

Open

Planning Committee

Agenda

**To be held remotely
6pm
Tuesday, 16th June 2020**



Planning Committee

Members of Committee:

Chairman: Councillor C Edginton-White
Vice-Chairman: Councillor J Aston

Councillor C J Barnett

Councillor S J Chambers

Councillor M J Hart

Councillor F M Oborski MBE

Councillor J W R Thomas

Councillor V Caulfield

Councillor P Harrison

Councillor L J Jones

Councillor C Rogers

Councillor L Whitehouse

Information for Members of the Public:-

If you have any questions regarding the agenda or the attached papers please do not hesitate to contact the officer named below.

The meeting is open to the public except for any exempt/confidential items. These items are normally discussed at the end of the meeting. Where a meeting is held remotely, "open" means available for live or subsequent viewing.

Members of the public will be able to hear and see the meetings by a live stream on the Council's website: <https://www.wyreforestdc.gov.uk/streaming.aspx>

This meeting is being held remotely online and will be recorded for play back. You should be aware that the Council is a Data Controller under the Data Protection Act 2018. All streamed footage is the copyright of Wyre Forest District Council.

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 prior to 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.

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Sian Burford, Assistant Committee Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732766 or email sian.burford@wyreforestdc.gov.uk

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

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

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

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

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

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

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

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

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

Wyre Forest District Council

Planning Committee

To be held remotely

Tuesday, 16th June 2020

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 Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 19 th May 2020.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	14
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.	<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

8.	<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

HELD REMOTELY

19TH MAY 2020 (6PM)

Present:

Councillors: C Edginton-White (Chairman), J Aston (Vice-Chairman), G W Ballinger, V Caulfield, S J Chambers, P Harrison, M J Hart, L J Jones, F M Oborski MBE, C Rogers, J W R Thomas and L Whitehouse.

Observers:

Councillors: R H Coleman, P Dyke and I Hardiman.

PL.01 Apologies for Absence

Apologies for absence were received from Councillor C J Barnett.

PL.02 Appointment of Substitutes

Councillor G W Ballinger was a substitute for Councillor C J Barnett.

PL.03 Declarations of Interests by Members

Councillor G W Ballinger declared an Other Disclosable Interest (ODI) in respect of application 20/0067/HOU that he knew the applicant's wife as a fellow Councillor, and would not participate in the item.

Councillor M J Hart declared, for openness and transparency, in respect of application 19/6807/FULL that he had discussed the application with a number of members of the local community, including the objector addressing the Committee, but came to the meeting with an open mind and had not expressed a view on the application. Councillor M J Hart declared that he had also discussed application 19/0724/RESE with members of the local community and expressed a pre-disposed position but had not pre-determined the application and came to the meeting with an open mind.

Councillor J W R Thomas declared in respect of application 20/0067/HOU that he is the fellow ward Councillor of the applicant's wife but had not discussed the matter with her and would participate in consideration of the application.

Councillor L J Jones declared in respect of application 19/0807/FULL that she had discussed the application with local residents and made comments at a Parish Council meeting but did not have a pre-determined view and came to meeting with an open mind.

PL.04 Minutes

Decision: The minutes of the meeting held on 23rd April 2020 be confirmed as a correct record and signed by the Chairman.

PL.05 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Management Schedule No. 584 attached).

At 7:49pm the Committee agreed unanimously to suspend Council Procedure Rule (Standing Orders) 1.1(iii) to allow the meeting to continue past 8pm.

Councillor G W Ballinger left the meeting at 7:50pm whilst application 20/0067/HOU was determined and returned at 8:08pm.

Councillor P Dyke left the meeting at 8:14pm.

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Management Schedule No 584 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.

There being no further business the meeting ended at 8:49pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

19th May 2020 Schedule 584 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 Development Manager, Wyre Forest House, Finepoint Way, Kidderminster. However, a brief description can be seen in brackets alongside each standard condition, note or reason mentioned.

Application Reference: 19/0724/RESE

Site Address: Former Lea Castle Hospital, Park Gate Road, Cookley, Kidderminster, Worcestershire, DY10 3PT

The Committee received representation from Cllr Robin Drew - Objector and Cllr Ian Hardiman (Ward Member) prior to a decision being made.

APPROVED subject to the following conditions:

1. (A4) Reserved Matters only
2. Approved Plans
3. To require boundary treatment details for each phase, with exception of Phase A
4. To secure hard surfacing details
5. To secure soft landscaping details (excluding residential plots)
6. To require soft landscaping details for each residential plot within each phase, with the exception of Phase A
7. Require an application to divert public footpath WC-628, under section 257 of the Town and County Planning Act and for the order to have reached confirmation stage before any new planting within Phase D is implemented
8. To secure access, parking and turning areas
9. To secure cycle/refuse storage for apartment blocks A, B and C
10. To require cycle details for dwellings/bungalows
11. To require electric charging point provision in accordance with Streetscape Design Guide
12. To require implementation of Arboricultural Method Statement including Tree Protection Fencing measures within each phase
13. To secure retention of existing trees and site inspection with Arboricultural Officer to ensure tree protection measures have been implemented prior to commencement of works within each phase
14. Removal of PD Rights for any new front boundary treatment to maintain an open plan estate
15. Removal of PD Rights for any rear extensions greater than 3 metres in length from the original rear elevation of the dwellinghouse
16. To require details of attenuation basins, including planting and long term maintenance plan.
17. To require implementation of trails/trim routes
18. To secure temporary football car park and require ground to be reinstated following completion of construction works.
19. To require an Ecological Clerk of Work to oversee the fitting and operation of all construction lighting, which shall be in compliance with the measures and recommendations set out in the CEMP and the submitted Lighting Report (by Loveday, reference LL 1111) for each phase.

20. To require an Ecological Clerk of Work to oversee the implementation of the lighting scheme for the approved development, which shall be in compliance with the measures and recommendations set out in the submitted Lighting Report (by Loveday, reference LL 1111) for each phase.
21. To require an Ecological Clerk of Work to carry out a post-implementation survey of the lighting scheme for the approved development and a report to be submitted, and if the desired low lighting levels are not being achieved, mitigation measures to be submitted to and agreed in writing by the Local Planning Authority.
22. To prevent any new external lighting without prior consent
23. To require implementation of ecological enhancement measures as set out in the Ecological Strategy, including:
 - Information boards for bat barns/structures
 - Measures to prevent unauthorised access to bat barns/house, including door barriers and shrub planting
 - Additional gap planting to enhance dormouse connectivity
 - Details of bat and bird boxes

Notes

- A. Outline Consent – S106 Agreement and Conditions
- B. Temporarily closure of Public Rights of Way
- C. Waste

Application Reference: 19/0807/FULL

Site Address: Harvington Manor, Worcester Road, Harvington, Kidderminster, Worcestershire, DY10 4LX

The Committee received representation from Mrs Finnegan - Objector, Steve Greybanks - Agent and Parish Councillor David Thomas (Chaddesley Corbett Parish Council) prior to a decision being made.

REFUSED for the following reason:

The site lies within the West Midlands Green Belt, and, in view of its lawful use for agriculture and horticulture, is not previously developed land. The change of use of the application site would not preserve the openness of the Green Belt and would fail to safeguard the countryside from encroachment, and therefore constitutes inappropriate development, which is harmful by definition. The extent and position of the open storage results in significant harm to the openness of the Green Belt, which results in further harm to the Green Belt. The material circumstances advanced by the Applicant in respect of economic, social and environmental benefits do not, when taken together, clearly outweigh the harm to the Green Belt. The development is therefore contrary to Policy SAL.UP1 and SAL.GPB1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and Government Advice in the National Planning Policy Framework.

Councillor G W Ballinger left the meeting at this point (7:50pm).

Application Reference: 20/0067/HOU
Site Address: 9 Briar Way, Stourport On Severn, Worcestershire, DY13 8ST
The Committee received representation from Mr Hawkins - Objector and Mr Barnett - Applicant prior to a decision being made.
APPROVED subject to the following conditions: <ol style="list-style-type: none">1. A6 (Full with no reserved matters)2. A11 (Approved plans)3. B3 (Finishing materials to match)4. J7 (Side facing window to be obscured glazed)

Councillor G W Ballinger returned to the meeting at this point (8:08pm).

Application Reference: 20/0122/S73
Site Address: Vale Road Car Park, Vale Road, Stourport-on-Severn, Worcestershire, DY13 9AB
Councillor P Dyke left the meeting at this point (8:14pm).
The Committee received representation from Mr Morgan - Objector and Mr Haskey - Agent prior to a decision being made.
APPROVED subject to the following conditions: <ol style="list-style-type: none">1. Boundary Treatments to be provided within 6 months2. Open Plan condition3. Landscaping to be planted within 12 months4. Hedge to be retained at a minimum height of 2m5. Gap to the rear of plot 1 to be planted and maintained6. Footpath to be provided within 6 months and kept open at all times for public use7. Removal of PD rights8. Cycle Parking provided within 6 months9. Right Turn/One Way signage to be provided within 6 months <p>Informatives</p> <p>A PD rights removed</p> <p>B No works to TPO trees permitted without separate consent</p>

Application Reference: 19/0519/OUTL

Site Address: Land Adjacent at A448, Mustow Green, Kidderminster, Worcestershire

REFUSED for the following reasons:

1. The proposed development would constitute inappropriate development in the Green Belt, resulting in harm to openness through encroachment into the countryside and failure to assist in urban regeneration by encouraging development on derelict and other urban land first before greenfield sites. Whilst there are other material considerations that would provide social, economic and environmental benefits, it is considered that these benefits would not outweigh the substantial harm to the Green Belt and do not amount to very special circumstances. The proposed development is therefore contrary to Policy SAL.UP1 of the Adopted Sites Allocations and Policies Local Plan and Paragraphs 133, 134, 143, 144 and 145 of the National Planning Policy Framework, which seek to protect the openness and characteristics of the Green Belt from substantial harm as a result of inappropriate development.

2. The application site relates to non-previously developed land, outside of any defined settlement boundary and therefore is considered to be unacceptable in principle for residential development. The proposed development would not promote regeneration of the urban area and would result in harm to the landscape character of the area, contrary to the objectives of Policy DS01 of the Adopted Core Strategy, Policies SAL.DPL1 and SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 77 and 170 of the National Planning Policy Framework.

3. The application site, by virtue of its unsustainable location in the open countryside and inadequacy of the pedestrian routes between the nearest bus stop on A448 and the application site, would fail to provide safe and suitable access to the site for all users, in particular pedestrians and cyclist and those wishing to travel by bus. The proposed development would therefore not promote good accessibility and choice of travel by sustainable transport modes and would be contrary to Policy CP03 of the Adopted Core Strategy, Policies SAL.CC1 and SAL.DPL5 of the Adopted Sites Allocations and Policies Local Plan, Policy CC12 of the Chaddesley Corbett Neighbourhood Plan and Paragraphs 108, 109 and 110 of the National Planning Policy Framework.

Application Reference: 20/0078/OUT

Site Address: Land at OS 373160 274660, Plough Lane, Far Forest, Kidderminster, Worcestershire

The Committee received representation from Mrs Pulford - Objector prior to a decision being made.

REFUSED for the following reasons:

1. The application site relates to non-previously developed land, located outside of the defined settlement boundary for Far Forest and because the proposed number and type of housing tenure would exceed the extent of identified local housing need and due to the site location not being well related to the existing built up area of the settlement, it would fail to represent an appropriate exceptions site for new rural housing development. As such, the proposed development is considered to be unacceptable in principle, contrary to Policies SAL.DPL1 and SAL.DPL2 of the adopted Site Allocations and Policies Local Plan and Paragraph 77 of the National Planning Policy Framework.
2. The introduction of a development in this location and of this size, scale and density would harm the landscape character and result in an unacceptable urbanising effect, which when taken into account the close proximity to the existing modern housing estate, would impose further cumulative harm to both the historic landscape character of Far Forest and setting of Wyre Forest. As a result, the proposed development would significantly diminish the quality of the area and the intrinsic character of the countryside. The development is therefore considered to be contrary to Policy CP12 of the Adopted Core Strategy and Paragraphs 127 and 170 of the Framework and would be at odds with the key characteristics set out in the Worcestershire Landscape Character Assessment for 'Forest Smallholdings and Dwellings landscape type' (LT).
3. The proposed development would result in a significant intensification of use of Plough Lane and it has not been adequately demonstrated that safe and suitable access can be provided, without resulting in an unacceptable impact on highway safety. As such, the development is considered to be contrary to Policy CP03 of the Adopted Core Strategy, Policy SAL.CC1 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 108 and 109 of the National Planning Policy Framework.
4. The proposed development has not undertaken an appropriate assessment of the biodiversity baseline of the site to demonstrate that net gains for biodiversity can be achieved and any significant harm to biodiversity resulting from the development can be avoided, adequately mitigated or at the last resort, compensated for. The development is therefore contrary to Policy CP14 of the Adopted Core Strategy, Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 170(d) and 175 of the National Planning Policy Framework

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

Part A Applications

Ref:	Address of Site	Recommendation	Page No.
20/0106/FUL	Plot F Wolverhampton Road Cookley Kidderminster Worcestershire	Approval	15
20/0121/FUL	Land At Os 385100 280000 Wolverhampton Road Cookley Kidderminster Worcestershire	Approval	22

Part B Applications

Ref:	Address of Site	Recommendation	Page No.
20/0115/RG3	Brintons Park Sutton Road Kidderminster Worcestershire DY11 6QT	Approval	29

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

16TH JUNE 2020

PART A

Application	20/0106/FUL	Date	07.02.2020
Reference:		Received:	
Ord Sheet:	384800 280058	Expiry	03.04.2020
		Date:	
Case Officer	Richard Jennings	Ward:	Wyre Forest Rural

Proposal: Retrospective change of use to mixed agricultural and equestrian use, erection of stable building and retention of store/tackroom and mobile shelter

Site Address: Plot F, Wolverhampton Road, Cookley, Kidderminster, Worcestershire, ,

Applicant: Mr & Mrs Michael Stanton

Summary of Policy	Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for referral for committee	Parish Council objection to the proposal

1.0 Planning History

1.1 17/0042/FULL - Refused : Appeal Dismissed

2.0 Consultations and Representations

Parish Council Recommend Refusal due to adverse affect on openness of the Greenbelt

Highways Authority (WCC) No Comment Received.

Countryside And Parks Manager (WFDC) I have little to go on here .(the site photos look to be in error. However, looking at these there looks to be a loss of bat roost potential that will need mitigation which perhaps will need to be picked up in a

20/0106/FUL	future consultation..) Back to the change of use to the keeping of horses I have looked at the fields from a 2017 aerial photo and examined the records held by the Biological record centre. From this this I do not feel the change in use has had a negative impact on Biodiversity.
Countryside Access Mapping Orders Officer	No Comment Received.
North Worcestershire Water Management (WFDC)	No Comment Received.
Wyre Forest District Council (Arboricultural Officer)	I have no objections.
Parish Council	The Parish Council re-iterate original comments - Recommend Refusal due to adverse effect on openness of greenbelt. The Parish Council request this application goes before WFDC Planning Committee.
Wyre Forest District Council (Arboricultural Officer)	I have no objections to the proposals within this application as no trees with a high amenity value are directly affected.
Countryside And Parks Manager (WFDC)	Hello, I have little information to go on but looking at over head photography there looks to be few features that could harbour notable aspects of biodiversity. Hence , I feel this application is good to proceed form a biodiversity perspective.
Highways Authority (WCC)	No Comment Received.
North Worcestershire Water Management (WFDC)	No Comment Received.
Parish Council	The Parish Council re-iterate previous comments - Recommend Refusal due to adverse effect on openness of Greenbelt. The Parish Council request this application goes before WFDC Planning Committee.
Countryside Access Mapping Orders Officer	No Comment Received.

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Neighbour/Site Notice Representations

Two Objections received

- Excessive amounts of equestrian land already in the area formed from the loss of agricultural land.
- Harm to the Greenbelt and Openness
- Retrospective nature of the application
- Access and Highway Issues

3.0 Site Location and Description

- 3.1 The application site is a parcel of agricultural land which is currently in use for a mixed agricultural and equestrian use for the keeping of alpacas and horses. The application site was formed through the subdivision and sale by the previous owner of a once larger agricultural pasture field. The site is accessed by way of a private track off an unclassified residential road.
- 3.2 The application also proposes the erection of a stable building and retention of a store and associated tack room and mobile field shelter. The structures are of typical timber construction with horizontal timber cladding and corrugated roof.

4.0 Officer Comments

Design, Landscape and Openness

- 4.1 The application proposes the retrospective change of use of the land to a mixed use of agriculture and equestrian and the siting of a stable building and retention of a field shelter, tack room and store. The provision of these facilities is considered reasonable to facilitate a successful private equestrian use and agricultural use involving alpacas. Due to the elevated nature of the site and harsh winds experienced it is considered necessary for both alpacas and horses to have shelter facilities both from summer sun and cold wind and inclement weather in winter. The structures are considered to be of a design and appearance which provides only the bare essentials for the use to operate.
- 4.2 Policy SAL.UP13 requires that all equestrian structures blend in naturally to the landscape and are of traditional design. The structures are all of timber construction with horizontal cladding and corrugated roofs typical of other equestrian facilities in the area and wider district. In accordance with this policy the structures are proposed to be relocated against a planted backdrop.
- 4.3 The Councils Equestrian Development policy also requires that all associated structures comply with the British Horse society standards in terms of size from a welfare perspective whilst not being of such a size that they impact on the landscape. The proposed tack and store building, stable and field shelter, are all under 3.3 m in height. The proposed stable block incorporates three boxes each of which measure

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approximately 3m feet by 3.6m and therefore comply with both the requirements of policy SAL.UP13 and the British Horse Society Standards.

- 4.4 SAL.UP13 also requires that proposals for the erection of equestrian structures will provide adequate screening as part of the proposal. The structures will be read against an existing boundary hedge, this is now in poor condition, sparse and of great age, and the applicant proposes a 6 m wide planted buffer strip to both blend the structures into the landscape and provide the ecological benefits required by this policy. This feature also serves to maintain the openness of the Green Belt and maintain the visual rural character of the area. The materials proposed in the construction of the structures are in keeping with the materials and rural characteristics of the location.
- 4.5 Members will note that a previous was refused and appeal dismissed for change of use to keeping of horses and associated stable buildings. As part of the previous appeal decision, it should be noted that the Inspector concluded that the previous proposal 'Would not significantly harm the character or appearance of the area and was therefore compliant with the requirements of the Councils Equestrian Development Policies SAL.UP13 and CP12'. The Inspector only dismissed the Appeal due to the prevailing Government policy at the time, which precluded changes of use within the Green Belt. This was formally changed in the revised Framework issues in 2019. It must therefore be concluded that the principle of equestrian development on the site aside from the Greenbelt issues which require further consideration, has already been explored and found to be policy compliant.

Green Belt Policy and appropriate Development

- 4.6 The application site lies within the West Midlands Green Belt. The NPPF at paragraph 145 and Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan set out the exceptions in which development will be permitted in Green Belt Locations. Both outdoor sport and recreation and agriculture are listed exceptions provided that the proposals preserve openness and do not conflict with the purposes of including land within it. The use of the land for mixed use purposes of agriculture and equestrian would therefore fall within the scope of the exception. In terms of the associated structures, by virtue of their size and discreet position with newly proposed planted backdrop, the structures result in a minimal loss of openness and causes little harm to the visual amenity of the Greenbelt would comply with policy SAL.UP1 and the NPPF. At the time of the previous application the change of use of land for sport and recreation and specifically equestrian uses within the greenbelt, was not considered an exception. The proposal therefore required the benefit of 'Very Special Circumstances' which outweighed the green belt harm. The applicant was unable to successfully propose sufficient Very special circumstances at the time and the application and appeal was unsuccessful. The recent inclusion of changes of use within the list of exceptions now results in the proposed use being considered 'appropriate development' by definition, so long as the proposal does not conflict with the requirements of Policy SAL.UP1 and are not detrimental to the visual amenity of the greenbelt, by virtue of their siting, materials or design.
- 4.7 I conclude that the applicant by virtue of the use of traditional timber structures of a low level and typical design and the relocation of the structures from their current position to one against the planted buffer strip, ensures the outline of the structures becomes

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undefined in the landscape. This has ensured that the proposal is not detrimental to the visual amenity of the Green Belt by virtue of their siting, materials or design and therefore complies in full with the requirements of this policy.

Ecological enhancements

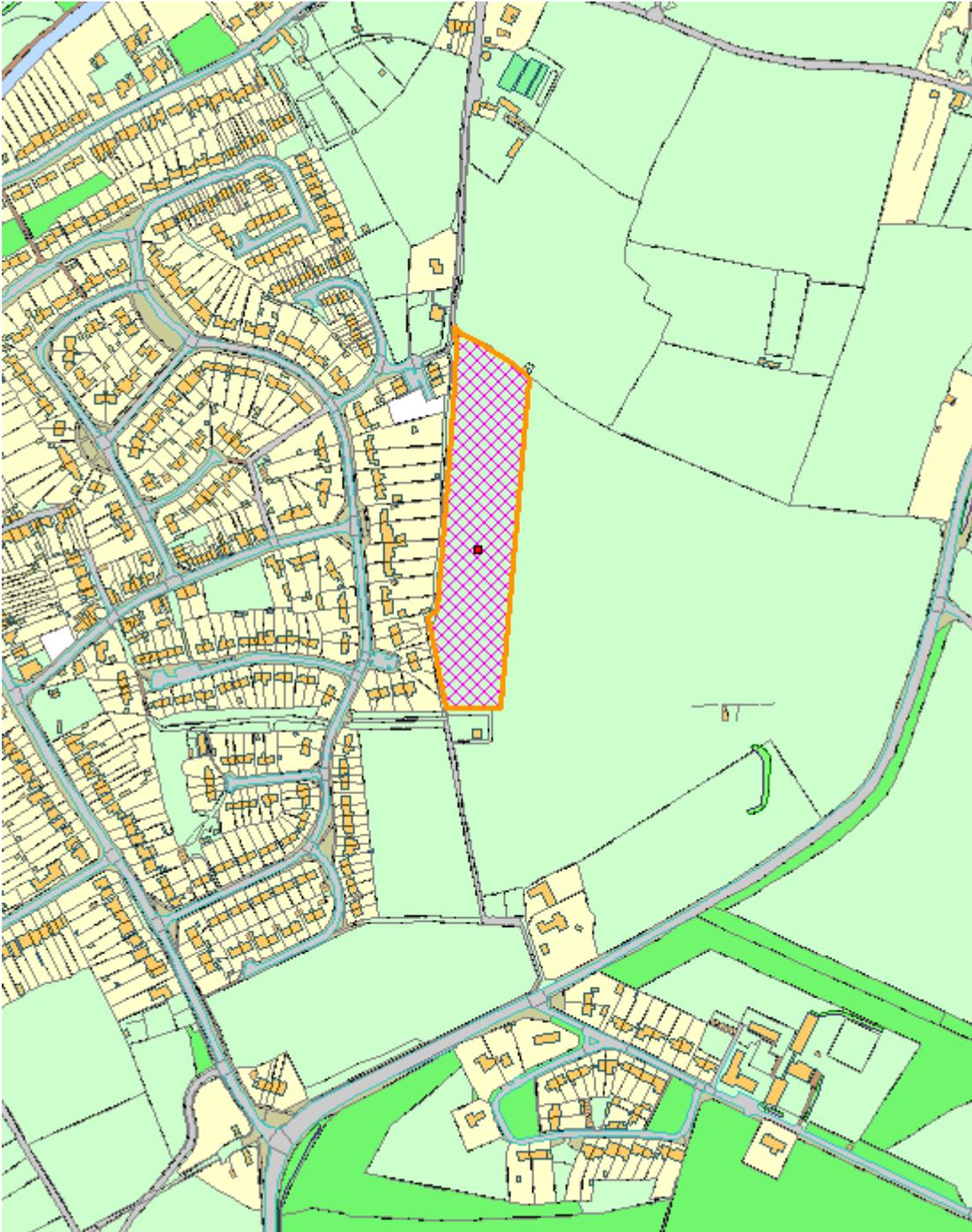
- 4.8 Policy SAL.UP5 requires that proposals do not negatively impact on the ecology of the site and that the proposal should include ecological enhancements which improve the bio diversity of a site. The applicants are proposing a newly planted buffer strip to include protective hard fencing and no livestock grazing to ensure the area can develop without interference. The Council's Countryside Manager has offered no objection to the proposal. Policy SAL.UP13 requires that equestrian proposals do not result in a negative impact on Biodiversity. The Council's Countryside Officer has confirmed that the proposal does not result in a negative impact even without mitigation, however the applicants have still proposed a 6 metre buffer strip which not only serves to break up the outline of the structures but provides additional ecological benefits far above and beyond that strictly required. A condition would be applied to ensure its completion.

5.0 Conclusions and Recommendations

- 5.1 The site falls within the West Midland Green Belt. The proposed use and structures by virtue of their size, materials and position, results in a minimal loss of openness and causes little harm to the visual amenity of the Green Belt. The development constitutes appropriate development in the Green Belt and as such it complies with the requirements of Policy SAL.UP1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and Government advice in section 13 of the National Planning Policy Framework.
- 5.2 The structures are of a size which is commensurate with the parcel of land and does not result in an over developed or cluttered appearance. The structure therefore does not impact on this distinctive landscape and complies with the requirements of Policy CP12 of the Adopted Wyre Forest Core Strategy and Policy SAL.UP13 of the Adopted Wyre Forest Site Allocations and Policies Local Plan.
- 5.3 The site falls within the West Midland Green Belt. The use of the land for a mixed use comprising agriculture and equestrian is an exception under the NPPF, and considered appropriate development. In terms of the structures which facilitate the use they are considered to provide an essential ancillary function to the use and by virtue of their size and position, they preserve the openness and causes little harm to the visual amenity of the Green Belt. The development constitutes appropriate development in the Green Belt and as such it complies with the requirements of Policy SAL.UP1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and Government advice in section 13 of the National Planning Policy Framework. The introduction of ecological enhancements to offset any potential loss is considered to comply with the requirements of SAL.UP5, as well as ensuring that any loss in visual amenity resulting from the structures, even though minimal, is offset by the remedial measures outlined.

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- 5.4 The structures are of a size which is commensurate with the parcel of land and does not result in an over developed or cluttered appearance. The structures therefore do not impact on this distinctive landscape and comply with the requirements of Policy CP12 of the Adopted Wyre Forest Core Strategy.
- 5.5 The proposal is considered to have fully met the requirements of the Councils equestrian Policy SAL.UP13 of the Adopted Wyre Forest Site Allocations and Policies Local Plan when considering a private equestrian leisure facility, this was confirmed through a previous appeal on the site. This policy seeks to ensure that appropriate changes of use, which are compliance with Green Belt policy and the requirements of the NPPF as in this case are completed in a sympathetic manner whilst maintaining the functional need of the proposed use. I consider that the applicant has proposed an acceptable solution which is in accordance with the requirements of this policy.
- 5.6 Accordingly, there is no harm resulting from the erection of a stable and tack room building. It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full No Matters Reserved)
 2. A11 (Approved Plans)
 3. B3 (Materials)
 4. Surface water from the development shall discharge to water butts and soak away drainage which shall be implemented prior to the first use of the development and thereafter maintained.
 5. Any manure heap shall be placed where there is no risk of run-off polluting watercourses and/or assets used to supply water for consumption. The manure heap shall have an impermeable base and shall be located at least 10 metres from any watercourse or ditch and at least 50 metres from any well, spring or borehole that supplies water for consumption.
 6. The proposed planting buffer zones as shown on the revised Block plan, shall be hard fenced with post and wire fencing within 1 month of the date of this permission and the areas shall not be accessed by Horses, Ponies or any livestock at any time.
 7. The proposed planting buffer zones as shown on the revised block plan, shall be planted during the first available planting season following this approval, and shall be completed in accordance with a planting scheme to be submitted within 1 month of the date of this permission and approved in writing by the Local Planning Authority.
 8. No lighting of the site or buildings without the prior written consent of the Local Planning Authority
 9. No commercial livery use of the site. Private equestrian facility only.
 10. Painting / staining of structures to be agreed in writing with the LPA



Economic Prosperity and Place Directorate

Plot F, Wolverhampton Road, Cookley, Kidderminster, Worcestershire

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Application 20/0121/FUL
 Reference:
 Ord Sheet: 385100 280000
 Case Officer Richard Jennings

Date 11.02.2020
 Received:
 Expiry 07.04.2020
 Date:
 Ward: Wyre Forest Rural

Proposal: Retrospective change of use from agricultural land to equestrian use, including retention of stable building, muck store, field shelters and equestrian ménage

Site Address: Land at Wolverhampton Road, Cookley, Kidderminster, Worcestershire, ,

Applicant: Ms Helen Timmins

Summary of Policy	Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for referral to committee	Parish Council objection to the proposal

1.0 Planning History

1.1.1 There is no planning history.

2.0 Consultations and Representations

Parish Council Recommend Refusal due to adverse effect on the openness of Greenbelt. The Parish Council request this application goes before WFDC Planning Committee.

Highways Authority (WCC) No Comment Received.

Countryside And Parks Manager (WFDC) Hello, I have looked at this site. from area photography and reviewed the ecological records . The site has no wildlife designation however it is showing records of Badger from 2016 from within the site boundary and has section 41 species on the adjacent land. Hence even though this is a retrospective application I feel it would not be without merit to carry out an ecological assessment to determine if any of the above features or other significant features are still present on site and if it is possible to provide mitigation to try preserve these features.

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Side Greenscape Manager (WCC) No Comment Received.

Countryside Access Mapping Orders Officer No Comment Received.

Natural England No Comment Received.

Worcestershire Wildlife Trust No Comment Received.

North Worcestershire Water Management (WFDC) No Comment Received.

Neighbour/Site Notice Representations

- Excessive amounts of equestrian land already in the area formed from the loss of agricultural land.
- Harm to the Greenbelt and Openness
- Retrospective nature of the application
- Access

3.0 Site Location and Description

3.1 The application site is a parcel of land formed through the subdivision and multiple sale of a once much larger agricultural holding.

3.2 The application proposes the retrospective change of use of the land from agriculture to the keeping of horses and the retention of a stable building, field shelter muck store and menage. The structures are of timber construction with horizontal timber cladding and corrugated roof.

4.0 Officer Comments

Design, Landscape and Openness

4.1 The application proposes the retrospective change of use of the land to equestrian and the retention of a stable building, field shelter, muck store and ménage. The provision of these facilities is considered reasonable to facilitate a successful private equestrian use with stabling to ensure horses can be grazed as and when required and housed when required to avoid laminitis which is a common problem in the area if overgrazing occurs, as well as a field shelter to ensure animals have shelter from inclement weather be it hot sun or cold winds and a muck store which would be a conditional requirement even if it were not proposed to ensure the limitation of runoff of contaminants. The ménage ensures that exercise can occur in poor weather without damage to the field as well as the ability to exercise laminitic horses off grass.

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- 4.2 Policy SAL.UP13 requires that all equestrian structures blend in naturally to the landscape and are of traditional design. The structures are all of timber construction with horizontal cladding and corrugated roofs typical of other equestrian facilities in the area and wider district. In accordance with this policy the structures benefit from an existing hedgerow boundary backdrop, however, this is very old and unmanaged and sparse in places. The applicant therefore proposes an extensive landscaping scheme to provide additional hedgerow planting on the northern boundary to break up the outline of the structures in the landscape and minimise any loss of openness as well as the introduction of a new hedgerow to the boundary with the A449. This not only adds screening of both the use and associated structures, but replaces a key hedgerow boundary feature which clearly once existed but has been removed at some point as part of the previous farming practices.
- 4.3 The Councils Equestrian policy requires that all associated structures comply with the British Horse society standards in terms of size from a welfare perspective whilst not being of such a size that they impact on the landscape. The proposed store, stable and field shelter, are all under 3.3m in height with the three stables being which is considered to all of which are of a height which complies with the requirements of this policy. The proposed stable block incorporates three boxes each of which measure approximately 3m by 3.6m and therefore comply with both the requirements of policy SAL.UP13 and the British Horse Society Standards.
- 4.4 SAL.UP13 also requires that proposals for the erection of equestrian structures will provide adequate screening as part of the proposal. Although the stables and Ménage will be read against an existing boundary hedge, this is now in poor condition, sparse and of great age, and the application therefore proposes to continue this new planting along this northern boundary of the site to ensure sufficient long term boundary screening and backdrop to the structures in compliance with this policy. These features serve to maintain the openness of the Green Belt and maintain the visual rural character of the area. The materials proposed are in keeping with the materials and rural characteristics of the location.
- 4.5 In terms of the Ménage/Turnout area this is a stock fenced area with sand surface and in its wider landscape context reads as little more than a stock enclosure or catching up area typical of many livestock fields within the district. As with the other structures, the timber fencing blends into its planted backdrop and becomes fairly indistinguishable as when read with large amounts of fencing in the immediate vicinity and wider landscape. The ménage /turnout area is located remotely away from residential amenity and in close proximity to the stable buildings. A condition would be applied to any permission removing the right to erect lighting anywhere on the site without permission and thus ensuring full compliance with the requirements of Policy SAL.UP13.

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Green Belt Policy and appropriate Development

4.6 The application site lies within the West Midlands Green Belt. The NPPF at paragraph 145 and Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan set out the exceptions in which development will be permitted in Green Belt Locations. One of the exceptions listed within the NPPF is outdoor sport and recreation, of which the keeping of horses is one, provided that the proposal preserves openness and does not conflict with the purposes of including land within it. It is acknowledged that whilst the surrounding landscape outside of the residential areas is made up of open countryside with both arable and pasture fields interspersed with woodland, both agricultural and equestrian structures are also a common theme in the area. The individual structures are low level and discrete within their plots siting adjacent to the aforementioned existing and proposed landscaping, maintaining the open aspect of the landscape and the Green Belt. The structures appear as small individual elements in the landscape and due to their low level, small size relative to the plot and natural materials, ensures they are discreet, and do not form a mass when viewed in the wider landscape context and harmonise with their surroundings in accordance with the requirements of SAL.UP1 and SAL.UP13. I have considered general concerns which have been raised regarding the loss of agricultural land to the keeping of horses, however it must be concluded that both the NPPF and Policy SAL.UP13 make provision for this change of use. I have also taken into account the concerns which have been raised regarding the effect of the proposal on openness. However it is considered that by virtue of their size, natural materials used in their construction and discreet position against new and existing planting, the stable block, field shelter, muck store and ménage, along with the use of the site preserve the openness of the Green Belt and causes little harm to its visual amenity which would comply with policy SAL.UP1 and the NPPF.

Ecological enhancements

- 4.7 Policy SAL.UP5 requires that proposals do not negatively impact on the ecology of the site and that the proposal should include ecological enhancements which improve the bio diversity of a site. The applicants have proposed to plant a new hedgerow and hard fence the area off from grazing horses or livestock to ensure the area remains undamaged by grazing animals. The hedgerow will undoubtedly bring significant ecological enhancements and re instate a key link between existing areas of tree cover to the north and south of the site.
- 4.8 Policy SAL.UP13 requires that proposals, where possible, incorporate measure to promote biodiversity. The proposed measures are considered to be an important enhancement to what is currently a very open area of grassland which has suffered numerous episodes of hedge grubbing throughout its agricultural past. The proposed hedgerow re introduction is considered to more than outweigh the minimal loss which has occurred through the grazing of horses.

Highways.

- 4.9 The Highway authority have carried out a robust assessment of the proposal and have concluded that there is no Highway safety grounds on which to object to the proposal. The application site has two means of access, one off Eleanor Harrison drive and the other which is straight onto the A449. The Highway authority requires a conditional

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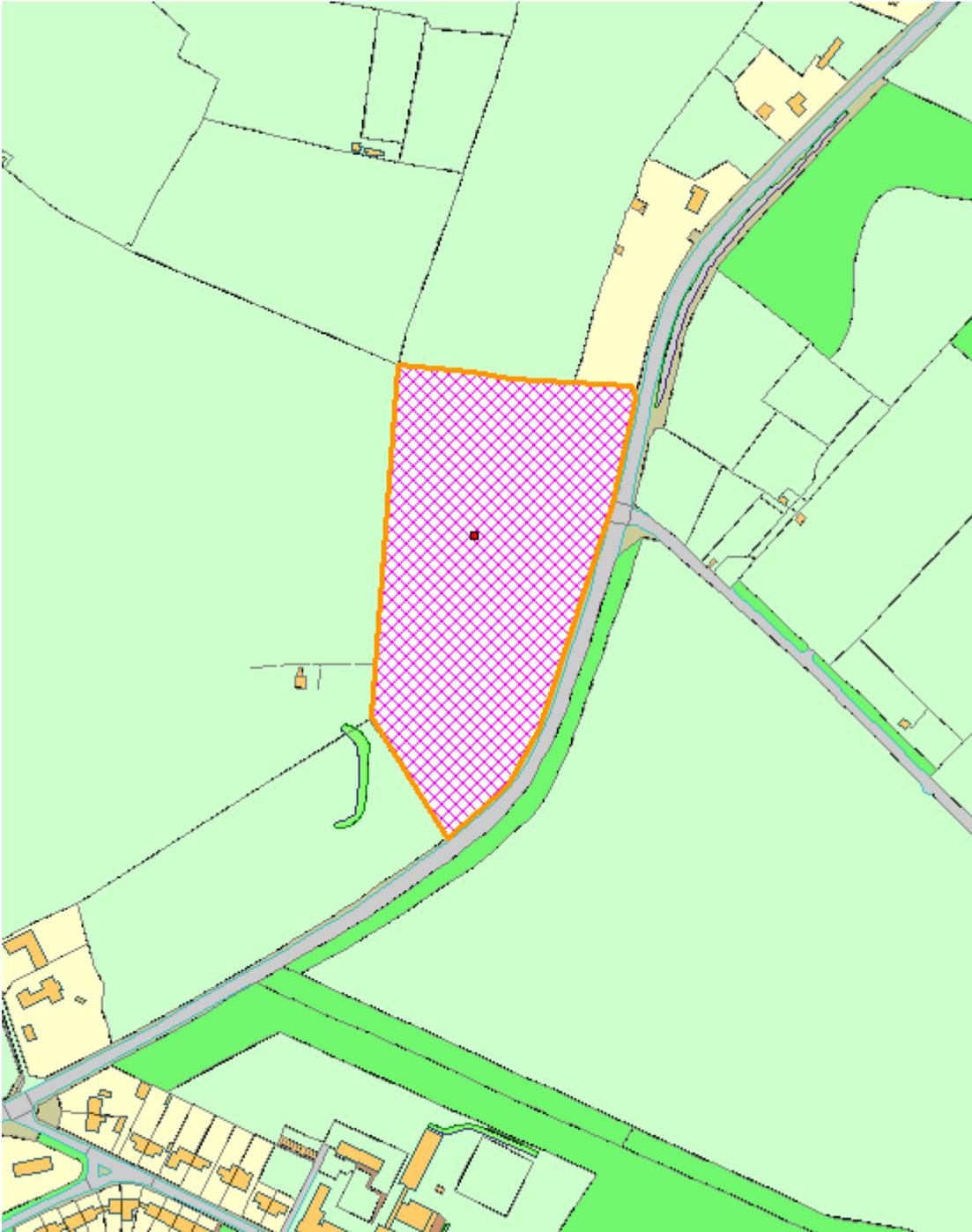
approval which seeks further works to be carried out to the access onto the A449. As the proposal provides safe Highway access to and from the site it meets the requirements of Policy SAL.UP13.

5.0 Conclusions and Recommendations

- 5.1 The site falls within the West Midland Green Belt. The use of the land for the keeping of horses is one of the exceptions under the NPPF, and considered appropriate development. In terms of the structures which facilitate the use they are considered to provide an essential ancillary function to the use and by virtue of their size and position, preserve openness and causes little harm to the visual amenity of the Green Belt. The development constitutes appropriate development in the Green Belt and as such it complies with the requirements of Policy SAL.UP1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and Government advice in section 13 of the National Planning Policy Framework. The introduction of ecological enhancements to offset any potential loss is considered to comply with the requirements of SAL.UP5, as well as ensuring that any loss in visual amenity resulting from the structures, even though minimal, is offset by the remedial measures outlined.
- 5.2 The structures are of a size which is commensurate with the parcel of land and does not result in an over developed or cluttered appearance. The structures therefore do not impact on this distinctive landscape and comply with the requirements of Policy CP12 of the Adopted Wyre Forest Core Strategy.
- 5.3 The proposal is considered to have fully met the requirements of the Councils equestrian Policy SAL.UP13 of the Adopted Wyre Forest Site Allocations and Policies Local Plan when considering a private equestrian leisure facility. This policy seeks to ensure that appropriate changes of use, which are compliance with Green Belt policy and the requirements of the NPPF as in this case are completed in a sympathetic manner whilst maintaining the functional need of the proposed use. I consider that the applicant has proposed an acceptable solution which is in accordance with the requirements of this policy.
- 5.4 Accordingly, there is no harm resulting from the erection of a stable and tack room building. It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Full No Matter Reserved)
 2. A11 (Approved Plans)
 3. B3 (Materials)
 4. Surface water from the development shall discharge to water butts and soak away drainage which shall be implemented prior to the first use of the development and thereafter maintained.
 5. Any manure heap shall be placed where there is no risk of run-off polluting watercourses and/or assets used to supply water for consumption. The manure heap shall have an impermeable base and shall be located at least 10 metres from any watercourse or ditch and at least 50 metres from any well, spring or borehole that supplies water for consumption.

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6. The proposed hedgerow planting as shown on the revised Block plan shall be hard fenced with post and wire fencing prior to the first use of the structure hereby approved and the areas shall not be accessed by horses or ponies at any time.
7. The proposed hedgerow shall be planted during the first available planting season following this approval, and shall be carried out in accordance with a planting scheme to be submitted to and approved in writing by the Local Planning Authority.
8. Within 3 months of the date of this permission, the layout of the existing vehicular access shall be amended to include visibility splays and a 45 degree fence line either side of the access with gates set back 10 metres from the edge of the carriageway and the access area surfaced in a bound material. Within 1 month of the date of this permission, details shall be submitted to and approved in writing by the Local Planning Authority.
9. No lighting of the site or buildings without the prior written consent of the Local Planning Authority
10. No commercial livery use of the site. Private equestrian facility only.
11. Painting / staining of structures to be agreed in writing with the LPA



Economic Prosperity and Place Directorate

Land At Os 385100 280000, Wolverhampton Road, Cookley, Kidderminster, Worcestershire



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in its role as the Highway Authority has undertaken a full assessment this planning application. Based on the appraisal of the development proposals the Transport Planning and Development Management Team Leader on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 recommends that this application be deferred. The justification for this decision is provided below. There is no objection in principle to the proposed development and it is acknowledged that pre-application discussions took place with Highway

Authority colleagues however the proposed vehicular access is onto Sutton Road which is classified (A4535) and further details are required to ensure that the layout is appropriate to the road conditions. It is noted in the submitted Design and Access Statement, that 'the width would need to be 6m - 7m' to accommodate coaches and these details should be confirmed on a detailed access layout plan. Visibility is achievable and the section drawing to show the 'ramp' at the access has been noted. Further details are required of the location and layout of any coach parking and the one-way route through the car parking area with further tracking details on a separate tracking plan which should also include larger vehicles accessing the maintenance yard. The submitted drawings are taken to be indicative and the direction of coach travel is not clear. The 'Proposed Car Park and Maintenance Yard Plan' seems to indicate coaches entering via the new access however it is stated that this will be the exit. Details of the frequency and number of coaches attending the site should also be included in a Transport Note. It is noted that 6 parking spaces are to be

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provided for staff and volunteers to include 2 accessible spaces but the number of staff and volunteers has not been shown. Cycle parking for staff and volunteers should be provided. Furthermore, it is recommended that the number of proposed cycle parking at the café, 4 cycle hoops, could be increased and accessible parking should be provided for park visitors. The previous provision on site was 5 spaces which is a reduction of 3 and no explanation has been given for this. Electric vehicle charging (x2 minimum) and motorcycle parking are required with details on a parking plan. It is noted that overflow parking will be provided however some justification for the proposed level of parking is expected to demonstrate that it will meet demand and as a point of clarification, the parking plan on page 10 (D&A) refers to approximately 40 spaces in Zone 3 yet the application form refers to 62 existing spaces and 72 proposed spaces. There is no objection to the proposed railings on the basis that they are replacement railings. At the proposed access, the railings should be shown on plan as not impacting on visibility splays. Highway Authority therefore submits a response of deferral until the required information has been provided and considered.

Highways Authority (WCC)

No Comment Received.

Nuisance Assessment Team (WRS)

WRS has no objection to the application in terms of any noise / nuisance issues.

Environment Agency

No Comment Received.

Worcestershire County Council
(Archive And Archaeology Serv

duplicate request

Wyre Forest District Council
(Arboricultural Officer)

'The pollarded limes (and 1 Sycamore) near Sutton Road, will be directly affected by the proposed extension for the Scout hut. The RPA s for those trees is around 5 to 6 metres and the

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footprints of the proposed extension is at least 1 metre within the RPAs. We discussed alternative foundation types for the corner of that building. I will need to see these to be able to support this part of the proposals for the site. A Tree Protection Plan will be required too, as there could also be an issue with underground damage during the construction phase.' The new cafe is to be constructed on the existing toilet block. There is a nice English Yew nearby. It's quite likely that the proposed new cafe will not impact the yew, however an AMS is necessary to ensure the demolition and construction phases do not damage the yew.' The demolition of the garages and construction of the new car park access road will directly affect some important pine and yew trees. Details of levels for the new access drive and an AMS for the demolition of the garage block, lifting of existing hard surfaces and construction of the access road are required to be sure trees are not adversely affected. ' Finally, I've major doubts that the proposed new exit from the car park can be built without the loss of at least 3 pine trees. More works need to be done on this. An AIA would be helpful once they know what the final levels will be. Trial pits could help us understand what is under the area that the road is to be constructed.

Society For The Protection Of Ancient Buildings No Comment Received.

Ancient Monuments Society No Comment Received.

Worcestershire County Council (Archive And Archaeology Serv No archaeological concerns or issues

Countryside And Parks Manager (WFDC) This application has come with an ecological report that has highlighted some areas where there is potential for ecological harm to species and habitats. the majority of the works that are being shown do not impact on any of the areas of ecological interest.

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however we will need to condition if any works are seen to be necessary and trees that have been identified as have bat potential then additional ecological advice and services will be needed to ensure no harm comes to these protected species. There are small losses of habitat associated with this application but these are mitigated for in the provision of ecology improvement and the provision of the pool.

Conservation Officer (WFDC)

This application covers various works to Brintons Park which as a whole is considered to be an undesignated heritage asset included on the Worcestershire HER Ref: WSM22985 as Historic Park or Garden. The park contains one designated heritage asset: Fountain Monument to Richard Eve, Grade II listed NHLE Ref: 1100078 and HER Ref: WSM35935. The park also contains one specified undesignated heritage asset: Bandstand, HER Ref: WSM72519. Development on this site thus has potential to affect the setting of the designated and undesignated heritage assets within Brintons Park as well as the Park itself. The history and significance of the park are well-described within the heritage statement. Whilst it is true that the park has evolved over time, and that certain elements now detract from the intrinsic character, overall Meredith's original vision is still discernible. The sense that this was once a deer park and warren is perhaps less easily understood owing to the intervening residential and industrial development between Caldwell Tower and the park. The design and access statement demonstrates that this is a complex project reflecting a number of proposed improvements to facilities and access across the entire park. The strategy for the choice of designs and locations of various features is described in detail and what has been submitted within the application is

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clearly the result of an iterative process based on research and consultation. Ongoing works are included in the comprehensive management plan. The most sensible way to consider the impacts of each element is to refer to the design and access statement and drawing 3482-003C which itemises works by area and nature. D&A Statement: 2.03 Cafe3482-003C 4.0 Senses garden improvements The cafe location selected is fairly central to activity within the park and on a main access path which leads to the Richard Eve Memorial and the Bandstand. The supporting documentation clearly outlines the benefits of this location whilst also acknowledging that there are some drawbacks, for example the cafe has to be limited in size in this location and it is quite remote from the playground. I think the design has to be applauded because this is so different, not based on historic precedents, but one which responds to the location well in a completely modern way using a palette of materials compatible with the surroundings. This will add to the history of the park and in time become an accepted part of the park landscape, in the same way that earlier structures have been. Drawing 3482-800A clearly illustrates the co-visibility of the cafe, the Richard Eve Memorial and the Bandstand. The cafe will create a more formal relationship between these heritage assets as viewed from the main path near the sense garden. There is in my opinion no harm to the setting of these heritage assets: in reality each is well separated from the other so can function in its own space. D&A Statement: 2.04 Sons of Rest Pavilion3482-003C 6.0 Sons of Rest Pavilion improvements This historic structure occupies a location surveying the lower elements of the park close to the water course and pond. It also suffers from being

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located close to a busy road junction. The proposed extension to the pavilion will not only facilitate its continued use but will also serve to shelter some of the park from the adjacent traffic noise, creating a greater sense of enclosure than previously. I think this will have a beneficial impact on the park and there are no harmful impacts.

D&A Statement: 2.05 Ornamental Pool and the Dell 3482-003C 7.0 Pool Reinstatement These proposals reinstate the pool in a practical and sustainable way which will be attractive to both visitors and fauna alike and which will serve to positively enhance this part of the park. There are no harmful impacts. D&A Statement: 2.06 Car Park and Depot 3482-003C 2.0 Car Park Improvements 3482-003C 3.0 Maintenance Yard Improvements Revisions to the car park entrance will enhance the sense of arrival from Sutton Park Road and the removal of the garage blocks further removes the sense that at present this is a utilitarian functional entrance rather than a ceremonial route. I have no objections and there are positive, not harmful impacts. D&A Statement: 2.07 EJP Horticultural Area 3482-003C 5.0 EJP Area Improvements The improved visibility of this area to visitors together with the rationalisation and general repairs to the historic sheds will have an overall benefit to the heritage significance of this area. There are no harmful impacts. D&A Statement: 2.08 Entrances and paths 3482-003C 1.0 Entrances and access improvements The proposed railings and entrance features will not only improve the arrival experience for visitors but reinforce the importance of those historic entrances and why they exist where they do, for example added later to satisfy desire lines or adjacent to a tram stop. These works will result in no harm to the significance of the heritage assets. 3482-003C 10.0 Pathway Improvements Various new

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and improved pathways are shown in detail within the D&A Statement. None are controversial, mainly reflecting existing routes which have been worn over many years, and which now have the opportunity of being formalised. For example the path 10d adjacent to the cemetery wall and path 10c linking Talbot Street to the tennis court. The bitumen finish is I feel essential to provide a sufficiently hard-wearing surface to accommodate motorised landscape maintenance vehicles: whilst a bound-gravel surface might appear initially more attractive, it has serious maintenance implications and the use of resin-bound gravels can result in rapid deterioration if diesel is spilt on them. I consider that none of the proposed pathway improvements will result in harm to the significance of the heritage assets. D&A Statement: 2.09 Other park Improvements D&A Statement: 2.09.01 Bandstand3482-003C 9.0a Bandstand The proposed redecoration will reinforce the architectural significance of this 1934 Bandstand. The proposed works to the paths and general environs of the Bandstand will enhance its setting. As has already been noted the cafe will reinforce the visual relationship between the Bandstand and the Richard Eve Memorial. No harm will result to this heritage asset. D&A Statement: 2.09.02 Richard Eve Memorial3482-003C 9.0b Richard Eve Memorial As the Memorial is the only designated heritage asset within the park it is important that its setting remains uncompromised by the proposals in this application. I am content that none of the works proposed (including the construction of a cafe) will cause harm to the setting of the Memorial. I understand that the repairs to the Richard Eve Memorial will not form part of this application, however the removal of benches from around the Memorial and their replacement with planted areas (11g) is to be welcomed. D&A Statement:

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2.10 Landscape3482-003C 11.0
 Landscape Improvements The detailed proposals for planting and landscape works included within the D&A statement take their cue in part from historic schemes, including one of 1901 which may never have been fully implemented. However the plans are to include areas of meadow flowers too to enhance the natural flora and fauna of the site. Whilst this has no historic precedent in this formal park (as far as I am aware) it reflects a growing concern that without sustainable habitats many species will fail to thrive. As such it is an eminently sensible strategy to adopt and will take the park forward in a way which responds to climate change and nature conservancy concerns. These are justifiably described as improvements and no harm will be caused to heritage assets.

Conclusions There is no doubt that with a project of this scale there will be a considerable amount of disturbance to the existing park (albeit for a limited period of time). However the result will, if delivered as per the Conservation Management Plan and the application documents, be the improvement to the setting of the heritage assets within the park and the conservation and maintenance of the park itself. If there are any temporary harmful impacts (eg: the excavation of drains and foundations), these are limited to isolated areas of work, and are more than mitigated by the overall positive impacts of this project as a whole. I conclude that there are no harmful impacts to the significance of the heritage assets on this site and the application is in compliance with Policy SAL.UP6.Approve.(No conditions suggested other than works to be as per the approved drawings: external materials will be subject to approval by the various funding bodies).

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Contaminated Land Team (WRS) WRS have no adverse comments in relation to Contaminated Land.

Crime Risk Manager

No objection to this application. I have looked at the recorded incidents for Brintons Park, whilst there are a lot, they are of the type one would expect for a large park near a town centre. Some of the incidents do relate to drug taking/dealing. In view of this the interior of the toilets need to be designed so that the opportunity for taking drugs is reduced as much as possible. This includes things like reducing the number of flat services enclosing toilet cisterns, no lid on the toilet seat etc. Of all the proposals I think the café will be the most vulnerable to crime. It is important that access to the roof is restricted. Looking at the drawings, particularly drawing 3482-012 elevations, it appears that it may be possible to climb onto the surrounding railings and from the top rail reach the roof and pull oneself up. (Whilst this is not something I would attempt, two people with one holding the legs of the other would make it possible). If this is the case a simple measure like making the edge of the roof round so that you cannot get a grip would reduce the opportunity to gain access. The design of the railings would help, perhaps by either having some fled in the top railing or putting a curve on it. There is a lot of glass in the building. I suggest that it be laminated glass, this would reduce the chances for it getting smashed. I recommend that the main entrance doors into the café have a good level of security and should meet LPS 1175 SR2 as a minimum.

Kidderminster Civic Society No Comment Received.

Landscape Officer (WFDC) No Comment Received.

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North Worcestershire Water Management (WFDC)

Jess has contacted me directly regarding the intended site drainage. This contact has confirmed the intentions and the intended design criteria. I understand it is not the intention to add this information to the outline drainage scheme drawing (17404/10, Hancock, Wheeldon and Ascough, July 2019). I had preferred this as I generally prefer to refer in a condition to a drawing or report. However, if this is not forthcoming then I believe the following non dischargeable condition should be attached to a future approval: "Surface water from impermeable areas of the development shall discharge to soakaway drainage designed to cope with a 1 in 100 year event plus 30% allowance for climate change. If it emerges that infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus 30% allowance for climate change. The drainage shall be implemented prior to the first use of the development and thereafter maintained." I would also still recommend attaching the following informative: "The applicant should be aware that a public sewer runs through the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If a sewer is within 3 meters of the works (including foundations) contact must be made with Severn Trent Water Ltd to discuss the proposals."

Countryside Access Mapping Orders Officer

No Comment Received.

Severn Trent Water

With Reference to the above planning application the company's observations regarding sewerage are

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as follows. I can confirm that we have no objections to the proposals subject to the inclusion of the following condition: The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution. Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at

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Highways Authority (WCC) No Comment Received.

Historic England No Comment Received.

Neighbour/Site Notice Representations

No responses received from public participation

3.0 Site Location and Description

- 3.1 The application site relates to Brinton Park, which is a large public park measuring 12.067 hectares in area and is located near to the centre of Kidderminster. The main part of the park is bordered by Stourport Road (A451) to the south, Sutton Road to the west, Park Lane to the east and Talbot Street to the north. The park then continues on the opposite side of Talbot Street and up to Woodfield Crescent and Castle Road to the north. The park is owned by Wyre Forest District Council and is a District Strategic Park with Green Flag status.
- 3.2 The park comprises children’s play area, splash-pad, a plant nursery and depot, the Sons of Rest pavilion, bandstand, a Grade II Richard Eve memorial, toilet blocks, tennis and basketball courts, five-a-side pitch, skate park, car park and footpaths. The ground levels within the site are undulating and there are a number of mature trees throughout the park. The character of the surrounding area is predominantly residential.
- 3.3 The application seeks planning permission for the erection of a café building, extension to the Sons of Rest pavilion building, alterations to the car park layout including new access arrangements, new entrance gate archway structure to Park Lane, polytunnel, replacement public toilet block and the reinstatement of the pool.
- 3.4 The proposed café would be provided in a single storey building which would be set on a high plinth and would provide 27 covers and comprise indoor and outdoor seating, storage area, server area and toilets. It would be erected over part of the foundations of a former toilet block and would be sited in a central location, close to the main park gates with views over the proposed pool and existing sensory gardens. The proposed single storey extension to the Sons of Rest pavilion would provide 40sq.m additional gross internal floor area and a new entrance veranda.
- 3.5 A new one-way vehicular system would also be provided by creating a new egress point onto Sutton Road and reconfiguring the visitor car park to provide 10 additional spaces, including 3 spaces for people with disabilities. The car park will be resurfaced with a permeable gravel grid. A new overspill car park would also be created.

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- 3.6 The existing garage blocks which are situated close to the main vehicular access would be demolished and replaced with new gated staff and volunteer car parking (total of 6 spaces) and this would also open up views of Brinton Park factory gates and the café as you enter the park from Sutton Road.
- 3.7 The proposed pool would be provided within the southwest corner of the site, where a former pool was once in situ. New soft landscaping and footpaths would be provided to enhance the setting of the pool and ensure it can be greatly appreciated by visitors to the park.
- 3.8 It is also proposed to provide a new polytunnel within the secure maintenance area, as well as a replacement single storey public toilet building, new park storage sheds and new planting.
- 3.9 The application has been submitted with a Design and Access Statement, Heritage Statement, Conservation Management Plan, Schedule of Works, Transport Note, Hydrology Report and an Ecology Habitat Survey Report.

4.0 Officer Comments

- 4.1 The main considerations for this application are whether the development would be acceptable in terms of principle of development, design quality and layout, impact on heritage assets, highway safety, residential amenity, trees and biodiversity.

PRINCIPLE OF DEVELOPMENT

- 4.2 The application site relates to a long established public park located within the heart of Kidderminster. Section 8 of the National Planning Policy Framework (the 'Framework') emphasises the importance of having good access to high quality open spaces for the health and well-being of communities. Policy SAL.UP4 of the Adopted Site Allocations and Policies Local Plan also seeks to safeguard existing green infrastructure and open space and play provision.
- 4.3 The proposed development would help to facilitate a major project (known as 'The People's Park' Project) which aims to restore and conserve the park's historic and natural heritage, fund new and improved facilities in the park as well as develop training, leisure and volunteering opportunities for a growing and diverse local audience. To fund this project, Wyre Forest District Council have applied for the National Lottery Heritage Fund, Parks for People grant programme.
- 4.4 Brinton Park currently has no refreshment provision other than that for ice cream and it is considered that the proposed café would make a positive addition to the park and allow people to stay for longer. The proposed extension to the Sons of Rest pavilion would also support larger community groups who wish to use the building and the proposed entrance archway structure to Park Lane would have a floral carpet pattern to reinforce Kidderminster heritage. In addition, the reinstatement of the pool would draw back fond memories of the park by many local residents, which would help to reinvent the importance of this urban park and make the park more attractive for this generation to visit.

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- 4.5 Overall, I am satisfied that the proposed development would improve the use and enjoyment of the park and would have a positive impact on the health and well-being of local people and visitors. The proposed scheme would accord with Policy SAL.UP4 of the Adopted Site Allocations and Policies Local Plan and the Framework, and is therefore acceptable in principle.

DESIGN QUALITY AND LAYOUT

- 4.6 Policy CP11 of the Adopted Core Strategy and Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan and Paragraph 127 of the Framework seek to ensure a high quality design in all new developments that are sympathetic to its surroundings and are visually attractive.
- 4.7 The park currently comprises a number of low scale buildings and structures linked by a network of paths, set in an open landscape with mature tree planting.
- 4.8 The proposed café building and the replacement public toilet block would be modest single storey detached buildings which would integrate well into the park setting and would not appear over prominent in long distance views.
- 4.9 The proposed café building, in terms of its built form and roofscape, has been designed to resemble a leaf shape to create a connection between the building and the natural environment. The southern elevation of the café building would consist of mainly glazing to maximise views over the park, the new pool and to provide an active frontage when viewed from Stourport Road. Also, a selection of sympathetic materials have been chosen for the café building, including stone and timber cladding, to ensure it blends well into its park setting. The café would be situated over the footprint of a former building and in a central location in the park, with path links to the main entrance, the car park, play area and the park's bandstand. The location of the café also allows for any storage requirements to be provided within the nearby depot area.
- 4.10 In terms of 'secure by design' principles, the applicant has responded to the concerns raised by consultees and has amended the toilet design, roof design, boundary treatment beneath the roof overhang, doors and glazing of the proposed café building to ensure it deters anti-social behaviour as much as possible. The Designing Out Crime Officer has also reviewed the changes that have been made to the building and has confirmed that the amendments have addressed their concerns and raised no objection to the application. Overall, I consider that the design and layout of the café building is acceptable and in keeping with the scale of the Park.
- 4.11 The Sons of Rest Pavilion lies adjacent to the southwest boundary of the park and has a road frontage to Sutton Road. The proposed extension to the building is considered to be an appropriate addition to the building that is in proportion with its scale and would have a hipped roof to relate well with the existing building. It is also noted within the submitted Heritage Statement that the proposed veranda to the building would be a replica a previous veranda which was once on the building and overlooked the pool area. I therefore consider that the proposed extension is acceptable and in keeping with the character and appearance of the existing building and the park.

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- 4.12 The proposed pool would be surrounded by new planting and I am satisfied that the restoration of the pool area would provide a valuable attraction and focus to the park and would enhance the biodiversity value. New planting is also proposed around the staff and volunteer car parking area and storage area to help screen the storage sheds and the car park has been designed to ensure it does not detract from the appearance of the park.
- 4.13 I therefore consider that the proposed development would ensure a high quality design in the new buildings and landscaping and would accord with Policy CP12 of the Adopted Core Strategy and the paragraph 127 of the Framework, which seeks to ensure all new developments add to the overall quality of a place.

IMPACT ON HERITAGE ASSETS

- 4.14 The proposed development would enhance the visual amenity of the park and the setting to the Grade II Richard Eve memorial. No objection has been raised by the Council's Conservation Officer and I agree that there would be no detrimental impact on the significance of heritage assets.

PARKING AND HIGHWAY SAFETY

- 4.15 The park currently has one vehicular access/exit point which is off Sutton Road and due to its location directly opposite a road junction with Poplar Road and Woodward Road. The visibility is very poor when exiting the park and the one point of access also causes congestion issues on Sutton Road (A4535) during busy times.
- 4.16 To overcome the visibility and congestion issues, the proposed scheme seeks to provide a new one way system with access obtained from the existing access point and a new egress point provided approximately 50 metres to the north of the existing access.
- 4.17 During the course of this application there have been extensive discussions between the applicant, the Highways Authority and the Council's Arboricultural Officer in an attempt to overcome concerns about impact on trees, gradient/visibility issues at the egress point and parking layout.
- 4.18 The applicant has agreed with the Council's Arboricultural Officer that three mature trees within the existing row of trees to Sutton Road frontage can be felled to enable the egress point to be provided, and that this is only acceptable due to their condition and short life span and that a condition can be attached to the decision notice to ensure a comprehensive Arboricultural Method Statement is submitted and agreed to ensure no other trees are lost. I concur with this view and note that the benefits of improving the access arrangements to the park outweigh the harm that would be caused to visual amenity as a result of the loss of the trees and that suitable replacement trees are proposed as part of the wider landscaping scheme to mitigate the loss of these trees.
- 4.19 In respect of highways concerns, the applicant has agreed that the car park is not suitable for coach parking as it would involve a number of manoeuvres which could be in conflict with pedestrian safety and other users of the car park.

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- 4.20 The applicant has agreed that coaches would no longer be able to park within the park. Also, a revised site layout plan has been submitted to show a dedicated parking space for minibuses as it is accepted by the applicant that small groups of school children and possibly other community groups would still be able to travel to the site by mini bus.
- 4.21 The Highways Authority are satisfied that the internal car park layout is adequate and that it would not present any highway safety issues. However, as the access arrangements have been designed to cater for large coaches, the Highways Authority have requested a revised layout to reflect the revised proposals and use of the car park, which effectively requires the access and egress points to be reduced in width and altered, ..
- 4.22 Ongoing discussions are taking place between the Highways Authority and the Applicant's Agent and Transport Consultant in respect of the proposed access arrangements. Notwithstanding the access arrangements has yet to be unresolved, I am satisfied that a solution is capable of being achieved.

IMPACT ON RESIDENTIAL AMENITY

- 4.23 The application site relates to a long established local park within a predominantly residential area of Kidderminster and although the proposed development is likely to lead to an intensification of its use due to a new café and improved facilities, I do not consider that the development would result in a detrimental impact on the amenity of existing residents in the surrounding area.

IMPACT ON BIODIVERSITY

- 4.24 Policy CP14 of the Adopted Core Strategy, Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and Paragraphs 170 and 183 of the Framework seek to minimise harm to biodiversity and ensure all new developments provide a net gain to biodiversity. The application has been submitted with a detailed Ecology Survey Report which is sufficient and I am satisfied that the proposals would not harm biodiversity given that the polytunnel, café building, replacement toilet block and alterations to the car park would be mainly on previously developed or altered land.
- 4.25 The proposed natural pool would require the removal of mown grassland but its reinstatement, together with the proposed planting, would provide significant biodiversity benefits. I have recommended a condition to secure the mitigation and enhancement measures set out in the submitted Ecology Survey Report and consider that overall, the development would accord with Policy CP14 of the Adopted Core Strategy, Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and the Framework.

DRAINAGE AND FLOOD RISK

- 4.26 The proposed scheme would involve the reinstatement of a former pool located near to the road junction between Stourport Road and Sutton Road. The North Worcestershire Water Management Officer has raised no objection to the proposals

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subject to a condition to ensure suitable drainage of the site is achieved. I concur with these views and have attached the conditions accordingly.

5.0 Conclusion and Recommendations

5.1 The proposed development would provide significant community benefits through the provision of a new café facility, additional space within the Sons of Rest pavilion, improved car park and improvements to the overall attractiveness of the park. The proposals would reinforce the historic interests of the park and help to secure its long term future. In addition, the development would provide economic and environmental benefits and would deliver a sustainable development. Subject to safeguarding conditions, there would be no harm to the visual amenity of the local area, on the amenity of nearby residents, biodiversity or increase flood risk at the site or elsewhere. I am of the view that the access arrangements can be amended to satisfy the Highways Authority.

5.2 It is therefore recommended that **delegated APPROVAL** be granted subject to the submission of a revised plans and/or a 'no objection' response from the Highways Authority and the following conditions:

1. A6 (Full with no reserved matters)
2. Building Materials
3. Implementation of Landscaping Scheme
4. Arboricultural Method Statement/Tree Protection Measures
5. Ecological Mitigation and Enhancement Measures
6. Foul Drainage details
7. Surface Water Drainage
8. Highways conditions

NOTE

Severn Trent Water – Public Sewer
S278 Highway Works