other than in accordance with the development plan. As such the appeal was dismissed.

3.11 Northwood Farm, Northwood Lane , Bewdley, DY12 1AP

The main issues are: 1. Whether the proposal constitutes inappropriate development in the Green Belt and the effect on its openness; 2. The effect on the living conditions of the occupiers of neighbouring residential properties due to noise disturbance from barking; 3. Whether any harm by inappropriate development, and any other harm, is clearly outweighed by other considerations so as to amount to very special circumstances.

The Inspector concluded that substantial weight has to be given to the harm caused by being inappropriate development, and this together with the harm to openness and the continuing noise problem from dogs barking, are not clearly outweighed by any other factor. Overall, they found that very special circumstances do not arise in this case and the appeal should be decided in accordance with the development plan. For those reasons the Inspector concluded that the appeal should be dismissed.

Conclusions

4.1 In summary, it would seem that aspects such as landscape, traffic impact and local character considerations are key to the determination of most planning appeals, whether they relate to sites in the Green Belt, in open countryside outside of the Green Belt or within an urban area or small village.