

Open

Planning Committee

Agenda

6pm
Tuesday, 21 May 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 B Brookes

Councillor L Carroll

Councillor H E Dyke

Councillor P Harrison

Councillor M J Hart

Councillor N Martin

Councillor F M Oborski MBE

Councillor D Ross

Councillor A Sutton

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 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, 21 May 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 16 April 2024.	8
5.	Applications to be Determined. To consider the report of the Development Manager on planning and related applications to be determined.	12
6.	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.	

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

Not open to the Press and Public

8.	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.	
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WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

16 APRIL 2024 (6PM)

Present:

Councillors: R Drew (Chairman), D Little (Vice-Chairman), J Aston, B Brookes, L Carroll, H E Dyke, P Dyke, P Harrison, M J Hart, F M Oborski MBE, C Rogers and D Ross.

Observers:

There were no members present as observers.

PL.39 Apologies for Absence

Apologies for absence were received from Councillor: N Martin.

PL.40 Appointment of Substitutes

Councillor P Dyke was a substitute for Councillor N Martin.

PL.41 Declarations of Interests by Members

No declarations of Interest were made.

PL.42 Minutes

Decision: The minutes of the meeting held on 20 February 2024 be confirmed as a correct record and signed by the Chairman.

PL.43 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Control Schedule No. 616 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Control Schedule No. 616 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.44 Planning and Related Appeals

The Committee received a schedule showing the planning appeal decisions from 5 July 2023 until 31 March 2024.

Decision: The details be noted.

There being no further business, the meeting ended at 6.15pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

16 April 2024 - Schedule 616 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: 23/0835/FUL
Site Address: Former Unit 6A And 7A And 8 To 11, Park Street Industrial Estate, Hill Street, Kidderminster, Worcestershire
<p>APPROVED subject to:</p> <p>a. the following conditions:</p> <ol style="list-style-type: none"> 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) (i), (ii) and B8 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 16. Lighting scheme to be submitted 17. Hours of operation (Monday to Saturday 8.00am to 7.00pm) 18. Operational noise management plan

Application Reference: 23/0908/HOU
Site Address: 26 Gaymore Road, Cookley, Kidderminster, Worcestershire, DY10 3TU
<p>APPROVED subject to:</p> <p>a. the following conditions:</p> <ol style="list-style-type: none"> 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

Application Reference: 24/0006/HOU

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

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. To require the development to be in accordance with the Approved Plans
4. No windows shall be installed on the side elevation of the extension facing No. 43 Elderfield Gardens at anytime
5. Details of external ventilation shall be submitted to and agreed in writing by the local planning authority prior to installation

Application Reference: 24/0011/HOU

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

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. To require the development to be in accordance with the Approved Plans

Application Reference: 24/0102/HOU

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

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.

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

Part A Applications

Ref:	Address of Site	Recommendation	Page No.
24/0207/HOU	12 Russell Road Kidderminster Worcestershire DY10 3HT	Approval	13

Part B Applications

Ref:	Address of Site	Recommendation	Page No.
24/0082/FUL	Formerly Golf Course Zortech Avenue Kidderminster Worcestershire DY11 7DY	Approval	21

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

21 May 2024

PART A

Application Reference:	24/0207/HOU	Date Received:	03.04.2024
Ord Sheet:	383944 275911	Expiry Date:	25.06.2024
Case Officer	Kelly Davies	Ward:	Aggborough And Spennells

Proposal: Proposed two storey and single storey rear extensions

Site Address: 12 Russell Road, Kidderminster, Worcestershire, DY10 3HT,

Applicant: Mr D Dawson

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	Member of Public registered to speak

1.0 Planning History

1.1 23/0853/HOU - Proposed two storey and single storey rear extensions: Withdrawn 18 March 2024.

1.2 WF/0686/79 - Car port and garden store: Approved 10 August 1979.

2.0 Consultations and Representations

2.1 Kidderminster Town Council – Recommends Approval.

2.2 North Worcestershire Water Management – No objection.

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

2.3 Neighbour Representations – Two letters of objection have been received from nearby occupiers. The comments received have been summarised below:

- Development too high
- Loss of light
- Loss of privacy
- Over development
- The application dwellinghouse and neighbouring property at 14a Russell Road have required underpinning in the past and the extensions would cause additional movement/subsidence.
- Side window results in loss of privacy
- Overlooking
- Loss of carport would lead to the demolition of the party wall.

[Officer comment – The concern about additional movement/subsidence that may be caused by the development will be a Building Control issue. The applicant has confirmed that they will instruct a structural surveyor if Building Control find that the subsoil is not adequate for an extension. Building Control have confirmed that they will be involved with any underpinning requirements and/or structural surveys required. Also, the comment about the removal of the party wall shared between the application dwellinghouse and 14a Russell Road as part of the demolition of the carport would be a private civil matter and covered by the Party Wall Act 1984 and is not a planning material consideration.

3.0 Site Location and Description

3.1 The application relates to a four-bedroom, detached dwellinghouse, situated on a relatively large plot off Russell Road in Kidderminster. The dwellinghouse is quite unique in design with single storey side elements to either side of a

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centrally positioned two storey element that projects further into the site than the single storey side elements. The dwellinghouse is set back from the road and includes an existing carport and parking provision for up to three cars.

- 3.2 The surrounding area is predominantly residential in character with Kidderminster Golf Club situated at the head of the road. The properties to the rear of the site front onto Chester Road South and are positioned on lower ground level compared to the application dwellinghouse.
- 3.3 The proposal seeks planning permission to enlarge the existing dwellinghouse by extending the entire rear elevation of the building at both single and two storey level. The proposed single storey rear extensions would project 5 metres from the rear elevation of the existing single storey part of the building and the proposed two storey rear extension would project approximately 3.78 metres from the rear elevation of the existing two-storey part of the building. The extensions would have the same ridge height as the existing dwellinghouse and would be constructed in matching materials to be in keeping with the existing dwellinghouse. The proposed scheme includes first floor side facing windows and a rear facing Juliet balcony and ground floor rear facing windows.
- 3.4 In terms of the internal floor layout, the proposed extensions would provide a large family area at ground floor and the creation of a master bedroom at first floor, with the existing bedroom being utilised as an additional bathroom and dressing room.
- 3.5 The ground level, 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. 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 land not owned by or

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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 131) 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 (paragraph 135)
- 4.4 The immediate surrounding area has a varied character with a mix of building styles. There are a number of detached dwellings; all with regular gaps between them. The application site comprises a detached dwellinghouse that has a unique design and is predominantly single storey with a two-storey central element.
- 4.5 The proposal would extend across the entire rear elevation of the dwellinghouse. It would project 5 metres to the rear of the single storey part of the building and approximately 3.78 metres to the rear of the two-storey part of the building. The front elevation of the dwellinghouse would not change in appearance and whilst there would be some views of the proposed rear extensions from the road, they would not appear prominent or dominant in the streetscene and the spatial gaps between the application dwelling and the neighbouring properties at 11a and 14a would be retained. The proposed development would therefore integrate effectively with its surroundings and would not have a detrimental impact on the overall character and appearance of the area.
- 4.6 The proposed extensions would be of a scale, height and design that is in keeping with the existing dwelling and would appear subordinate. I note that concerns have been raised by a neighbouring resident about the proposals resulting in an overdevelopment when taking into account existing extensions to the building. To evidence that the dwelling has been extended previously, the neighbouring resident has submitted a page from the 'Report of Town Planning and House Committee', dated 10th September 1945, which shows that the dwelling had a bedroom extension.
- 4.7 Your Officers note that the original building is defined as when the house was first built or as it stood on 1 July 1948 (if it was built before that date). Policy DM.25 specifically states that 'extensions should be subservient to and not cumulatively, when taken with previous extensions, overwhelm the original building, which should retain its visual dominance' (*Officer emphasis*). As the dwellinghouse has not been extended since 1 July 1948 and the proposed extensions would be of an appropriate scale and height, it is not considered that the extensions would overwhelm the original building.
- 4.8 The proposed extensions would therefore be of an acceptable design and scale and would be aesthetically in keeping with the surroundings. The proposed development is 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 and the National Planning Policy Framework.

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IMPACT ON RESIDENTIAL AMENITY

- 4.9 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.
- 4.10 The proposed extensions would be sited 4.5 metres from the side boundary shared with 14a Russell Road and 3.27 metres from the side boundary shared with 11a Russell Road. The extensions would not breach the 45 Degree Code and the proposed single storey extensions would have little effect on sunlight and daylight and cause no visual impact to the neighbouring properties 14a and 11a Russell Road.
- 4.11 A Sunlight and Daylight Assessment has been submitted in support of the application to demonstrate that there would be minimal loss of sunlight or daylight to the neighbouring properties. As part of the assessment the consultant has submitted shadow casting diagrams for March, June and October. The shadow casting shows that in the main the proposed extensions would result in some level of shadow to the neighbouring properties house and garden in the mid to late afternoon in October as the sun travels around the dwellings, however, the report finds that the shadowing meets the minimum requirements of the BRE requirements. Your Officers consider that the development would only have a minimal effect on the living conditions of 14a in terms of overshadowing, which would only occur in the autumn and winter months.
- 4.12 A further concern raised by the neighbouring resident relates to the overbearing nature of the proposed extensions on the amenity space currently enjoyed by the neighbouring occupants. The two-storey rear extension is located 9 metres away from the side boundary shared with the neighbouring property, ensuring less of a dominant feature when viewed from the patio area. Your Officers therefore do not consider that the proposed development would result in an oppressing or overbearing impact on the neighbouring property given the separation distance that would be retained between the proposed extension and the neighbouring property.
- 4.13 In addition to the objection received in regards of light loss, one letter of objection has been received in respect of overlooking and loss of privacy. The neighbours to the rear of 12 Russell Road are accessed from Chester Road South. These dwellings are at a much lower level than Russell Road due to the lie of the land. The proposed Juliet balcony in the rear elevation of the proposed two storey rear extension would introduce windows at first floor. However, no balcony is proposed and whilst the change in ground level may increase the ability to look down onto neighbouring properties to the rear, the separation distance between the proposed extensions and the rear gardens to properties in Chester Road South would be 46 metres which is more than sufficient to ensure no overlooking or loss of privacy.
- 4.14 Two side facing windows are proposed at first floor, these windows would serve a dressing room and ensuite. To protect the current privacy of the neighbouring residents a condition has been recommended to ensure these windows are obscure glazed to a minimum of level 3 Pilkington Privacy Glazing. In addition, the applicant has proposed to add a large picture window with Juliet balcony. Juliet Balconies are

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treated as any other window and will not result in an increased level of overlooking more than a typical window. To ensure no further loss of privacy, a condition will be applied to ensure this remains as a Juliet balcony with the doors opening inwards.

- 4.15 Your Officers therefore consider that there would be no harm to the living conditions of neighbouring residents and that the development would accord with Policies DM.24 and DM.25 of the Wyre Forest District Local Plan.

FLOOD RISK AND DRAINAGE

- 4.16 The site is not located within a flood zone and is not recorded as being susceptible to surface water flooding.
- 4.17 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.
- 4.18 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

- 4.19 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.
- 4.20 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.
- 4.21 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.

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

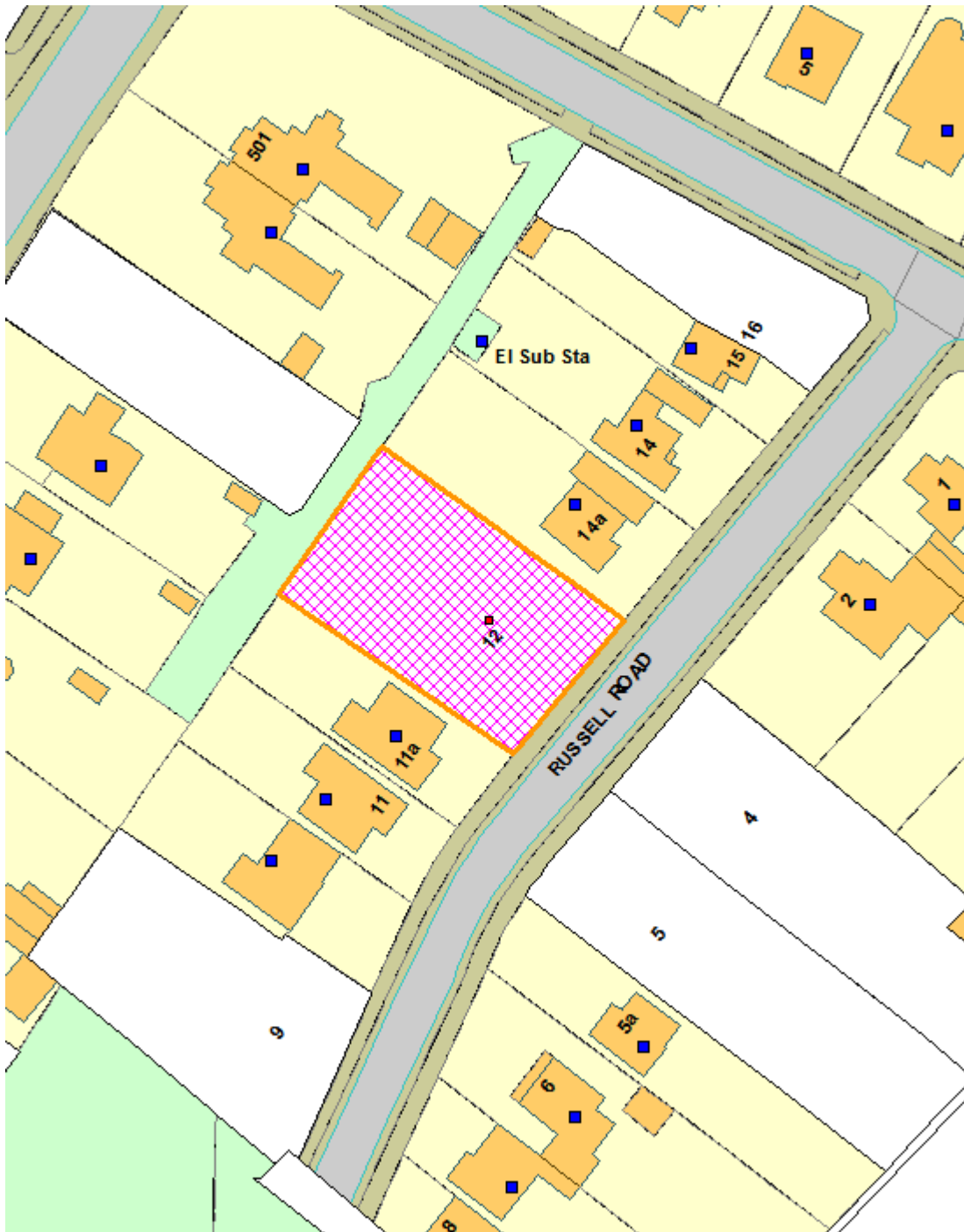
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scene. The proposal, due to the separation distance, would not result in any loss of privacy or outlook to the adjoining residential properties. The level of overshadowing and loss of light to neighbouring properties is not considered to be significant to justify a refusal of the application. It is therefore considered that the proposal is in line with Planning Policy.

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. No additional first floor side facing windows to be installed
4. Juliet balcony to have inward facing doors only
6. Ensuite & Dressing room windows to be obscure glazing
7. The development to be in accordance with the Approved Plans



Strategic Growth

12 Russell Road Kidderminster Worcestershire DY10 3HT

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PART B

Application Reference:	24/0082/FUL	Date Received:	14.02.2024
Ord Sheet:	381149 273646	Expiry Date:	10.04.2024
Case Officer:	Emma Bailey	Ward:	Lickhill

Proposal: Change of use of land for the siting of amusement plant and equipment together with associated heavy goods vehicles, residential caravans and workshop facilities for a temporary period of four years

Site Address: Formerly Golf Course, Zortech Avenue, Kidderminster, Worcestershire, DY11 7DY,

Applicant: Mr. R. Jennings

Summary of Policy	<p>SP.1, SP.2, SP.3, SP.14, SP.15, SP.20, SP.21, SP.22, SP.23, SP.27, SP.29, SP.30, SP.31, SP.32, SP.33, SP.35 DM.4, DM.5, DM.20, DM.22, DM.23, DM.24, DM.26 SA.K22 of the Wyre Forest District Local Plan Design Guidance SPD Streetscape Design Guide National Planning Policy Framework National Planning Practice Guidance</p>
Recommendation	APPROVAL
Reason for Referral to Committee	Affects land owned by Wyre Forest District Council

1.0 Planning History

1.1 19/0465/FULL Change of use to a travelling showman site: COMMITTEE APPROVAL 27 September 2019.

2.0 Consultations and Representations

2.1 Stourport Town Council – Recommends Approval.

2.2 Tree and Biodiversity Officer – No objection subject to condition. Recommend inclusion of condition preventing any additional physical works to the land or the introduction of lighting.

2.3 North Worcestershire Water Management Officer – No objection subject to conditions. Recommend conditions with respect to details of any additional hardstanding being submitted to the LPA, and that no residential caravan should be occupied until connection to foul water drainage has been provided.

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2.4 WRS Contaminated Land Officer – No objection.

2.5 Highway Authority – No objection.

On the basis that the application relates to a continuation of the existing use of the site in accordance with the Local Plan and the tenancy agreement and there are no known highway safety issues in this location, I'm willing to agree that the recommended conditions are not required and there is no further objection.

2.6 Archaeologist – No objection.

The site is known to hold historic interest having been used for the WII Burlish Camp, the US Army Hospital 297th was established directly west and later reused as a Polish Resettlement Camp. Various remains have survived; however, the location of the camp is well documented, and this development lies outside the camp boundary. No objection or concern.

2.7 WRS Noise Nuisance – No objection.

No noise complaints have been received regarding the use of the site to date.

2.8 Senior Housing Officer – No Objection subject to notes on licensing arrangements.

2.9 Neighbour/Site Notice Representations - No letters of representation received at time of writing.

3.0 Site Location and Description

3.1 The application site forms part of the former Bullish Golf Centre located off Zortech Avenue, with the proposal affecting the former hardstanding areas utilised for car parking and access to the club house buildings. No material changes to the scheme previously considered at the time of 19/0465/FULL and subsequently approved at Planning Committee are proposed. The entire area of the former golf course is within the ownership of Wyre Forest District Council.

3.2 The site lies adjacent to Burlish Top Nature Reserve to the west, industrial premises to the east and residential properties in Kinver Avenue approximately 130m north.

4.0 Officer Comments

4.1 The main considerations that apply to this application are:

- Principle of Development
- Highways
- Amenity
- Natural Environment
- Drainage
- Land Contamination

24/0082/FUL

- Other Matters
- Planning Balance

PRINCIPLE OF DEVELOPMENT

- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires all planning applications to be determined in accordance with the adopted development plan unless material considerations indicate otherwise. The Council benefits from an adopted development plan which has been found to accord with the National Planning Policy Framework (NPPF). The NPPF constitutes guidance for local planning authorities and is a material consideration to be given weight in determining applications.
- 4.3 The Council's development plan consists at this time of the Wyre Forest District Local Plan (April 2022) and adopted Neighbourhood Plans.
- 4.4 The spatial strategy and settlement hierarchy of Wyre Forest is set out in the adopted development plan, and it is consistent with NPPF advice on the delivery of sustainable development. This identifies Kidderminster as the strategic centre and primary focus for new development, with Stourport-on-Severn and Bewdley as Market Towns providing a more limited range of high-level services but acting as key centres for local people. Smaller-scale development may be permitted in or adjacent to a limited number of the district's villages and other rural settlements, where further restrictions apply for proposals in more unsustainable settlements across the open countryside.
- 4.5 The site was formerly open countryside Green Belt, now allocated for use by travelling show people under Policy SA.K22 of the Wyre Forest District Local Plan. This proposal seeks to renew a former grant of consent to continue the use of the land by travelling show people for a temporary period of four years.
- 4.6 It is understood that the submitted layout plans are illustrative only and serve to demonstrate that the site would be occupied by, and used in connection with, travelling show people.
- 4.7 Support is therefore offered in principle, provided that the scheme meets with the relevant policy criteria, in addition to any other material planning consideration.

HIGHWAYS CONSIDERATIONS

- 4.8 Policy guidance with respect to highways and transport is issued by Worcestershire County Council as the Highways authority covering Wyre Forest and principally consists of the WCC Streetscape Design Guide, Standing Advice and is informed by the DfT Manual for Streets documents 1 and 2.
- 4.9 Para 115 of the NPPF 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.
- 4.10 Critically, vehicular traffic from new development should be able to access the highway safely and the road network should have the capacity to accommodate the

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type and volume of traffic from the development. Satisfactory access and provision for the parking, servicing and manoeuvring of vehicles should be provided in accordance with the recognised standards.

- 4.11 Comments from Highways Officers confirm that, as the application relates to the continuation of the use of a site allocated within the Local Plan, and there are no known highway safety issues in this location, no objection is raised.
- 4.12 The comments of Highways Officers are noted and agreed, where no material changes to use, access or parking are proposed.
- 4.13 The development is therefore acceptable in this regard.

AMENITY CONSIDERATIONS

- 4.14 Policy DM.24 and the adopted Design Guidance SPD seeks to safeguard the living conditions of neighbouring occupiers.
- 4.15 The nearest residential properties are approximately 130m away on Kinver Avenue and Officers consider that, similarly to the considerations at the time of 19/0465/FULL, there continues to be adequate screening to minimise intervisibility. In the interests of consistency and to ensure that any noise emanating from the site does not cause harm, a condition would be applied limiting the hours of testing and maintenance carried out on the site.
- 4.16 Turning to other nearby uses, the nearest industrial unit is located on Zortech Avenue, which the site is close to but does not adjoin. Again, similarly to the considerations applied at the time of 19/0465/FULL, there is nothing within this application to suggest that the continued use of the site for this purpose would prejudice the commercial/industrial activity taking place nearby.
- 4.17 WRS Officers have confirmed that there have been no recorded noise complaints relating to this site and no letters of representation objecting to the continuing use of the land for this purpose has been received.
- 4.18 As landowner of the site, the Council would continue to retain full control of the boundaries, access road and entrance, and would be responsible for security and boundary maintenance.
- 4.19 The development is therefore acceptable in this regard.

NATURAL ENVIRONMENT CONSIDERATIONS

- 4.20 Policy SP.22 considers both the single and cumulative impact of development upon the district's landscape and encourages their protection and sympathetic enhancement where appropriate. Para 180 of the NPPF similarly supports this policy, where amongst other things 180(b) encourages the recognition of the 'intrinsic character and beauty of the countryside'.
- 4.21 Furthermore, in the exercise of its functions the Council is required to give due regard to the requirements of The Conservation of Habitats and Species Regulations 2017

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(as amended), and this is enshrined throughout national and local planning policy at Policy SP.23.

- 4.22 Circular 06/2005 states that the presence of a protected species is a material consideration when a development is being considered which would be likely to result in harm to the species or its habitat. It goes on to state that 'it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before planning permission is granted' (Para 99).
- 4.23 The Council's Tree and Biodiversity Officer has commented that, consistent with the considerations applied at the time of 19/0465/FULL, no objection is raised to the use of the land for this purpose, which is laid to hardstanding, but conditions should be applied with respect to external lighting and any future physical works to the land.
- 4.24 There is agreement with these comments, where the re-use of existing hardstanding areas will not cause harm to the natural environment but the sensitive qualities of Burlish Top Local Nature Reserve, nearby, should be acknowledged and protective conditions applied accordingly.
- 4.25 The development is therefore acceptable in this regard.

DRAINAGE AND FLOOD RISK

- 4.26 Policies SP.30 and SP.32 of the Wyre Forest District Local Plan and the NPPF requires developments to be located in areas with the lowest risk to flooding, and to incorporate effective on-site management of water to minimise the risk of flooding both on-site and its surrounds.
- 4.27 Consistent with the considerations of 19/0465/FULL, Drainage Officers have recommended conditions with respect to surface water drainage of any new hardstanding areas, and details to be submitted with respect to foul water drainage of residential caravans.
- 4.28 There is agreement with the inclusion of these conditions, which would be applied to any subsequent approval notice.
- 4.29 The development is therefore considered to be acceptable in drainage terms.

CONTAMINATED LAND

- 4.30 Policy SP.33 of the Wyre Forest District Local Plan concerns pollution and land instability. This policy is clear that proposals must be designed to avoid any significant adverse impacts from pollution.
- 4.31 WRS Contaminated Land Officers have been consulted for their views as specialist consultees, who have raised no objection to the development, where the land use would be contained to an existing envelope of hardstanding only. Separate planning consent would need to be applied for should the applicant seek to use additional land for the purposes as set out.

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4.32 The development is therefore considered to be acceptable in this regard.

OTHER MATTERS

4.33 The recommended conditions of the Senior Housing Officer are noted; however, these are mostly covered under Building Regulations. Matters with respect to waste collection, and the obtaining of a site licence, would be applied as advisory notes.

PLANNING BALANCE

4.34 The proposal fully accords with national and local policies as an allocated site that would continue to be occupied by, and used for purposes in connection with, travelling show people. Any comments raised from a technical perspective can be adequately addressed through the imposition of suitable conditions. As a continuation of an existing use, no material changes to the site would occur. Conditional consent is therefore recommended.

5.0 Conclusion and Recommendations

5.1 The continued temporary use of the site for travelling showpeople first permitted under planning approval ref: 19/0465/FULL continues to accord with the adopted Wyre Forest District Local Plan and wholly complies with Policy SA.K22 which concerns the allocation of this land for this purpose. The imposition of planning conditions would ensure that the site continues to be occupied without harm to its surroundings.

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

a. the following conditions:

1. 4 Year Temporary Condition following this period the use shall cease, all buildings and other vehicles/equipment shall be removed and land to be restored to grass
2. Site to be occupied by travelling showpeople and their dependents only
3. Limitation of residential caravans to six
4. Details of any external lighting to be installed to be submitted to the LPA for approval
5. No excavations or movement of soil to take place without prior consent from the LPA
6. No additional hardstanding without prior consent from the LPA
7. Restrict hours of testing and maintenance works
8. Connection of foul drainage
9. Development to be in accordance with the Approved Plans

Notes

- A. Foul Drainage
- B. Site Licence
- C. Provision of Waste Collection