

Open

Planning Committee

Agenda

6pm
Tuesday, 21st September 2021
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Planning Committee

Members of Committee:

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

Councillor J Aston

Councillor A Coleman

Councillor P Harrison

Councillor L J Jones

Councillor C Rogers

Councillor V Caulfield

Councillor H E Dyke

Councillor M J Hart

Councillor F M Oborski MBE

Councillor L Whitehouse

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 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.

WEBCASTING NOTICE

This meeting is being filmed* for live or subsequent broadcast via the Council’s website site (www.wyreforestdc.gov.uk).

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 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

Tuesday, 21st September 2021

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 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 17 th August 2021.	7
5.	Applications to be Determined To consider the report of the Development Manager on planning and related applications to be determined.	10
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>	
----	--	--

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>	
----	---	--

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

COUNCIL CHAMBER, WYRE FOREST HOUSE, FINEPOINT WAY,
KIDDERMINSTER

17TH AUGUST 2021 (6PM)

Present:

Councillors: C Edginton-White (Chairman), C J Barnett (Vice-Chairman), J Aston, V Caulfield, A Coleman, H E Dyke, P Harrison, M J Hart, L J Jones, F M Oborski MBE, C Rogers, and L Whitehouse.

Observers:

There were no Members present as Observers.

PL.06 Apologies for Absence

There were no apologies for absence.

PL.07 Appointment of Substitutes

No substitutes were appointed.

PL.08 Declarations of Interests by Members

Councillor F M Oborski MBE declared in respect of application 20/0159/FUL that although she had objected to a previous application on this site, she was judging this application with an open mind.

Councillor L Whitehouse declared in respect of application 20/0159/FUL that he had received email correspondence from constituents on this application but would judge this application with an open mind.

PL.09 Minutes

Decision: The minutes of the meeting held on 18th May 2021 be confirmed as a correct record and signed by the Chairman.

PL.10 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Management Schedule No. 594 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Management Schedule No. 594 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 6:48pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

17th August 2021 - Schedule 594 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: 20/0159/FUL
Site Address: Land At Os 384500 275750, Barnetts Lane, Kidderminster, Worcestershire.
DEFERRED for site visit.

Application Reference: 21/0298/FUL
Site Address: 28 Blakebrook, Kidderminster, DY11 6AP
<p>APPROVED subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Full with no reserved matters 2. Approved plans 3. Materials in accordance with submitted details 4. Removal of permitted development rights 5. First 5 metres of the access to be constructed in accordance and in a bound material 6. The Development hereby approved shall not be occupied until the access including the access and driveway widening to 4.5 metres, turning area and parking facilities for both dwelling shown on Drawing No. 2273-03 Site Layout have been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times. 7. The Development hereby approved shall not be occupied until the visibility splays shown on Drawing No. 2273-03 Site Layout have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway. 8. The finished floor levels of the dwelling shall be a minimum of 44.93mOD. There shall be no variation in the approved finished floor level without the prior written approval of the Local Planning Authority. 9. There shall be no raising of ground levels within the area of the site believed to be at risk of flooding, as detailed in Appendix E of the Flood Risk Assessment submitted with the application (Prepared by EWE Associates Ltd Final RevA June 2021), without the prior written approval of the Local Planning Authority. 10. Prior to commencement of the garage hereby permitted detailed drawings of the garage wall voids including any associated grills shall be submitted to and approved in writing by the local planning authority. The invert levels of the voids should be set flush with the garage finished floor level. Development shall be carried out in accordance with the approved details and thereafter retained. There shall be no infilling or blocking of any

garage wall voids.

11. Permeable surfaces shall not be replaced by impermeable surfaces without prior written approval from the Local Planning Authority.
12. Surface water from the development shall discharge to soakaway drainage designed to cope with a 1 in 100 year event plus 40% allowance for climate change. The soakaway shall be located outside the area believed to be at risk of flooding, as detailed in Appendix E of the Flood Risk Assessment submitted with the application (Prepared by EWE Associates Ltd, Final RevA June 2021). The drainage shall be implemented prior to the first use of the development and thereafter maintained.
13. On-site parking provision for site operatives shall be made available.
14. A watching brief shall be undertaken by a suitably qualified arboriculturalist to ensure trees are protected during the construction phase and remain undamaged.
15. The approved Tree protection Plan and Arboricultural method Statement shall be implemented in accordance with the submitted details and strictly adhered to at all times.
16. The garage foundation and groundworks shall be completed in accordance with the revised technical garage foundation plan hereby approved, and there shall be no deviation without the formal written consent of the Local planning Authority.
17. The existing hedgerow which forms the boundary to the site shall be retained and maintained at a minimum height of 2.4 metres for the life of the development hereby approved

Informative

This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email worcestershirevehicle.crossing@ringway.co.uk Tel: 01905 751651. The applicant is solely responsible for all costs associated with construction of the access.

EXECUTIVE SUMMARY TO REPORT OF DEVELOPMENT MANAGER

Planning Committee

Part A Applications

Ref:	Address of Site	Recommendation	Page No.
20/0159/FUL	Land at Os 384500 275750 Barnetts Lane Kidderminster Worcestershire	Delegated Approval	12
20/0192/FUL	Land at Os 384854 280058 Wolverhampton Road Cookley Kidderminster Worcestershire	Approval	32
20/0309/FUL	Land at Os 384896 280050 Wolverhampton Road Cookley Kidderminster Worcestershire	Approval	40
21/0681/FUL	Land at Os 384800 280058 Plot F Wolverhampton Road Cookley Kidderminster Worcestershire	Approval	48
21/0711/FUL	Land at Os 384988 280010 Wolverhampton Road Cookley Kidderminster Worcestershire	Approval	57
21/0770/FUL	Land at Os 385100 280000 Wolverhampton Road Cookley Kidderminster Worcestershire	Approval	63

Part B Applications

Ref:	Address of Site	Recommendation	Page No.
20/0892/FUL	Formerly Carpets of Worth Site Severn Road Stourport on Severn Worcestershire	Delegated Approval	72
21/0621/FUL	West Midlands Safari Park Kidderminster Road Bewdley Worcestershire DY12 1LF	Approval	94
21/0701/HOU	48 Oakfield Road Kidderminster DY11 6PL	Approval	105

WYRE FOREST DISTRICT COUNCIL**PLANNING COMMITTEE****21 September 2021****PART A**

Application Reference:	20/0159/FUL	Date Received:	16.03.2020
Ord Sheet:	384500 275750	Expiry Date:	11.05.2020
Case Officer	Julia Mckenzie-Watts	Ward:	Aggborough and Spennells

Proposal: **Erection of 3no. detached dwellinghouses with associated works**

Site Address: **Land At Os 384500 275750, Barnetts Lane, Kidderminster, Worcestershire, ,**

Applicant: **De Rosa International Ltd**

Summary of Policy	DS01 CP01 CP02 CP03 CP07 CP11 CP12 CP14 DPL1 CC1 CC2 CC7 UP5 UP6 UP7 UP9 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Delegated Approval subject to S.106 Agreement
Reason for Referral to Committee	Councillor Request for Application to be Considered by Planning Committee

THIS APPLICATION WAS DEFERRED FROM PLANNING COMMITTEE ON 17TH AUGUST 2021
FOR A SITE VISIT TO BE UNDERTAKEN

1.0 History

No Planning History

2.0 Consultations and Representations

2.1 Town Council - Objection - The development will have a deleterious effect on local wildlife.

2.2 Highways Authority (WCC) - No objection subject to conditions. Visibility splays based on actual speeds have been demonstrated with only a slight reduction in the eastbound direction which is within an acceptable range in this specific location. Gradient details on the submitted site plan would indicate that the access slopes into the site and surface water draining into the highway will not be an issue. Parking complies with standards and the spaces are oversized with circulation space included

20/0159/FUL

plus cycle parking can be accommodated in the garages. A raised paved area with full faced kerbs around to form traffic calming is shown on the access drive and there is an opportunity to improve the design aesthetically, for example with a smoother line rather than the block as shown and possibly some landscaping, however as a private drive, this is a matter of choice for the applicant. Any vehicular access works in the highway can only be carried out by WCC contractors Ringway.

- 2.3 Severn Trent Water - No objections to the proposals and do not require a drainage condition to be applied.
- 2.4 North Worcestershire Water Management (WFDC) – No objection subject to conditions. I've checked the various flood maps and believe that the site is not at risk of any type of flooding. The application form and submitted drainage strategy details that surface water will be discharged to soakaways. Infiltration drainage is the preferred method of discharge where ground conditions allow. I have no reason to believe that soakaways would not be possible for this site. According to this website: <http://www.landis.org.uk/soilscapes/index.cfm> the soils are generally freely draining slightly acid sandy soils. An on-site permeability test (as set out in Building Regulations) will be required to confirm this and to determine the exact permeability to size the soakaways. This test will need to be documented appropriately (date when the testing was undertaken, the name of the person/company that did the testing, map of location of the test pit(s), and if possible a photo).

The submitted drainage strategy states 'the soakaway sizes are as indicated on the drawing and have been designed in accordance with BRE 365 to cope with the 1 in 100 year flood events.' I have not spotted these sizes on a drawing. I agree with the return period mentioned but we require that an allowance for climate change is also taken into account. Finally, the submitted drainage strategy refers to a calculation sheet, but I have not found this on the planning website. The strategy itself appears to have been uploaded twice, so maybe something has gone wrong there?

The submitted block plan shows one indicative location for a soakaway for the tarmac access drive and indicative locations for a private soakaway in the back garden of each of the 3 proposed dwellings. Given the length and slope of the tarmac drive I believe additional measures are likely be required to adequately deal with the runoff generated on the access drive.

The application form details that foul water will discharge to the main sewer. The drainage strategy details that it is intended to discharge all foul drainage into the existing sewer in Barnetts Lane or a foul drain serving property at Barnetts Close. It states that 'as the site is lower all foul water will discharge initially into a packaged pumping unit and then have a pumping main into a manhole with gravity discharge into the main sewer.' I have had a quick look at the foul sewer invert levels and believe that it might be possible to discharge completely via gravity to the foul sewer in Barnetts Close. This would require the necessary permissions, but would negate the need for a pumping station. In line with Building Regulations and sustainability principles imbedded in the NPPF, pumping should only be used when it is not reasonably practicable to drain by gravity.

20/0159/FUL

I believe there would be no reason to withhold approval of this application on water management ground

2.5 Countryside and Parks Manager (WFDC) - No objection subject to conditions.

2.6 Wyre Forest District Council (Arboricultural Officer) –From an arboricultural perspective the hedgerow, along Barnetts Lane, is of poor quality with few woody species, dominated by ivy growth. Historically, there looks to have been a boundary hedge of some kind there since the late 19th century, so it does have historic importance, even if the current condition of it isn't great. One point to make is that sections of the hedge has been removed to facilitate the development as Barnetts Close and this development will only remove a small amount of the remaining hedgerow. I cannot see, within the ecological assessment of the hedgerow, anything that I disagree with. Planting a new mixed species hedgerow on the boundary of the new development and the golf course seems to be suitable mitigation and will allow connectivity with the existing woodand/trees that are on the boundary of the golf course.

I am pleased to see a group of trees proposed at the back of the site, as these will act as a screen and be important mitigation for the woodland that was removed prior to the application for the development. However, there are some concerns, among neighbours, as to who will be responsible for the establishment and maintenance of the new trees. I feel these are valid concerns and should be addressed at this stage of the development process. The owner of number 10 Burlington Close has a planted and maintained a number of small cypresses, which he would like to see retained, as these act as a screen to his property and any new trees planted would take a number of years to reach their current size. This should be noted for the detained landscaping proposal/planting plan for the site should permission be given.

The two poplars, T2 & T3 in the submitted Arb Report, are currently included for retention. However, T3 is classified as U in the arb report, so needs to be removed on safety grounds. In additional, the RPA for T2 has been drawn incorrectly. It is currently drawn at around 5 metres, but it should be 13.7 metres. This puts the RPA within the front of the dwelling of plot 3. If this tree is to be retained the dwelling for plot 3 would have to be moved outside the RPA. However, given the space available, this will probably not be possible. So, the tree will need to be removed and replaced with a suitable specimen.

I have mentioned before about the need for a no-dig method of constructing the driveway to prevent root damage to the protected Sycamore T5. This is not included in the current plan, so should not be the approved plan until this is amended. A site specific (not generic) Arb Method Statement will need to be supplied as a pre-start condition to show how the driveway is going to be constructed. Finally, I'd like to see more standard trees planted in the new native hedgerow that boards the golf course.

2.7 Worcestershire County Council (Archive And Archaeology Service) – No objections subject to the inclusion of two conditions. With regard to the hedge and bank, the heritage statement demonstrates that this has likely been shifted for road widening and the bank is probably 20th century in that location. The loss of a small part of this

20/0159/FUL

hedge and bank to facilitate access to the site is not an issue archaeologically. There is also no objection to the development from an archaeological perspective.

I've had a good look through the evidence in the HER because, although the heritage statement gives a lot of detail about the hall in the 19th and 20th century, there is an absence of evidence around the origins of Comberton Hall and the small settlement at the crossroads here, which may have medieval origins.

The application site was within the ownership of Comberton Hall in the 19th century and is close to the former hall (redline boundary is directly against the western wall of the former hall), which likely dated to c.1600. The manor of Comberton was in existence from at least the 13th century. The Victoria County History (VCH) refers to '..The prior's reeve had charge of the whole estate during the 13th and 14th centuries. He collected rents and enforced services, kept the houses in repair, supervised the sale of wood (which in one year included as many as fifty-one oaks), provided for the wants of the prior when he visited the 'halls' of Oldington or Comberton'...' The VCH also suggests that the prior's second hall mentioned in a 1281AD document may have been on the site of Comberton Hall, although this is far from certain.

The documentary evidence shows that the manor of Comberton had a hall in the medieval period. The most likely location for this is on the site of the early 17th century hall that is now demolished. If this is the case, then the earlier hall may have been on a slightly different part of the site or may have had ancillary buildings. On balance there is potential for medieval settlement associated with the medieval Comberton Hall to survive within the proposed development site which would be damaged by the proposed development. Consequently, should the LPA be minded to grant consent, I would advise a condition on any grant of consent to ensure that any archaeology is properly recorded through a programme of archaeological work. The County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the National Planning Policy Framework section 16, paragraph 199;

2.8 Conservation Officer (WFDC) – Further to my previous responses to this application the applicant has now provided a heritage statement in accordance with the NPPF paragraph 189. I am satisfied from the assessment contained within this heritage statement that the proposed development will have no impact on known heritage assets. In this respect the proposal thus complies with WFDC Policy SAL.UP6.

2.9 Neighbour/Site Notice Representations

14 objections received from nearby occupiers and the following comments have been made:

- Development will result in the destruction of part of the HER. Please can you tell us how the HER will be safeguarded. The proposed development still involves the destruction of part of the embankment, verge and hedgerow forming the boundary between Barnett's Lane and the golf course. As you know these features are part of a Historical Environment Record (see attached) because they form an ancient boundary and an ancient hedgerow together with established wildlife habitats. It

20/0159/FUL

seems to us that as a HER the features cannot be removed. Thus the proposal in its present form should be refused.

- A Historic Environment Record is a national designation. Any such status should be fully respected by developers, landowners, the local community and councils. To disregard this is to make any such designation worthless and a major affront to those who have striven successfully to achieve the HER status
- One of the widest parts of the verge in the whole of Barnetts Lane is where the proposed extended entrance to the development is located. The hedge is thick and well developed also at this location. It is totally wrong to decimate the verge and hedgerow at this location where the biodiversity is significant. To allow this clearly goes against the stated aims of the Council to protect the biodiversity and environment of the area.
- The proposed new access for the development will make a huge cut into the widest part of the verge and also through a thick hedge. It will result in the loss of low vegetation and hedgerow. It is important that this problem of the proposal is highlighted. For this and other reasons such as traffic dangers and pedestrian safety this is not the right place to gain access to the development. The Council should ask the applicant to look at a different access. The Council should honour its commitment to conserving the natural environment in the town.
- We have become very aware of the range of flora and we have carried out a careful survey of the Lane
- We would like to draw the Planning Committee's attention to the fact that in this northern boundary of the proposed site we have an 'intact hedgerow' (to quote the Ecological Report itself) which is an intrinsic and key part of a designated 'ancient hedgerow'. As such, this is a rare archaeological survival in Kidderminster and needs to be considered in a much more nuanced way than appears to be the case in the documents submitted as part of this application.
- Environmental degradation - We have been encouraged to see this precious strip of habitat start to flourish in recent years and have noted that the relative lack of light pollution is also beneficial to permitting this habitat to flourish. We nightly hear tawny owls hunting, for example, and have muntjac deer and bats visit our front garden. Because it is such an unusually long piece of hedgerow in a setting such as this, it forms an excellent wildlife corridor running from Barnett's Close to Chester Road South. As a result, sparrow hawks regularly hunt along the hedgerow
- Examination of historical mapping for Barnetts Lane, and the pattern of ownership of this area since the 1780s, reveals that this is a very old piece of hedgerow/verge indeed and is extremely likely to pre-date the Enclosure Acts. The fact that it is so species-rich also supports this assertion. As such, it would meet the definition of an ancient hedgerow as defined by the Hedgerow Regulations, 1997. Not only this, but the hedgerow represents part of the ancient parish boundary between Stone and Kidderminster, as well as part of the parliamentary boundary drawn up in the early 19th century Reform Acts and probably the demarcation of the Comberton

20/0159/FUL

Estate before the Enclosure Acts. Any one of these would render it 'important' under the current legislation and regulations; to have such a piece of historical hedgerow in a semi-urban setting is very rare indeed.

The proposed entrance/exit to the site will destroy a very valuable section of this hedgerow/verge. Such an action could never be reversed, given the age of the hedgerow.

- We note that the development site was, until 3 months ago, it almost entirely comprised of woodland. This was cut down by contractors on the May Bank Holiday 2020, without warning, and on a day when it proved impossible for neighbouring residents to reach relevant Wyre Forest DC personnel by telephone. One can only assume that the woodland was destroyed in anticipation of planning permission being granted. Thus, a valuable habitat for wildlife and woodland plants has been removed (incidentally, in the nesting season), as has an important source of carbon dioxide absorption, while simultaneously unnecessary levels of carbon have been released into the local atmosphere. Given this tragic loss and that already such disregard of the ecology of our local environment has already been exhibited, it is all the more axiomatic that the hedgerow and verge on Barnett's Lane should be preserved in its entirety.
- Light Pollution
- Our house (44) and our neighbours' house (45) is situated directed opposite the entrance to the proposed development and thus we have a unique insight into the safety implications of this application. The application does not make reference to the fact that Barnett's Lane is a single-track road with very limited visibility and that the houses opposite the site entrance both have driveways which are angled to necessitate a swing to the opposite side of the road before turning either left or right. An additional flow of traffic into this precise section of the road has significant implications for road safety in this location, especially if vehicles exiting the proposed development were permitted to turn left into Barnett's Lane, where there is a 'blind zone' vis-a-vis vehicles exiting the driveways of numbers 44 and 45. At the very least, vehicles entering and exiting the proposed development should do so from the Comberton Road end of Barnett's Lane and not be permitted to exit left and travel towards the Chester Road South end of the Lane. In any case, it is possible that for larger vehicles such as dustbin lorries this would be a physical impossibility.
- We assume that the proposed development will be lit by conventional streetlights and, paradoxically, believe that this also has implications for road safety in the area. We frequently observe that drivers using the lane as a 'rat run' accelerate as they approach the area of Barnett's Lane with street lights (around the Barnett's Grove and Barnett's Close entrances) when this is the very area that more caution might well be exercised, being close to the intersection with three other roads. Drivers exercise far more caution when driving on the unlit part of the road. In other words, the light pollution promotes faster driving.

20/0159/FUL

- We noted that the Drainage Strategy considers linking the drains to Barnetts Close: Our neighbours and ourselves already have huge problems with drains backing up due to root blockages. Therefore, any attempt to further burden our drains would also be opposed as strongly as possible.
- The DRAINAGE_STRATEGY-754719 document suggests the use of pumping unit as the site is lower than the drains on Barnetts Close and Lane. My understanding is that the best practice for such a development is to use gravity discharge, rather than a pumping unit. This also raises key questions as to where the pumping unit will be sited and what will be the noise associated with it? None of these details are present on the plans in the submission. We certainly do want a constant pumping noise perpetuating our daily life.

3.0 Site Location and Description

- 3.1 The application site comprises 0.32 hectares of undeveloped land lying on the south side of Barnetts Lane and slopes downwards from Barnetts lane to the properties located in Barnetts Close and Burlington Close, close to the junction between Barnetts Lane and the A448 Comberton Road. The surrounding area is predominantly residential in character and the site lies within the urban area of Kidderminster, close to nearby shops and services. The site itself is an area of the golf course that identified as open space on the Adopted Policies Map and is currently unused. It has been retained by Kidderminster Golf Club as a buffer zone between the golf course and the adjacent residential dwellings.
- 3.2 The proposed development is for the erection of three two storey dwellings which would be located at the bottom of a new driveway close to the rear of numbers 6 and 8 Barnetts Close and to the side of number 10 Barnetts Close and number 10 Burlington Close. The design of the properties is similar to the newer housing development at the end of Barnetts Close. Building materials would comprise brickwork and roof tiles. The development would include the retention of a tree screen to the rear of the site in order to retain a buffer to the adjoining golf course.
- 3.3 The application site is located on Barnett's Lane which is a restricted access road linking Comberton Road (A448) and Chester Road South (A449). It is intended to create a new vehicular access point to the front of the site which would be opposite to numbers 44 and 45 Barnetts Lane. The new entrance drive proposes the removal of a section of the hedge on Barnetts Lane with a 1.2m post and rail fence to the side of the access drive in order to create a new boundary to the golf course.

4.0 Officer Comments

- 4.1 The main issues in the consideration of this application are whether the principle of residential development is acceptable, and the impact of the proposed development on the character of the locality, on the amenities of existing residents, biodiversity, heritage impacts, biodiversity and trees, loss of open space and the impact of the development upon highway safety.

20/0159/FUL

POLICY CONTEXT

- 4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 4.3 The National Planning Policy Framework (the 'Framework') sets out the Government's planning policies for England and how these should be applied. It advises that the purpose of the planning system is to contribute to the achievement of sustainable development.

PRINCIPLE OF DEVELOPMENT

- 4.4 The site relates to an area that is not a formal part of the golf course within an urban area of Kidderminster. Whilst the site is in a sustainable location and within reasonable walking distance of nearby services and facilities, including public transport, it is a greenfield site and is not considered to be a suitable site for new development as set out by Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan which seeks to concentrate development on previously developed land first.
- 4.5 The proposed development would be in conflict with Policy SAL.DPL1 of the Adopted Site Allocations and Policies Local Plan in terms of land use. However, taking into account emerging Policies 6B and 18B of the Emerging Local Plan, which can be given weight, I am of the view that it is an appropriate windfall site given that it is located within a sustainable location of Kidderminster. The development of windfall sites is supported by the Framework, in Paragraph 69, when the site is located within existing settlements for homes.
- 4.6 Policy SAL.UP4 of the Adopted Site allocations and Policies Local Plan and emerging Policy 20B relate to the loss of open space and that this is identified on the Policies Map and includes a range of private and public open spaces. These policies state that these sites should be safeguarded and not be built on unless the following applies:
- i. An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - ii. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
 - iii. The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 4.7 Whilst the site is designated as Outdoor Sports Facilities (Kidderminster Golf Club) in the adopted Local Plan, the application site is not part of the formal golf club (greens or fairways) and has never been. The application site is a small area of overgrown land with bramble and self-set trees with no public access to the site. The designation in the local plan simply reflects the ownership of the land rather than the land use and as such the proposal would not result in the loss (in full or part) of any formal sports facility.

20/0159/FUL

- 4.8 Whilst the land is owned by the golf club, it is not used by them for any purpose, hence their decision to sell the land. The proposal would benefit the golf club as all revenue from the sale of the land will go back to the club to reinvest in their facilities and assist with the future viability of the club which is an important local community asset.
- 4.9 I therefore consider that when taking the account of both adopted and emerging policies and the weight that can be attributed to them, the principle of providing windfall infill development in this location is acceptable subject to the following site specific considerations.

IMPACT ON HIGHWAY SAFETY

- 4.10 The Highway Authority has provided further comments following the provision of the latest revised plan (3905-01H). Visibility splays based on actual speeds have been demonstrated with only a slight reduction in the eastbound direction which is within an acceptable range in this specific location. Gradient details on the submitted site plan would indicate that the access slopes into the site and surface water draining into the highway will not be an issue. The ACO drain at the edge of the highway as indicated is not desirable nor required and further details will be required if the ACO drain is retained.
- 4.11 The access is to be laid out as a dropped kerb as indicated and whilst a bin collection area has been shown, the refuse collection vehicle is not likely to enter a private drive serving 3 dwellings and tracking details have not been provided to demonstrate that refuse vehicle access is achievable. Accordingly, the distance from the refuse vehicle on Barnett's Lane to the bin collection point within the site should not exceed 25 metres and future residents will need to be aware of this. due to the length of the proposed driveway. Highways have asked for a condition to be added to the approval which requires the submission of a plan to show a suitable refuse collection point to facilitate kerbside refuse collection. The current plan shows a paved area for a designated bin collection area but at the request of highways this may need to be re-located slightly further up the access drive area which is considered to be acceptable as there is adequate space to be able to accommodate this within the site. Parking complies with standards as set out in the Adopted Streetscape Design Guide and the spaces are oversized with circulation space included plus cycle parking can be accommodated in the garages.
- 4.12 A raised paved area with full faced kerbs around to form traffic calming is shown on the access drive and there is an opportunity to improve the design aesthetically, for example with a smoother line rather than the block as shown and possibly some landscaping, however as a private drive, this is a matter of choice for the applicant. The Councils Arboricultural Officer has requested the inclusion a condition relating to the submission of a detailed planting plan and therefore additional planting as suggested will form part of the condition discharge to the agreement of the tree officer and Highways. There are no objections to the layout of the internal road in highway terms.
- 4.13 Conditions are to be added to ensure that the visibility splays shown on Drawing No. 3905-01H has been provided, the access and turning area and parking facilities as shown on the drawing have been properly provided, a suitable refuse point shall be

20/0159/FUL

provide within 25 metres of the highway to facilitate kerbside refuse collection and a Construction Environment Management Plan has been submitted.

- 4.14 Concern has been raised by an objector in relation to the access being directly opposite another drive entrance. Whilst I can appreciate the objector's concerns and acknowledge that the proposed site access is opposite their access, in this location Barnett's Lane measures approximately 4.7m in width which is not 'narrow' in Highway terms and certainly not as narrow as further on where the lane reduces to about 3.5m. It is not expected that a vehicle would 'sweep' across the road, however using more of the road to manoeuvre would be expected in these circumstances on a lane with no road markings. At the same time, all vehicles entering and exiting their individual sites would be expected to use due care and attention and to wait and give way if another vehicle is manoeuvring as is standard good driving practice. As the proposed site access is opposite, any vehicles would be clearly visible.
- 4.15 Furthermore, the Highway Authority have confirmed that the proposed access width exceeds the requirement for a Shared Private Drive design therefore vehicles would be able to enter and exit the site without exaggerated manoeuvres and again would be expected to give way if other vehicles are using the existing access points on Barnett's Lane. In my view, there would be sufficient width for emergency vehicles to get in and out and in an emergency, vehicles will do whatever is necessary so overrunning the verge for example wouldn't be an issue. Based on comments received from Highways it is my view that the proposed access is considered to be acceptable.
- 4.16 I therefore consider that the proposed development would result in an acceptable impact on highway safety and would therefore be in accordance with Policy CP03 of the adopted Core Strategy, Policy SAL.CC1 of the adopted Site Allocations and Policies Local Plan, draft policy 13 of the Emerging Local Plan, the adopted Streetscape Design Guide and the Framework, namely paragraphs 110 and 111.

IMPACT ON RESIDENTIAL AMENITY

- 4.17 The Framework at paragraph 126 advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. It further states that planning decisions should ensure that developments (amongst other things) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Also, that developments are sympathetic to local character, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). The Framework also sets out the trees makes an important contribution to the character and quality of urban environments as these can help mitigate and adapt climate change and that opportunities are taken to incorporate trees elsewhere in developments and that appropriate measures are in place to secure the long-term maintenance of newly-planted trees and that existing trees are retained wherever possible.
- 4.18 Policy CP11 of the Adopted Core Strategy and Policy SAL.UP7 of the Adopted Site Allocations and Policies Local Plan and draft policy 27A of the Emerging Local Plan accord with the Framework in requiring new developments to have high

20/0159/FUL

quality design and to relate well and enhance the character and appearance of the existing built environment and its surroundings.

- 4.19 The surrounding area comprises a mix of detached two-storey dwellings erected at different times during the last 40 years (approximately) with the properties at the end of Barnetts Close being the most recent addition, as such the properties are varied in design style. The nature of the properties is Burlington Close and Barnetts Close are dwellings that are set back from the road with a front garden, garage and one or two parking spaces.
- 4.20 The proposed dwellings would be set into the site off the new access road with similar frontage arrangements to the existing residential development in Burlington Close and Barnetts Close and would therefore be seen in the context of nearby residential development, which have similar plot sizes and density as proposed, for example the nearest properties to the side and rear of the site. There would be a tarmac driveway and turning area with block paved driveways to each of the properties with three parking spaces provided for each.
- 4.21 The design of the new dwellings is reflective of the design and style of the properties in Burlington Close and Barnetts Close which are modern detached two storey properties. The plots will not form part of a conventional street scene from Barnetts Lane because of the significant setback from the lane so the properties in the adjoining closes have been more influential on the design.
- 4.22 The indicative layout also shows that adequate separation distances will be achieved between the proposed rear facing windows of numbers 6 and 8 Barnetts close and the garage and side facing elevation of plot 1. The rear of plots 1,2 and 3 would face the side of 10 Barnetts Close and 10 Burlington Close each having at least a 10m deep rear garden.
- 4.23 The development has been designed with a tree buffer to the rear to further reduce the impact of the dwellings on 10 Barnetts Close and 10 Burlington Close. This buffer presently contains some large established trees which are to be retained and additional trees are to be planted to provide further screening. A planning condition has been recommended to secure the details of the proposed new planting and to require the future maintenance of the buffer area by a private management company. It is proposed to retain the established hedgerow to the west of Plot 3 but remove the existing large conifer tree screen to the side of what will become plot 3 and erect a 1.8m close boarded fence with a newly planted hedge to the inner side.
- 4.24 It is my Officers view that the layout of the new properties and the tree buffer to the rear will ensure an appropriate degree of privacy for adjoining residents and I am also satisfied that there would be no 45 degree issues in this case. Adequate separation distances have been shown and this coupled with the fact that the orientation of the properties is such that this will ensure that the impact of the development on the neighbours in Barnetts Close and Burlington Close is minimal. It therefore considered that the proposed dwellings can be accommodated on the site without detriment to the character and appearance of the area and would accord with Policy CP11 of the Adopted Core Strategy, Policy SAL.UP7 of the Adopted Site Allocations and Policies

20/0159/FUL

Local Plan, the draft Policy 27A of the Emerging Local Plan, the Adopted Design Guidance SPD and the Framework.

TREES

- 4.25 The Council's Arboriculturist has been involved in what has been a lengthy planning application process in this case and from an Arboricultural perspective the hedgerow along Barnetts Lane is of poor quality with few woody species, dominated by ivy growth. Historically, there looks to have been a boundary hedge of some kind there since the late 19th century, so it does have historic importance, even if the current condition of it isn't great. It appears that sections of the hedge have been removed to facilitate the development as Barnetts Close and that this development will only remove a small amount of the remaining hedgerow and therefore it is concluded that within the ecological assessment of the hedgerow there are no planning grounds to justify a refusal of the application.
- 4.26 The planting of a new mixed species hedgerow on the boundary of the new development and the golf course would be suitable mitigation and will allow connectivity with the existing woodland/trees that are on the boundary of the golf course. It is noted that there are mixed feelings (among neighbours) about the loss of the tall Leyland Cypress hedge but its removal will allow for more light into the nearby properties. There is also concern about the amount of golf balls, which the hedge currently stops, that will not only enter the current properties but also the proposed dwellings, the Arboricultural Officer has advised that the health and safety of the development goes beyond his expertise, but additional tree planting along the boundary of the new development could assist with preventing a serious incident of harm or property damage. Whilst there is a concern with respect to golf balls this is not a planning issue and will be a matter for the Golf Course to deal with, however I am in agreement with the Council's Arboricultural Officer that the provision of a 1.8m close boarded fence and the planting of a new hedge will help to reduce the amount of balls ending up in the residential areas of the new dwellings.
- 4.27 The Arboricultural Officer is pleased to see a group of trees proposed at the back of the site, as these will act as a screen and be important mitigation for the woodland that was removed prior to the application for the development.
- 4.28 The owner of number 10 Burlington Close has planted and maintained a number of small cypresses to the side of his property on the rear of the proposed development site which are already at a height which provides a good level of screening and the Council's Arboricultural Officer has suggested that these are retained as any new trees planted would take a number of years to reach their current size. The agent has agreed that these trees should remain and will show these in the detailed landscaping proposal/planting plan for the site that has been requested by the tree Officer should permission be given.
- 4.29 The two poplars, identified as T2 & T3 in the submitted Arboricultural Report, are currently included for retention. However, T3 is classified as U (which relates to trees that cannot be retained for longer than 10 years due to their poor condition or defect) ,

20/0159/FUL

and will need to be removed on safety grounds. In addition, the root protection area (RPA) for T2 has been drawn incorrectly. It is currently drawn at around 5 metres, but it should be 13.7 metres. This puts the RPA within the front of the dwelling of plot 3. If this tree is to be retained the dwelling for plot 3 would have to be moved outside the RPA. However, given the space available, this will probably not be possible. So, the tree will need to be removed and replaced with a suitable specimen.

- 4.30 The Council's Arboricultural Officer has discussed with the agent about the need for a no-dig method of constructing the driveway to prevent root damage to the protected Sycamore T5. A site specific Method Statement will need to be supplied as a pre-start condition to show how the driveway is going to be constructed.
- 4.31 It has also been suggested that some further standard trees are planted in the new native hedgerow.
- 4.32 I concur with the comments and feel that the pre-commencement conditions proposed are clearly justified in line with paragraph 56 of the Framework in that the requirements of the conditions (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission.

HERITAGE ISSUES

- 4.33 Initially no heritage statement had been submitted as part of the application, however in line with the Framework paragraph 194 and following subsequent requests from the Council's Conservation Officer and Worcestershire Archaeology and archive services a detailed statement has now been received. This statement sets out the history of the site and the fact that the present golf course site appears to have been incorporated into the course in 1919. Aerial photographs in the heritage statement from 1932 show the golf course with minimal vegetation and no tree cover except on the perimeter agricultural hedging on the boundary with occasional hedgerow trees with a single track to Barnetts lane and sporadic development to the north.
- 4.34 Further to the submission of the heritage statement the Council's Conservation Officer has offered no objections.
- 4.35 WCC Archaeology have commented that although the heritage statement gives a lot of detail about the hall in the 19th and 20th century, there is an absence of evidence around the origins of Comberton Hall and the small settlement at the crossroads here, which may have medieval origins.
- 4.36 The application site was within the ownership of Comberton Hall in the 19th century and is close to the former hall (redline boundary is directly against the western wall of the former hall), which likely dated to c.1600. The manor of Comberton was in existence from at least the 13th century. The Victoria County History (VCH) refers to... "The prior's reeve had charge of the whole estate during the 13th and 14th centuries. He collected rents and enforced services, kept the houses in repair, supervised the sale of wood (which in one year included as many as fifty-one oaks),

20/0159/FUL

provided for the wants of the prior when he visited the 'halls' of Oldington or Comberton..." The VCH also suggests that the prior's second hall mentioned in a 1281AD document may have been on the site of Comberton Hall, although this is far from certain.

- 4.37 The documentary evidence shows that the manor of Comberton had a hall in the medieval period. The most likely location for this is on the site of the early 17th century hall that is now demolished. If this is the case, then the earlier hall may have been on a slightly different part of the site or may have had ancillary buildings. On balance there is potential for medieval settlement associated with the medieval Comberton Hall to survive within the proposed development site which would be damaged by the proposed development. WCC Archaeologist has therefore suggested that if the Local Planning Authority is minded to grant consent, a condition to ensure that any archaeology is properly recorded through a programme of archaeological work should be included as the County and the District has a responsibility to protect, either by preservation or record, cultural remains within its jurisdiction, and this is emphasised by the Framework section 16, paragraph 199;

"...Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."

- 4.39 In order to comply with policy, two conditions are recommended to ensure that a written scheme of investigation is carried out.
- 4.40 I consider that the submitted heritage statement has addressed the main concerns of the Council's Conservation Officer and Worcestershire Archaeological and Archive Service. The addition of two conditions will ensure that a Written Scheme of Investigation is carried out in order to record what is on the ground and as such the development is considered to be in compliance with Policy SAL.UP6 of the Adopted Site allocations and Policies Local Plan and the NPPF in terms of its heritage impact.

LOSS OF HEDGEROW

- 4.41 WCC Archaeologist (WAAS) has commented that with regards to the hedgerow and bank, the heritage statement demonstrates that this has likely been shifted for road widening and the bank is probably 20th century and therefore the loss of a small part of this hedgerow and bank to facilitate access to the site is not an issue archaeologically.
- 4.42 Barnetts Lane is typified with residential accesses along its northern side and given the close proximity of the proposed access to Barnetts Close, this new access would not appear out of character or incongruous in the street scene however concern has been raised with by numerous objectors with regards to the permanent removal of approximately 12m of hedgerow to the front of the site on Barnetts Lane.

20/0159/FUL

- 4.43 The new access, bell-mouth and visibility splays will result in the loss of approximately 25m of the existing roadside hedge, however this would be fully mitigated by the replanting of 13m of new hedgerow along the site frontage behind the visibility splay and 64m of new native hedgerow along the western side of the new access road. This equates to 52m of additional hedgerow and 13m of replacement hedgerow with only 12m of hedgerow being permanently lost. All details of the new hedgerow are to be submitted to the LPA for approval.
- 4.44 The council’s Arboricultural Officer has commented that from an Arboricultural perspective the hedgerow, along Barnettts Lane, is of poor quality with few woody species, dominated by ivy growth and WAAS has commented that with regard to the hedge and bank, the heritage statement demonstrates that this has likely been shifted for road widening and the bank is probably 20th century.
- 4.45 The hedge itself extends to approximately 900m and it is my opinion that the permanent removal of a small section of this hedge to create an access would not undermine the integrity of this important historic landscape feature as a whole or adversely affect the local and semi-rural character of the lane particularly given that the vast majority of the length of the hedgerow would be retained and significant new hedgerow planting is proposed which would mitigate against its removal.
- 4.46 It is acknowledged that there is considerable concern from neighbours regarding the removal of the historic hedge, however WAAS, the Council’s Arboricultural Officer, Council’s Countryside and Parks Manager are all now satisfied that with sufficient justification has been put forward to outweigh this harm. I therefore see no justifiable planning reasons to refuse this application on grounds of loss of hedgerow.

BIODIVERSITY

- 4.47 In May 2020, an area of woodland which extended to an approximate area of 0.23ha was removed and as a result of this tree removal an updated biodiversity report was requested as part of the consideration of this application.
- 4.48 The submitted Biodiversity Net Gain Addendum Report sets out the proposals for on-site habitat creation within the application site which will mitigate against the loss of this woodland. Habitats are to be created on the site and are detailed in Figure 5 of the document. The table below (table 11 from the Biodiversity Net Gain Addendum Report) sets out the summary of the proposed habitat creation, type and area of planting on the site:

Habitat	Size	Target Distinctiveness	Target Condition	Time Until Target Condition is achieved	Difficulty of Creation
Broadleaved woodland	0.07ha	Medium	Moderate	30 years	Medium
Introduced shrub	0.01ha	Low	Poor	1 year	Low

20/0159/FUL

Amenity grassland	0.07ha	Low	Poor	1 year	Low
Developed land	0.12ha	Very Low	N/A	N/A	Low
Vegetated garden	0.07ha	Low	Poor	1 year	Medium
Ground based green wall	0.01ha	Low	Poor	1 year	Medium
Native species rich hedgerow	0.17km	Medium	Moderate	5 years	Medium

4.49 In order to further mitigate the biodiversity loss from the removal of the woodland, the Golf club has agreed to allow additional off-site biodiversity gain (BNG) within the golf course on an area of land which measures 0.4ha, this is almost twice the size of the area of woodland that was removed last year. The piece of land for the off-site habitat creation is situated approximately 160m south-west at the closest point and is located next to existing areas of woodland between fairways. This land is not currently in use and it is thought that in the past it was used as an informal driving range and is therefore ideally located for the replacement/additional woodland planting as set out in the table below (table 12 from the Biodiversity Net Gain Addendum Report):

Habitat	Size	Target Distinctiveness	Target Condition	Time Until Target Condition is achieved	Difficulty of Creation
Broadleaved Woodland	0.1ha	Medium	Moderate	30 years	Medium
Mixed scrub	0.37ha	Medium	Moderate	1 year	Low

4.50 The submitted location plan has been updated to show land outlined in blue which is owned by the Golf Club and the plan also shows the area outlined in green where the BNG will be located. A s106 is recommended to ensure that a management company to be set up in order to maintain the BNG area and the other landscape areas including trees and hedgerow (existing and proposed) that are outside of the residential gardens. The company would be bound to the occupiers of the properties and the Golf Course, all who would be shareholders. By securing a s106 agreement this is a robust way of ensuring that maintenance of the non domestic landscape areas are continued to be maintained and in particular the NBG is maintained for a significant period of time.

4.51 The Biodiversity Net Gain Addendum Report dated 14th (April 2021) shows that the development proposals with the on-site habitat creation would achieve an overall 17.32% gain in habitat biodiversity units (in excess of the 10% increase required to

20/0159/FUL

achieve Biodiversity Net Gain) and an overall gain of 45.87% gain in hedgerow habitat. As per the conclusions of the 2021 Report and addendum, the development would therefore be in accordance with paragraph 175 of the Framework and Policy CP14 of the Adopted Core Strategy and draft Policy 11D of the Emerging Local Plan which seek to minimise harm to biodiversity and ensure new developments deliver measurable net gains in biodiversity through the enhancement and creation of new habitats.

- 4.52 In addition, the proposed development would have the opportunity to provide ecology enhancement measures in the form of suitable bird and bat boxes and native tree/shrub planting to enhance the biodiversity value of the site. The Council's Countryside and Parks Manager has stated that bat and bird boxes are to be provided and that these are welcomed, however he has requested a condition requiring the submission of landscape environment management plan (LEMP) to set out the detail of planting, and how it will be managed. The LEMP will also need to include all the Species mitigation measures as laid out in the 2021 ecological report. He has also requested a condition that required a certificate of completion from a suitably qualified and competent ecologist that the works described in the LEMP have been completed within 5 years of the LEMP being approved.
- 4.53 I therefore consider that the development is acceptable in terms of biodiversity, and would accord with Policy CP14 of the adopted Core Strategy, Policy SAL.UP5 of the adopted Site Allocations and Policies Local Plan, draft Policy 11D of the Emerging Local Plan and Paragraphs 174(d) and 180 of the Framework.

DRAINAGE

- 4.54 The North Worcestershire Management Officer (NWWM) has raised no objection to the application and has stated that they have checked the various flood maps and believes that the site is not at risk of any type of flooding and would be able to achieve suitable drainage of the site subject to a condition to secure a detailed drainage scheme.
- 4.55 I concur with the suggested conditions of NWWM in terms of drainage.

OTHER MATTERS

- 4.56 The applicant is will to provide a defibrillator as part of the development but would not want it to go on the site as it's a private drive to private residences and has therefore suggested that it would be a great asset to have such equipment at the golf club as this would benefit the local community. I consider this reasonable and have attached a condition accordingly.
- 4.57 Objectors have questioned why an access to the site off Burlington Close was not investigated further rather than the creation of a new access off Barnetts Lane. The Agent has confirmed that this was investigated but as the site is not actually connected to Burlington Close but a private drive which is shared by Numbers 6, 8 and 10 Burlington Close this would not be possible without the agreement of these home owners. In addition, it is considered that private drive would need re-modelling and that the level of harm and loss of amenity would be greater than the proposed access. Whilst the adopted highway does meet the Golf Course boundary at the turning head

20/0159/FUL

of Burlington Close, due to the levels difference and the number of trees in this locality it would be impossible to provide a suitable access without significant harm. Members are advised that whilst this has been explored and further information has been provided, consideration must be given to the proposal that is presented and not any alternative scheme.

5.0 Conclusion and Recommendations

- 5.1 The proposed development would not have a detrimental impact on the character and appearance of the area, because of the distance it is to be located from the road; the modest built form and scale of the proposed dwellings; and the design style which is in keeping with neighbouring properties. I also consider that the plot size and spacing around the proposed buildings reflects similar developments within Barnetts Lane. The development would not give rise to any overlooking, overshadowing or any other harm on neighbouring occupiers. Adequate access and parking provision can be provided and an acceptable living environment for future occupiers can be achieved. Biodiversity net gain has been put forward and the loss of part of the hedge has been fully justified. The proposed development would be on the existing golf course land and would therefore result in the loss of open space, contrary to the Development Plan which results in harm. However, in the overall planning balance, I consider that the benefits of the new housing development, on this windfall site and within the urban area of Kidderminster, outweighs the harm, especially given that this part of the golf course is unused by the club, and the proposals would result in an acceptable and sustainable development.
- 5.2 It is therefore recommended for delegated **APPROVAL** subject to the signing of a S.106 Agreement to secure provision and maintenance of landscape and biodiversity areas and the following conditions;
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. B1 (Samples/details of materials)
 4. B11 (Details of enclosure)
 5. B13 (Levels details)
 6. Visibility splays (highways)
 7. Parking Provision and Access Arrangements to be provided
 8. Refuse collection point detail to be provided
 9. Details of Electric charging points to be submitted.
 10. Submission of details of a defibrillator
 11. Submission of CEMP
 12. Removal of PD Rights for Alterations to Roof and Extensions
 13. Surface water drainage
 14. Foul drainage
 15. Tree Protection Plan
 16. Submission of a site specific Arboricultural Method Statement
 17. Detailed Planting Plan
 18. Establishment and maintenance plan for the new tree and hedge planting
 19. Pre-commencement Tree Site Meeting
 20. Submission of a LEMP (landscape Environment management plan)

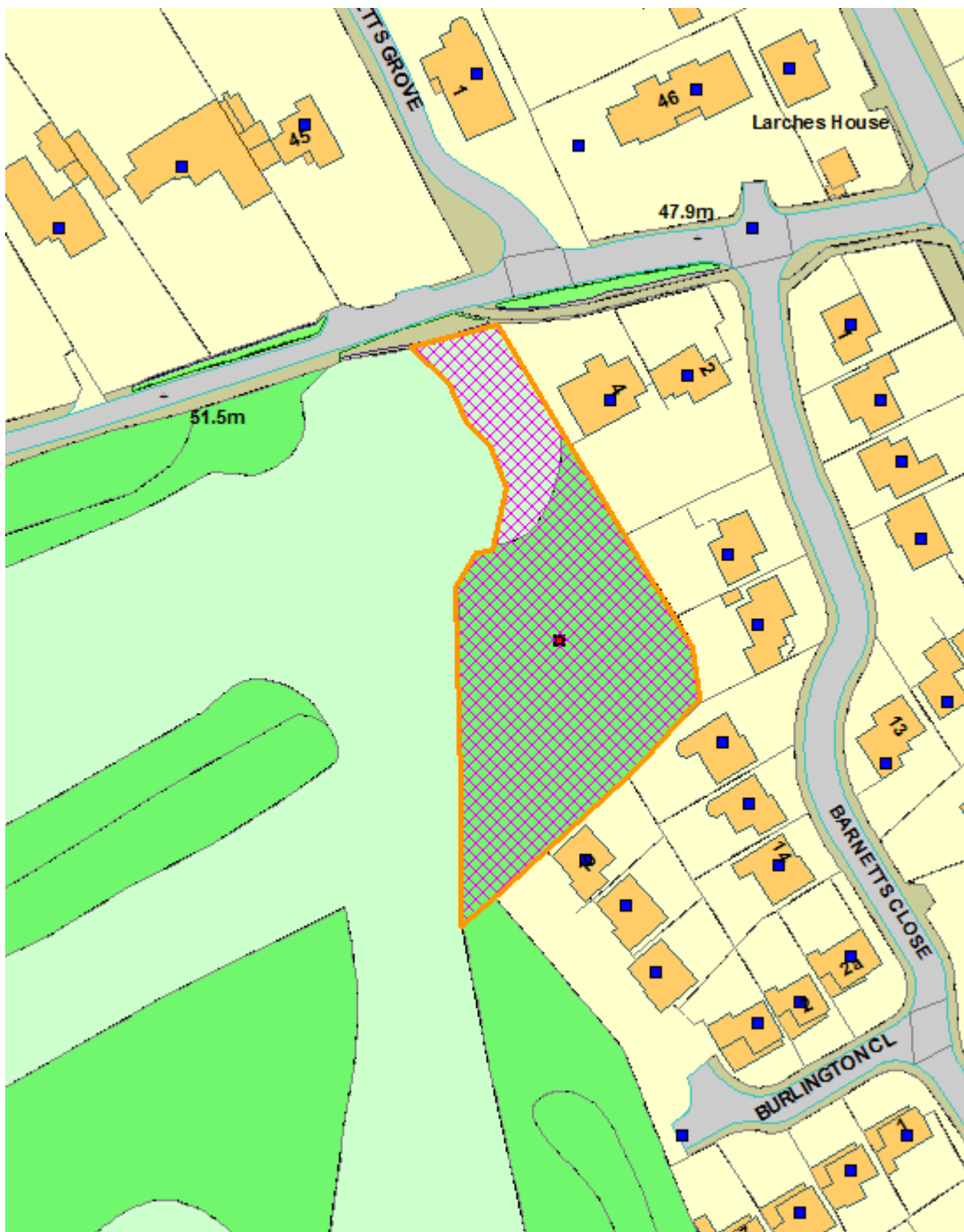
20/0159/FUL

21. Completion certificate for LEMP
22. Programme of archaeological work including a Written Scheme of Investigation
23. Completion of submitted site investigation and post investigation

Notes

A. This permission does not authorise the applicant to carry out works within the publicly maintained highway.

B Severn Trent Water to approve any new connection to their system.



Economic Prosperity and Place Directorate

Land At Os 384500 275750Barnetts LaneKidderminsterWorcestershire

Crown Copyright 100018317



PART A

Application Reference:	20/0192/FUL	Date Received:	02.08.2021
Ord Sheet:	384854 280058	Expiry Date:	27.09.2021
Case Officer	Richard Jennings	Ward:	Wyre Forest Rural

Proposal: Change of use from agricultural land to equestrian use and permanent siting of field shelters

Site Address: Land At Os 384854 280058, Wolverhampton Road, Cookley, Kidderminster, Worcestershire, ,

Applicant: Mrs Nicola Carder

Summary of Policy	CP11, CP12, CC1, CC7, UP1, UP5, UP7, UP13 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for referral to committee	Statutory Consultee Objection and the Application is Recommended for Approval

1.0 Planning History

No planning history

2.0 Consultations and Representations

2.1 Wolverley and Cookley Parish Council

Recommend Refusal due to adverse effect on the openness of the Greenbelt

2.2 Highway Authority

No Objections. It is noted that the application (20/0192/FUL) is retrospective with activities already taking place on site and there are multiple applications on the wider site which has been subdivided into 6 separate plots. However, there are no known issues in this location from a Highways point of view. Connection to the highway is on Eleanor Harrison Drive which is adequate for the proposed use and the traffic generation associated with the site(s) will be low. However, the applicant should ensure they have the appropriate rights of access on the private road between the site and the highway. This route is also in use as farm access plus there is a bridleway / public right of way here and the applicant's attention is drawn to the restrictions imposed by Section 34 of The Road Traffic Act, 1988, regarding the driving of motor vehicles over public footpaths and bridleways. The access track to the site should be

20/0192/FUL

fit for purpose and within the site it is recommended that suitable hard standing for a vehicle is provided. However, on the basis that the site is for private use only there is No Objection from Highways.

2.3 North Worcestershire Water Management

No Objections subject to conditions. This site is not at risk of flooding from any source. To ensure the development will not increase flood risk for others, surface water runoff from all impermeable areas should be disposed of responsibly. The application has not indicated how surface water will be disposed of. As this site is located in an area with free draining soils, the preferred drainage method would be the use of appropriately sized soakaway drainage. I understand a Building Control application will not be required for this development, but notwithstanding this, Building Regulations (part H) set out how to properly design, size and install soakaway drainage and the principles set out in part H should be followed for this development.

2.4 Countryside and Parks Manager

Having studied the site and examined the records held by the Biological record centre, I do not feel the change in use has had a negative impact on Biodiversity.

Neighbour / Site Notice Representations

1 neighbour objection received raising the following concerns;

- The proposed structures are unjustified for the proposed use.
- Impact on the Green Belt
- Works have been carried out illegally without the required consent

3.0 Site Location and Description

3.1 The application site was formed through the subdivision and sale by the previous owner of a once much larger agricultural pasture field, and forms one of five individually owned plots. The site is accessed by way of a private track off Eleanor Harrison drive which is an unclassified, quiet residential estate road. The site lies on a prominent open area of Green Belt on the edge of Cookley Village.

3.2 The application proposes the retrospective change of use of the land from agricultural to private equestrian use, and the permanent siting and relocation of stable buildings, field shelter and store, along with new hedgerow planting in an attempt to minimise any resulting visual harm. The structures are of typical rural timber construction with horizontal cladding and corrugated roofs. Officers advice in this instance was permanent relocation of the structures to the southern boundary, which is the least conspicuous and results in the least impact when the application is considered in isolation as well as the resulting impact of the collective plots.

20/0192/FUL

4.0 Officer Comments**POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT**

4.1 The application proposes the retrospective change of use of the land to private equestrian and the permanent siting and relocation in a grouped position of a stable building, field shelter and store. Members will recall previous refusals on the wider site, the reasons for which making reference to the proposed change of use and siting of structures on the land, cumulatively resulting in a loss of openness and impact on the visual amenity of the green Belt. In isolation the change of use of the land to a mixed use is considered to play only a minor element in any potential resulting loss of openness or visual amenity, with the overriding impact on openness and visual amenity currently resulting from the current poor siting of the ancillary buildings and structures. The overriding consideration has to therefore be whether the structures proposed more sympathetic re siting along with landscaping schemes has overcome the previous concerns in terms of the physical impact of the structures. I consider that the change of use in isolation is wholly acceptable, and shall focus specifically on the physical development element of the proposal and I shall therefore make no further reference to the Change of Use of the land.

4.2 The sole consideration on the basis of the above outlined position, is therefore a balanced judgement as to the level of resulting impact of the proposed structural development in terms of visual amenity within the Green belt and whether they result in significant loss of openness or not, based on their proposed positional change to the southern boundary to minimise their intrusion, and inclusion of new hedgerow planting to minimise any remaining loss of visual amenity. This must be carefully balanced against the clear livestock husbandry requirement of the development, as well as the applicants recreational aspirations and requirements for the site in terms of the shelters and stables. The ecological net gain of new hedgerow planting and any relevant, realistic fall-back position must also be included in this balanced judgement. As with all of the other plots on the wider site, extensive pre application advice has been undertaken with the LPA prior to the submission of this application.

THE PROVISION OF APPROPATE EQUESTRIAN FACILITIES

4.3 Both Policy SAL.UP1 and paragraph 149 of the Framework accept that buildings and structures can be provided within the Green Belt areas in connection with outdoor sports and recreation, so long as the facilities are 'appropriate' to the use. Due to the relatively elevated, exposed nature of the site, it is considered necessary for horses to have shelter facilities both from summer sun and cold wind and inclement weather in winter. The structures are considered to be commensurate with the proposed use and of traditional design and appearance providing only the bare essentials facilities for the use to operate and provide adequate livestock welfare.

4.4 The Councils Equestrian Policy, SAL.UP13, requires that all equestrian structures harmonise with the landscape and are of traditional design, with hedges and planted backdrops utilised where possible. The structures which form the basis of this application are of timber construction, with horizontal cladding and corrugated roofs typical of other equestrian facilities in the area and the wider District. This policy also requires that all associated structures comply with the British Horse society standards in terms of providing adequate size and space from a welfare perspective, and due to the land area of approximately 3 acres, the stables and shelter are not considered

20/0192/FUL

excessive and provide sufficient facilities and grazing for up to 3 horses/ponies, in accordance with the aforementioned guidance standards of 1-1.5 horses per acre dependent on size and breed. To ensure that the number of stables and shelters does not increase at any point in the future a condition would be applied restricting any further structures, either moveable or fixed. 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 a newly proposed hawthorn hedge screen which will be planted along the entire boundary behind the structures to ensure their outline is broken and they harmonise with their rural setting. I therefore consider that the current proposal complies in full with the requirements of the Councils Equestrian Development Policy.

GREEN BELT POLICY AND APPROPRIATE DEVELOPMENT

- 4.7 The application site lies within the West Midlands Green Belt. The NPPF at paragraphs 149 - 150 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. Uses of land are included as one of the 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 private equestrian purposes would therefore fall within the scope of the exception as mentioned earlier within the report and considered fully policy compliant in this instance.
- 4.8 In terms of the associated structures, by virtue of their size and proposed re siting against the most discreet southern boundary of the site with associated new planting, the structures result in a minimal loss of openness and cause little harm to the visual amenity of the Greenbelt. I consider that the proposed position of the structures has carefully considered the advice of both Officers and the previous concerns of members of the Planning Committee, and on balance minimal visual Green Belt harm will ensue from the development. This balanced judgement must also give significant weight to the realistic fall-back position which exists in the form of structures fitted with skirts to enable their free movement around the plot, and potential to fall outside of the realms of controllable development.
- 4.9 This undesirable situation would inevitably result in greater visual intrusion and impact on openness than their permanent siting in the most inconspicuous area of the field. Operation of the structures on this moveable basis would also inevitably lead to a sporadic appearance to both the plot in isolation and the wider site as a whole, as structures rotate their way around the plots in an uncontrolled, random manner. The current proposal enables the Local planning Authority an opportunity to control this situation, and critically an opportunity to conditionally remove the right to bring further moveable or fixed structures onto the land, and hence an opportunity to restrict the random, cluttered appearance which is feared. I therefore conclude that when proportional weight is afforded to the balanced judgement in terms of whether any resulting harm is outweighed by the resulting net gains and necessity for the proposal, the resulting loss of openness and harm to visual amenity is minimal. The proposed structures are therefore considered 'appropriate' development and compliant with the requirements of the Green Belt Policy SAL.UP1 and the NPPF.

20/0192/FUL

- 4.10 In summary, the applicant has fully considered the Green Belt implications of the development which have been raised by both Officers and Members of the Planning Committee during the determination of previous proposals on the site. Pre application advice has been sought in an attempt to resolve the outstanding matters to both the satisfaction of the LPA whilst enabling the Applicant to utilise the site for the purpose it was purchased, in a sensitive manner. The current proposal is not considered detrimental to the visual amenity of the Green Belt or openness by virtue of the structures careful and sympathetic siting, strategic planting, materials and design and I therefore consider that the proposal results in minimal Green Belt Harm or Intrusion.

ECOLOGICAL ENHANCEMENTS

- 4.11 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 biodiversity of a site. The applicants are proposing new hedgerow planting to the entire southern boundary. This would be bolstered by conditions to ensure the planting is carried out correctly, in a timely fashion, protected from both livestock and wildlife damage and retained and maintained for the life of the development. 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 due to the necessity to screen the structures, ecological benefits follow as a byproduct and the collective resulting ecological benefits of this new hedgerow link between the A449 and the existing hedgerows on Eleanor Harrison drive, provides excellent wildlife corridors and connectivity which does not currently exist due to the age and unmanaged, sparse nature of existing hedgerows on the site.

HIGHWAYS AND ACCESS

- 4.12 The Highway Authority have raised no objection to any of the previous applications relating to this site, and this position stands with the current application, as there are no known Highway related issues in this location in terms of safe Highway access onto Eleanor Harrison Drive or on-site parking provision.

5.0 Conclusion and Recommendations

- 5.1 The proposed change of use of the land to private equestrian use 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 contained in section 13 of the National Planning Policy Framework. I therefore consider that this element of the proposal meets the requirements of both National and local policy falling directly within the closed list of exemptions as outlined within the NPPF, and no further balanced judgement is required for this element. The sites position within the West Midlands Green Belt and the inclusion of associated ancillary structures has been the subject of careful consideration and pre application discussions to ensure that openness is maintained and visual amenity is not compromised by virtue of excessive size or density of structures, poor siting and inappropriate material selection, whilst ensuring the successful functioning and operation of the use and animal welfare needs are met.

20/0192/FUL

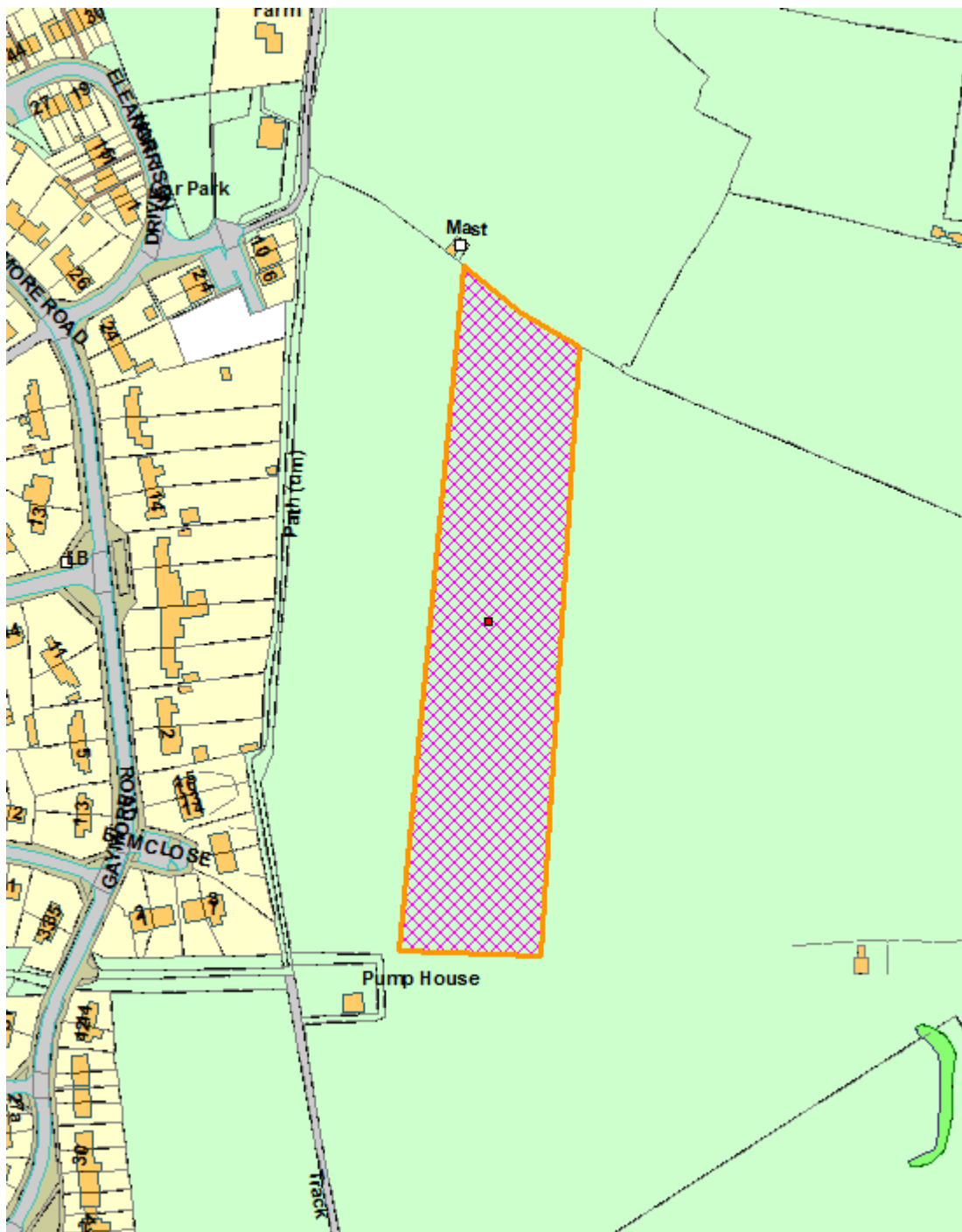
5.2 I consider the current proposal to have given careful and thoughtful consideration to the previous concerns raised by Officers and the planning committee. The structures in terms of size and number are considered commensurate with the size of the holding offering the bare essential facilities, grouped and sited discreetly against the southern boundary, with proposed additional planting serving to soften the structures angular outline. On balance, the resulting proposal is considered 'appropriate' development which has minimal impact on openness or deterioration in the visual amenity of the Green belt, as well as minimal interference in this distinctive landscape, especially when considering the strength of the realistic fall-back position which exists in terms of rotational movement of structures around the site. The current proposal therefore complies with the requirements of Policy SAL.UP1 and SAL.UP13 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, the Government advice in section 13 of the National Planning Policy Framework, and Policy CP12 of the Adopted Wyre Forest Core Strategy. The introduction of additional hedgerow planting not only serves to integrate the structures into their rural landscape in accordance with the aforementioned Green Belt and equestrian policies, but also serves to provide ecological enhancements to the site in the form of new wildlife corridors. As such the proposal also complies with the requirements of the biodiversity policy SAL.UP5 of the Adopted Wyre Forest Site Allocations and Policies Local Plan.

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

1. A6 (Approved Plans)
2. A11
3. The structures hereby approved shall be stained dark green within 1 month of the date of this permission and shall be maintained in this colour for the life of the development.
4. Surface water from the development shall discharge to soakaway drainage which shall be implemented within 3 months of the re siting of the approved structures 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 hedgerow planting areas as shown on the approved plan shall be double hard fenced with post and wire fencing within 1 month of the date of this permission, to provide the required stock proof planting areas. The fencing shall be retained and maintained for the life of the development. The area shall at no time be accessed by Horses, Ponies or any other livestock.
7. The proposed hedgerow planting areas shall be planted with a double staggered row of hawthorn plants spaced at 300mm between plants and 400mm between rows. The planting shall be completed by the end of the first planting season following this approval and shall be retained and maintained at a minimum height of 2.4 metres once achieved, for the life of the development. Any plants which become diseased, are dead or dying shall be replaced during the first available planting season. The plants shall also be individually guarded immediately following planting to protect from damage from browsing animals.

20/0192/FUL

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. The proposed structures shall be re-located to their approved positions in accordance with the details submitted within 3 months of the date of this permission, and shall thereafter be retained and maintained in good condition in those positions for the life of the development.
11. No additional structures either moveable or fixed, shall be sited on the land without the formal written consent of the LPA other than those expressly authorised by this consent.



Economic Prosperity and Place Directorate

Land At Os 384854 280058Wolverhampton RoadCookleyKidderminsterWorcestershire

Crown Copyright 100018317



PART A

Application Reference:	20/0309/FUL	Date Received:	30.06.2020
Ord Sheet:	384896 280050	Expiry Date:	25.08.2020
Case Officer	Richard Jennings	Ward:	Wyre Forest Rural

Proposal: Retrospective change of use from agricultural land to private equestrian use and the permanent siting of two shelters

Site Address: Land At Os 384896 280050, Wolverhampton Road, Cookley, Kidderminster, Worcestershire, ,

Applicant: Mrs Kim Alison Raybould

Summary of Policy	CP11, CP12, CC1, CC7, UP1, UP5, UP7, UP13 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for referral to committee	Statutory Consultee Objection and the Application is Recommended for Approval

1.0 Planning History

No Planning History

2.0 Consultations and Representations

2.1 Wolverley and Cookley Parish Council

Recommend Refusal due to adverse effect on the openness of the Greenbelt

2.2 Highway Authority

No Objections. It is noted that there are activities already taking place on site and there are multiple applications on the wider site which has been subdivided into 6 separate plots. However, there are no known issues in this location from a Highways point of view. Connection to the highway is on Eleanor Harrison Drive which is adequate for the proposed use and the traffic generation associated with the site(s) will be low. However, the applicant should ensure they have the appropriate rights of access on the private road between the site and the highway. This route is also in use as farm access plus there is a bridleway / public right of way here and the applicant's attention is drawn to the restrictions imposed by Section 34 of The Road Traffic Act, 1988, regarding the driving of motor vehicles over public footpaths and bridleways. The access track to the site should be fit for purpose and within the site it is

20/0309/FUL

recommended that suitable hard standing for a vehicle is provided. However, on the basis that the site is for private use only there is No Objection from Highways.

2.3 North Worcestershire Water Management

No Objections subject to conditions. This site is not at risk of flooding from any source. To ensure the development will not increase flood risk for others, surface water runoff from all impermeable areas should be disposed of responsibly. The application has not indicated how surface water will be disposed of. As this site is located in an area with free draining soils, the preferred drainage method would be the use of appropriately sized soakaway drainage. I understand a Building Control application will not be required for this development, but notwithstanding this, Building Regulations (part H) set out how to properly design, size and install soakaway drainage and the principles set out in part H should be followed for this development.

2.4 Countryside and Parks Manager

Having studied the site and examined the records held by the Biological record centre, I do not feel the change in use has had a negative impact on Biodiversity.

2.5 Neighbour / Site Notice Representations

1 neighbour objection received raising the following concerns;

- The proposed structures are unjustified for the proposed use.
- Impact on the Green Belt
- Works have been carried out illegally without the required consent

3.0 Site Location and Description

3.1 The application site was formed through the subdivision and sale by the previous owner of a once much larger agricultural pasture field, and forms one of five Individually owned plots. The site is accessed by way of a private track off Eleanor Harrison drive which is an unclassified, quiet residential estate road.

3.2 The application proposes the retrospective change of use of the land from agricultural to private equestrian use, and the permanent siting and relocation of two field shelter structures, along with new hedgerow planting in an attempt to minimise any resulting visual harm. The structures are of typical rural timber construction with horizontal cladding and corrugated roofs. Officers advice in this instance was permanent relocation of the structures to the southern boundary, which is the least conspicuous and results in the least impact when the application is considered in isolation as well as the resulting impact of the collective plots.

4.0 Officer Comments

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

4.1 The application proposes the retrospective change of use of the land to private equestrian use and the permanent siting and relocation in a grouped position of two field shelter structures. Previous refusals on the wider site made reference to the proposed change of use and siting of structures on the land, cumulatively resulting in a

20/0309/FUL

loss of openness and impact on the visual amenity of the green Belt. In isolation the change of use of the land to an equestrian use is construed to play only a minor part in the resulting loss of openness or visual amenity with the structures current location resulting in the primary impact due to the poor siting of the physical, ancillary buildings and structures. The overriding consideration of this proposal must therefore be whether the structures re siting when combined with the proposed landscaping scheme, has overcome the previous concerns in terms of the physical impact of the structures. I therefore consider that the change of use to equestrian in isolation is wholly acceptable, and shall focus specifically on the physical development element of the proposal.

- 4.2 The sole consideration on the basis of the above outlined position is therefore a balanced judgement as to the level of resulting impact of the proposed structural development in terms of visual amenity within the Green belt and whether they result in significant loss of openness or not, based on their proposed positional change to the southern boundary to minimise their intrusion, and inclusion of new hedgerow planting to minimise any remaining loss of visual amenity. This must be carefully balanced against the clear livestock husbandry requirement of the development, as well as the applicants recreational aspirations and requirements for the site in terms of the provision of shelter and storage. The ecological net gain of new hedgerow planting and any relevant, realistic fall-back position must also be given significant weight as part of this balanced judgement. As with all of the other plots on the wider site, extensive pre application advice has been undertaken with the LPA prior to the submission of this application.

THE PROVISION OF APPROPATE EQUESTRIAN FACILITIES

- 4.3 Both Policy SAL.UP1 and paragraph 149 of the Framework accept that buildings and structures can be provided within the Green Belt areas in connection with outdoor sports and recreation, so long as the facilities are 'appropriate' to the use. The provision of the facilities within the application site is considered reasonable to facilitate a successful private equestrian and agricultural livestock use and to provide for the health and wellbeing of livestock. Due to the relatively elevated, exposed nature of the site, it is considered necessary for horses to have shelter facilities both from summer sun and cold wind and inclement weather in winter. The structures are considered to be commensurate with the proposed use and of traditional design and appearance providing only the bare essentials facilities for the use to operate and provide adequate livestock welfare.
- 4.4 The Councils Equestrian Policy, SAL.UP13, requires that all equestrian structures harmonise with the landscape and are of traditional design, with hedges and planted backdrops utilised where possible. The structures which form the basis of this application are of timber construction, with horizontal cladding and corrugated roofs typical of other equestrian facilities both on the site and in the area and the wider District. This policy also requires that all associated structures comply with the British Horse society standards in terms of providing adequate size and space from a welfare perspective, and that the land area is commensurate with the horse/pony stocking density. The site equates to approximately 2.6 acres of available grazing area, which is considered adequate for the proposed small scale stable/store for 2 horses and provides adequate grazing. To ensure that the number of shelters does not increase at any point in the future a condition would be applied restricting any further structures,

20/0309/FUL

either moveable or fixed without permission. 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 a newly proposed hawthorn hedge screen which will be planted along the entire boundary behind the structures to ensure their outline is Brocken and they harmonise with their rural setting. I therefore consider that the current proposal complies in full with the requirements of the Councils Equestrian Development Policy.

4.5 GREEN BELT POLICY AND APPROPRIATE DEVELOPMENT

The application site lies within the West Midlands Green Belt. The NPPF at paragraphs 149 - 150 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. Uses of land are included as one of the 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 private equestrian purposes in isolation would therefore fall within the scope of the exception as mentioned earlier within the report, and considered fully policy compliant in this instance.

- 4.6 In terms of the associated structures, by virtue of their size and proposed re siting against the most discreet southern boundary of the site with associated new planting, the structures result in a minimal loss of openness and cause little harm to the visual amenity of the Greenbelt. I consider that the proposed new position of the structures has carefully considered the advice of both Officers and the previous concerns of members of the Planning Committee, and on balance minimal visual Green Belt harm will ensue from the development.
- 4.7 This balanced judgement must also give significant weight to the realistic fall-back position which exists in the form of structures fitted with skids to enable their free movement around the plot, and potential to fall outside of the realms of controllable development. This undesirable situation would inevitably result in greater visual intrusion and impact on openness than their permanent siting in the most inconspicuous area of the field. Operation of the structures on this moveable basis would also inevitably lead to a sporadic appearance to both the plot in isolation and the wider site as a whole, as structures rotate their way around the plots in an uncontrolled, random manner. The current proposal enables the Local planning Authority an opportunity to control this situation, and critically an opportunity to conditionally remove the right to bring further moveable or fixed structures onto the land, and hence an opportunity to restrict the random, cluttered appearance which is feared.
- 4.8 I therefore conclude that when proportional weight is afforded to the balanced judgement in terms of whether any resulting harm is outweighed by the resulting net gains and necessity for the proposal, the resulting loss of openness and harm to visual amenity is minimal. The proposed structures are therefore considered 'appropriate' development and compliant with the requirements of the Green Belt Policy SAL.UP1 and the NPPF.

20/0309/FUL

- 4.9 In summary, the applicant has fully considered the Green Belt implications of the development which have been raised by both Officers and Members of the Planning Committee during the determination of previous proposals on the wider site. Pre application advice has been recently sought in an attempt to resolve the outstanding matters to both the satisfaction of the LPA whilst enabling the Applicant to utilise the site for the purpose it was purchased, in a sensitive manner. The current proposal is not considered detrimental to the visual amenity of the Green Belt or openness by virtue of the structures careful and sympathetic siting, strategic planting, materials and design and I therefore consider that the proposal results in minimal Green Belt Harm or Intrusion.

ECOLOGICAL ENHANCEMENTS

- 4.10 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 biodiversity of a site. The applicants are proposing new hedgerow planting around the structures. The preferred option is planting to the entire southern boundary, and this will be required by condition to ensure the planting is carried out in full to the satisfaction of the LPA, in a timely fashion, protected from both livestock and wildlife damage and retained and maintained for the life of the development. 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 due to the necessity to screen the structures, positive ecological benefits follow as a byproduct, and the collective resulting ecological enhancements of this new hedgerow link between the A449 and the existing hedgerows on Eleanor Harrison drive provides excellent wildlife corridors and connectivity which does not currently exist due to the age and unmanaged, sparse nature of existing hedgerows on the site.

HIGHWAYS AND ACCESS

- 4.11 The Highway Authority have raised no objection to any of the previous applications relating to this site, and this position stands with the current application, as there are no known Highway related issues in this location in terms of safe Highway access onto Eleanor Harrison Drive or on-site parking provision.

5.0 Conclusion and Recommendations

- 5.1 The proposed change of use of the land to private equestrian use 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 contained in section 13 of the National Planning Policy Framework. I therefore consider that this element of the proposal in isolation, meets the requirements of both National and local policy falling directly within the closed list of exemptions as outlined within the NPPF, and no further balanced judgement is required for this element. The sites position within the West Midlands Green Belt and the inclusion of associated ancillary structures has been the subject of careful consideration and pre application discussions, to ensure that openness is maintained and visual amenity is not compromised by virtue of excessive size or

20/0309/FUL

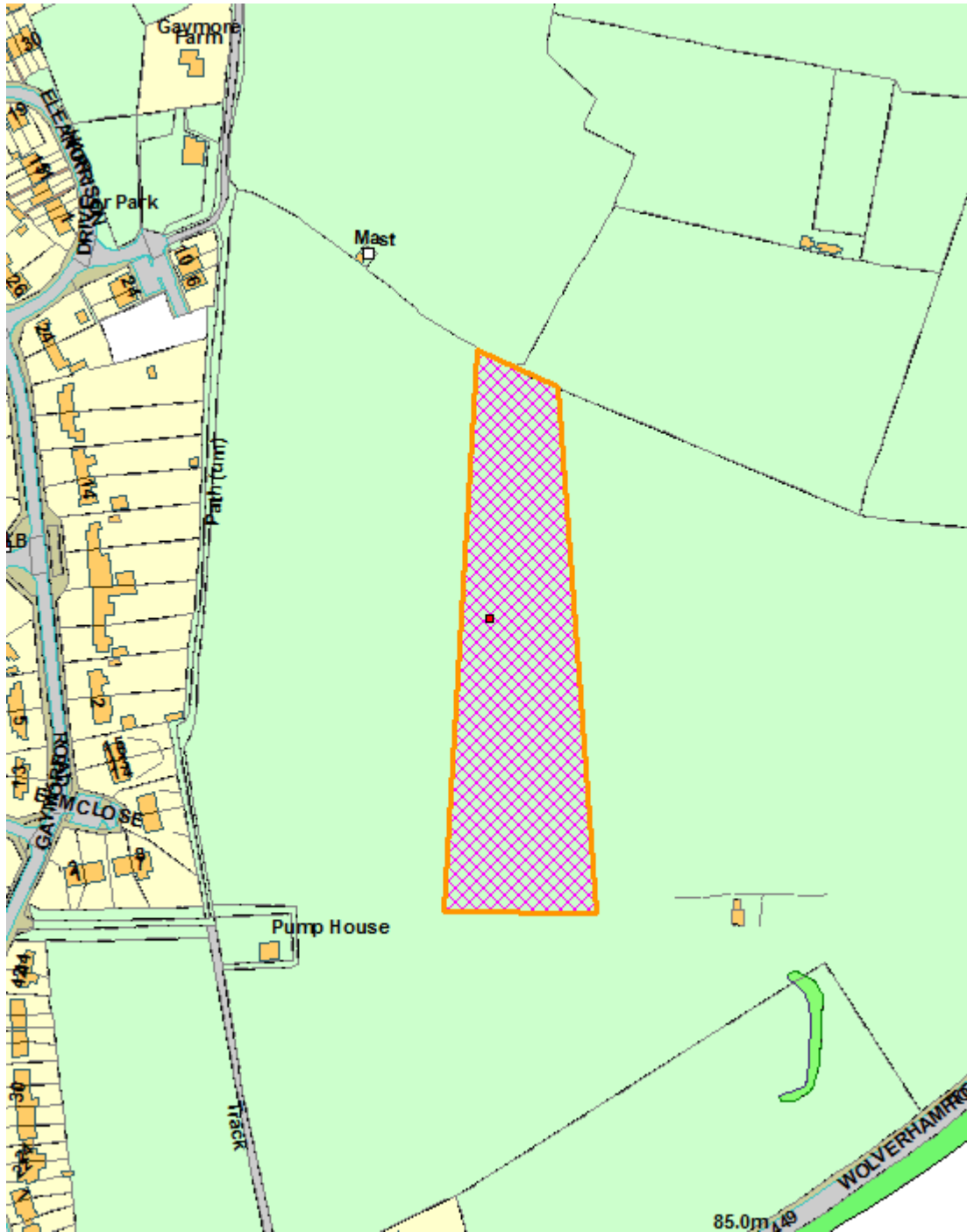
density of structures, poor siting and inappropriate material selection, whilst ensuring the successful functioning and operation of the use and animal welfare needs are met.

- 5.2 I consider the current proposal to have given careful and thoughtful consideration to the previous concerns raised by Officers and the planning committee. The structures in terms of size and number are considered commensurate with the size of the holding offering the bare essential facilities, grouped and sited discreetly against the southern boundary, with proposed additional planting serving to soften the structures angular outline. On balance, the resulting proposal is considered 'appropriate' development which has minimal impact on openness or deterioration in the visual amenity of the Green belt, as well as minimal interference in this distinctive landscape, especially when considering the strength of the realistic fall-back position which exists. The current proposal therefore complies with the requirements of Policy SAL.UP1 and SAL.UP13 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, the Government advice in section 13 of the National Planning Policy Framework, and Policy CP12 of the Adopted Wyre Forest Core Strategy. The introduction of additional hedgerow planting not only serves to integrate the structures into their rural landscape in accordance with the aforementioned Green Belt and equestrian policies, but also serves to provide ecological enhancements to the site in the form of new wildlife corridors. As such the proposal also complies with the requirements of the biodiversity policy SAL.UP5 of the Adopted Wyre Forest Site Allocations and Policies Local Plan.
- 5.3 It is therefore recommended that the application be **APPROVED** subject to the following conditions:
1. A6 (Approved Plans)
 2. A11
 3. The structures hereby approved shall be stained dark green within 1 month of the date of this permission and shall be maintained in this colour for the life of the development.
 4. Surface water from the development shall discharge to soakaway drainage which shall be implemented within 3 months of the re siting of the approved structures 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 hedgerow planting areas shall be double hard fenced with post and wire fencing within 1 month of the date of this permission, to provide the required stock proof planting areas. The fencing shall be retained and maintained for the life of the development. The area shall at no time be accessed by Horses, Ponies or any other livestock.
 7. The proposed hedgerow planting areas shall be completed in accordance with the submitted details and shall also be extended to cover the entire length of the southern boundary. The hedgerow shall be planted with a double staggered row of hawthorn plants spaced at 300mm between plants and 400mm between rows. The planting shall be completed by the end of the first planting season following this approval and shall be retained and maintained at a minimum height of 2.4 metres once achieved, for the life of the development. Any plants which become diseased,

20/0309/FUL

are dead or dying shall be replaced during the first available planting season. The plants shall also be individually guarded immediately following planting to protect from damage from browsing animals.

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. The proposed structures shall be re-located to their approved positions in accordance with the details submitted within 3 months of the date of this permission, and shall thereafter be retained and maintained in good condition in those positions for the life of the development.
11. No additional structures either moveable or fixed, shall be sited on the land without the formal written consent of the LPA other than those expressly authorised by this consent.



Economic Prosperity and Place Directorate

Land At Os 384896 280050Wolverhampton RoadCookleyKidderminsterWorcestershire

Crown Copyright 100018317



PART A

Application Reference:	21/0681/FUL	Date Received:	21.07.2021
Ord Sheet:	384800 280058	Expiry Date:	15.09.2021
Case Officer	Richard Jennings	Ward:	Wyre Forest Rural

Proposal: Change of use of Agricultural Land to mixed Equestrian and Agricultural Land, erection of stable building and retention of store/tack building and Alpaca shelter

Site Address: Land At Os 384800 280058, Plot F, Wolverhampton Road, Cookley, Kidderminster, Worcestershire

Applicant: Mr & Mrs Michael Stanton

Summary of Policy	CP11, CP12, CC1, CC7, UP1, UP5, UP7, UP13 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for referral to committee	Statutory Consultee Objection and the Application is Recommended for Approval

1.0 History

20/0106/FUL - Retrospective change of use to mixed agricultural and equestrian use, erection of stable building and retention of store/tackroom and mobile shelter - Refused

2.0 Consultations and Representations

2.1 Wolverley and Cookley Parish Council

Recommend Refusal due to adverse effect on the openness of the Greenbelt

2.2 Highway Authority

No Objections. The Highway Authority had no objection to the previous application on this site (20/0106/FUL) and as before, the applicant should ensure they have the appropriate rights of access on the private drive however the connection to the highway on Eleanor Harrison Drive is adequate for the proposed use and the traffic generation associated with the site will be low. The route is also in use as farm access plus there is a bridleway / public right of way in the vicinity and the applicant's attention is drawn to the restrictions imposed by Section 34 of The Road Traffic Act, 1988, regarding the driving of motor vehicles over public footpaths and bridleways. Within the site it is recommended that suitable hard standing for a vehicle is provided however there are no known issues in this location from a Highways point of view therefore there is No Objection to the proposed development.

21/0681/FUL

2.3 North Worcestershire Water Management

No Objections subject to conditions. This site is not at risk of flooding from any source. To ensure the development will not increase flood risk for others, surface water runoff from all impermeable areas should be disposed of responsibly. The application form indicates that surface water will be discharged to soakaway drainage. This is the preferred method of drainage on free draining like the ones found on this site. I understand a Building Control application will not be required for this development, but notwithstanding this, Building Regulations (part H) set out how to properly design, size and install soakaway drainage and the principles set out in part H should be followed for this development.

2.4 Countryside and Parks Manager

Having studied the site and examined the records held by the Biological record centre, I do not feel the change in use has had a negative impact on Biodiversity.

2.5 Neighbour / Site Notice Representations

1 neighbour objection received raising the following concerns;

- The proposed structures are unjustified for the proposed use.
- Impact on the Green Belt
- Works have been carried out illegally without the required consent

3.0 Site Location and Description

3.1 The application site is a parcel of agricultural land which is currently operating in 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 much larger agricultural pasture field, and forms one of five individually owned plots. The site is accessed by way of a private track off Eleanor Harrison drive which is an unclassified, quiet residential estate road. The site lies on a prominent open area of Green Belt on the edge of Cookley Village.

3.2 The application proposes the retrospective change of use of the land from agricultural to a mixed use comprising agriculture and equestrian and the permanent siting of a stable building, store and associated tack room and mobile field shelter, along with proposed new hedgerow planting in an attempt to minimise any resulting visual harm. The structures are of typical rural timber construction with horizontal cladding and corrugated roofs.

4.0 Officer Comments

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

4.1 The application proposes the retrospective change of use of the land to a mixed use comprising agriculture and equestrian and the permanent siting of a stable building, field shelter, tack room and store.

21/0681/FUL

- 4.2 Members will recall that two previous applications have been refused on the site and an appeal previously dismissed. The most recent application was refused on the grounds of the structures impact on the loss of visual amenity of the Green Belt. As part of the previous appeal decision, the Inspector dismissed the Appeal on the basis of the prevailing Government policy at the time, which precluded changes of use within the Green Belt. This policy position was changed to encompass changes of use as being 'not inappropriate' in the revised Framework issued in 2019 and has continued into the latest version issued earlier this year. The decision taken by the Planning Committee on the previous application accepted the use per se but refused the application on the following two reasons;
1. The site is located within the West Midlands Green Belt and is situated in an elevated prominent position within the Countryside. The retrospective change of use of the land from agricultural to a mixed use comprising agriculture and the keeping of horses and the retention of associated structures does not preserve the openness of the Green Belt, negatively impacting on its visual amenity and fails to safeguard the countryside from encroachment. The number, siting and permanent nature of the structures results in significant harm to the openness of the Green Belt and its visual amenity. The material circumstances advanced by the Applicant in respect of the necessity of the associated facilities, when taken together, clearly do not outweigh the harm to the Green Belt. The development therefore constitutes inappropriate development in the Green Belt, which is harmful by definition and no very special circumstances exist, contrary to Policy SAL.UP1 and SAL.GPB1 of the Adopted Wyre Forest Site Allocations and Policies Local Plan and Paragraphs 133, 134, 143, 144, 145 and 146 of the National Planning Policy Framework.
 2. The site by virtue of its sub-division from a once larger holding results in an over intensive use of the site. The number of livestock/Horses occupying the site when considered along with the size of the plot and the grazing area taken out by the siting of associated structures and parking area results in an over intensification use of the site, which would have an unacceptable and harmful impact on the quality and character of the landscape, contrary to Policy CP12 of the Adopted Core Strategy, Policy SAL.UP13 of the Site Allocations and Policies Local Plan and Paragraph 170b of the National Planning Policy Framework.
- 4.3 The previous refusal reasons make reference to the proposed change of use and siting of structures on the land, cumulatively result in a loss of openness and impact on the visual amenity of the green Belt. In isolation the Change of use of the land to a mixed use can only be construed to play a minor part in the resulting loss of openness or visual amenity on that basis. The overriding impact on openness and visual amenity currently results from the poor siting of the ancillary buildings and structures. The overriding consideration has to therefore be whether the structures re siting along with landscaping schemes has overcome the previous concerns in terms of the physical impact of the structures. I consider that the change of use in its own right is wholly acceptable, and shall focus specifically on the physical development element of the proposal.

21/0681/FUL

- 4.4 It is therefore left to the sole consideration as to the level of resulting impact of the proposed structures in terms of visual amenity within the Green belt and whether they result in significant loss of openness or not, based on their proposed positional change to the southern boundary of the site, and inclusion of new hedgerow planting to minimise this loss of visual amenity when balanced against the clear livestock husbandry requirement of the shelter and storage and the ecological net gain of new hedgerow planting.

THE PROVISION OF APPROPATE EQUESTRIAN FACILITIES

- 4.5 Both Policy SAL.UP1 and paragraph 149 of the Framework accept that buildings and structures can be provided within the Green Belt areas in connection with outdoor sports and recreation, so long as the facilities are 'appropriate' to the use. The provision of the facilities within the application site is considered reasonable to facilitate a successful private equestrian and agricultural livestock use and to provide for the health and wellbeing of livestock. 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 commensurate with the proposed use and of traditional design and appearance providing only the bare essentials facilities for the use to operate and provide adequate livestock welfare.
- 4.6 The Councils Equestrian Policy, SAL.UP13, requires that all equestrian structures harmonise with the landscape and are of traditional design, with hedges and planted backdrops utilised where possible. The structures which form the basis of this application are of timber construction, with horizontal cladding and corrugated roofs typical of other equestrian facilities in the area and the wider District. This policy also requires that all associated structures comply with the British Horse society standards in terms of providing adequate size and space from a welfare perspective. 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 approximately 3m by 3.6m and therefore comply with both the requirements of Policy SAL.UP13 and the British Horse Society Standards. The application site totals 1.86 Hectares in area (approximately 4.6 acres), which by virtue of the relevant standards of 1 – 1.5 horses (dependent on size) per acre on permanent pasture, ensures that 3 boxes are proportionate to the land area, with the applicant's alpacas ensuring effective mixed grazing of the land and resulting good sward quality. The remaining modest shelter provides shelter from inclement weather and sun for alpacas whilst out grazing and a small storage facility for feeds, supplements and other incidental equipment. 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 in part against an existing boundary hedge, with proposed new planting across the remainder of the southern boundary to provide a full backdrop of vegetation to the structures. I therefore consider that the proposal complies in full with the requirements of the Councils Equestrian Development Policy.

GREEN BELT POLICY AND APPROPRIATE DEVELOPMENT

- 4.7 The application site lies within the West Midlands Green Belt. The NPPF at paragraphs 149 - 150 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. Uses of land are included as one of the listed exceptions

21/0681/FUL

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 as mentioned earlier within the report, so long as they preserve Openness and do not result in a deterioration in visual amenity when combined with the associated buildings and structures. Although of little impact in isolation, the Change of Use must be assessed cumulatively with the associated physical development.

- 4.8 In terms of the associated structures, by virtue of their size and proposed re siting against the most discreet southern boundary of the site with additional hedgerow planting, the structures will result in a minimal loss of openness and cause little harm to the visual amenity of the Green Belt. I consider that the proposed position of the structures has carefully considered the advice of Officers and the previous concerns of members of the Planning Committee, and on balance minimal visual green belt harm will ensue from the development.
- 4.9 This balanced judgement must also give significant weight to the realistic fall-back position which exists in the form of structures fitted with skids to enable their free movement around the plot. Such structures are not development and can only be controlled by condition. This undesirable situation would inevitably result to greater visual intrusion and impact on openness than their permanent siting in the most inconspicuous area of the field. Operation of the structures on this moveable basis would also inevitably lead to a sporadic appearance to both the site in isolation and the wider landscape as a whole, as structures rotate their way around the plots in an uncontrolled manner. The current proposal enables the Local Planning Authority an opportunity to control this situation and critically an opportunity to conditionally remove the right to bring further moveable structures onto the land, and hence an opportunity to restrict a random, cluttered appearance which is feared. This approach has been established as being acceptable by a number of similar appeal examples.
- 4.10 I therefore conclude that when proportional weight is afforded to the balanced judgement in terms of whether any resulting harm is outweighed by the resulting net gains and necessity for the proposal, I conclude that the resulting loss of openness and harm to visual amenity is minimal. The proposal therefore complies with the requirements of the Green Belt Policy SAL.UP1 and the framework and is appropriate development in the Green Belt.
- 4.11 It is therefore concluded that the applicant has fully considered the Green Belt implications of the development which have been raised by both Officers and Members of the Planning Committee during the determination of previous proposals on the site, and pre application advice has been sought in an attempt to resolve the outstanding matters to both the satisfaction of the Council and the Applicant. The current proposal is not considered harmful to the visual amenity of the Green Belt or openness by virtue of the structures careful and sympathetic siting, strategic planting, materials and design, along with the removal of the ability to add moveable structures and I therefore consider that the proposal results in minimal Green Belt Harm or Intrusion.

21/0681/FUL

ECOLOGICAL ENHANCEMENTS

- 4.12 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 biodiversity 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 proposed additional hedgerow planting which not only serves to break up the outline of the structures but provides additional ecological benefits. The collective resulting ecological benefits of this hedgerow link between the A449 and the existing hedgerows on Eleanor Harrison drive, provides excellent wildlife corridors and connectivity which does not currently exist due to the age and unmanaged, sparse nature of existing hedgerows in the vicinity. A condition would be applied to ensure its completion, retention and protection for the life of the development.

HIGHWAYS AND ACCESS

- 4.13 The Highway Authority have raised no objection to any of the previous applications relating to this site, and this position stands with the current application, as there are no known Highway related issues in this location in terms of safe Highway access onto Eleanor Harrison Drive or on-site parking provision. The Highway Authority suggest the provision of a hardstanding for vehicle parking within the site, however, this is not proposed as I consider that a condition imposing this facility will result in development in the most vulnerable part of the site for which this application seeks to rectify and protect, and therefore grass parking is the preferred option.

5.0 Conclusion and Recommendations

- 5.1 The proposed change of use of the land to equestrian use 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. I therefore consider that this element of the proposal meets the requirements of both National and local policy falling directly within the closed list of exemptions as outlined within the NPPF, and no further balanced judgement is required for this element. The sites position within the West Midlands Green Belt and the inclusion of associated ancillary structures has been the subject of careful consideration ensuring that openness is maintained and visual amenity is not compromised by virtue of excessive size, poor siting and inappropriate material selection.
- 5.2 It should be noted that the current application is the result of extensive pre application discussions with the applicant in an attempt to reach an acceptable position whereby the structural welfare requirements of the livestock on site are met, whilst minimising any resulting loss of openness or deterioration in visual amenity of the Green Belt. I consider the current proposal to have given careful and thoughtful consideration to the previous concerns raised by the planning committee. The structures in terms of size and number are considered commensurate with the size of the holding offering the

21/0681/FUL

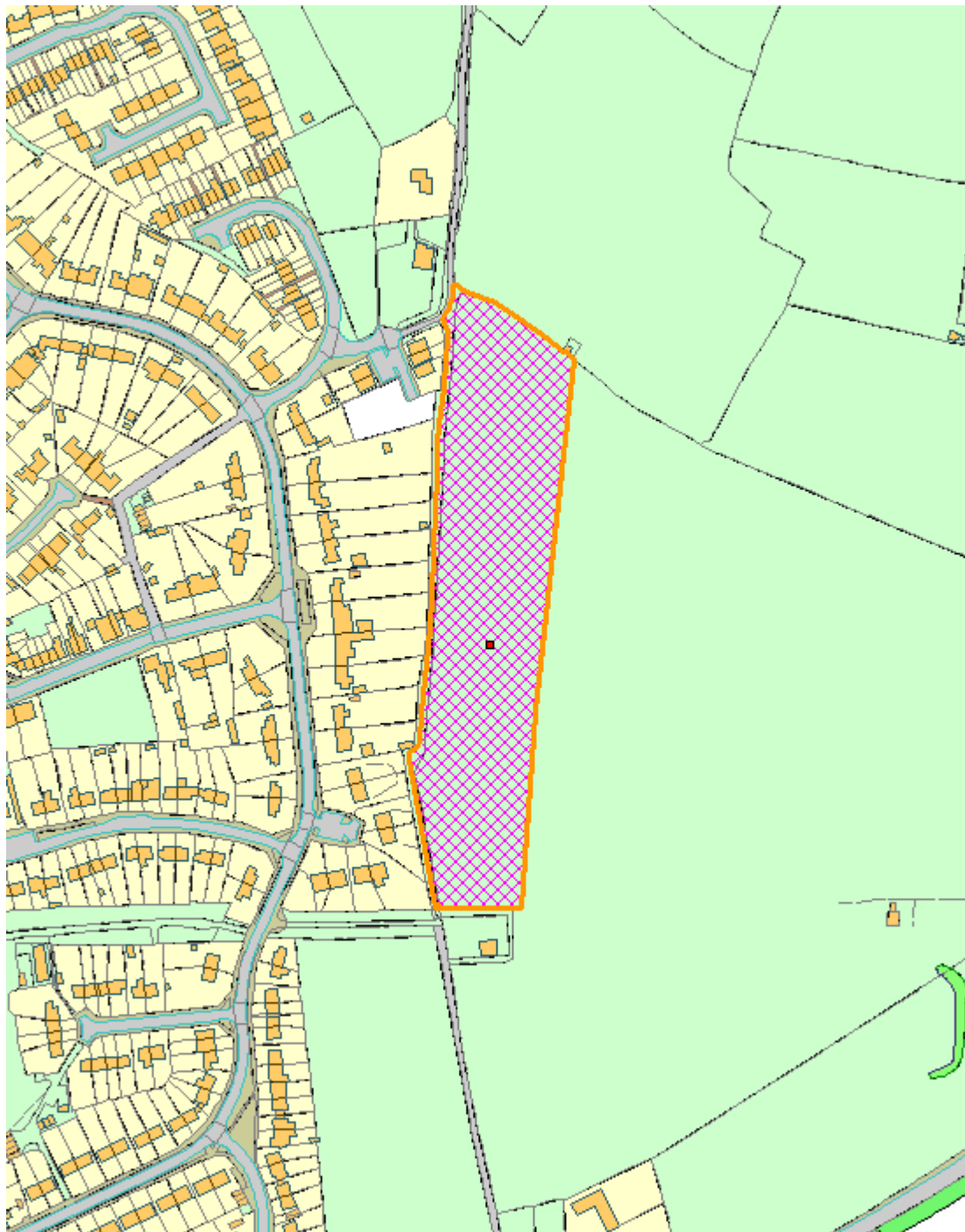
bare essential facilities grouped and sited discreetly against the rear boundary and proposed additional hedge planting which serves to soften the structures angular outline. The resulting proposal is therefore considered 'appropriate' development which has minimal impact on openness or deterioration in the visual amenity of the Green belt as well as minimal interference in this distinctive landscape. The current proposal therefore complies with the requirements of Policy SAL.UP1 and SAL.UP13 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, the Government advice in section 13 of the National Planning Policy Framework, and Policy CP12 of the Adopted Wyre Forest Core Strategy. The introduction of additional hedgerow planting not only serves to break up the angular lines of the structures and blend them into setting in accordance with the aforementioned Green Belt and equestrian policies, but also serves to provide ecological enhancements to the site in the form of new wildlife corridors. As such the proposal complies with the requirements of the biodiversity policy SAL.UP5 of the Adopted Wyre Forest Site Allocations and Policies Local Plan.

5.3 Accordingly, there is limited 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 (Approved Plans)
2. A11
3. The structures hereby approved shall be stained dark green within 1 month of the date of this permission and shall be maintained in this colour for the life of the development.
4. Surface water from the development shall discharge to soakaway drainage which shall be implemented within 3 months of the re siting of the approved structures 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 entire southern boundary of the site shall be double hard stock fenced to a width of 2.5 metres with post and wire fencing, within 1 month of the date of this permission to provide the required stock proof planting area. The fencing shall be retained and maintained for the life of the development. The area shall at no time be accessed by Horses, Ponies or any other livestock.
7. Any part of the southern boundary of the site which does not already benefit from existing planting shall be planted with a double staggered row of hawthorn plants spaced at 300mm between plants and 400mm between rows by the end of the first planting season following this approval. The planting, along with any existing planting, shall be retained and maintained at a minimum height of 2.4 metres once achieved, for the life of the development. Any plants which become diseased, are dead or dying shall be replaced during the first available planting season. The plants shall also be individually guarded immediately following planting to protect from damage from browsing animals.
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.

21/0681/FUL

10. The proposed stables, field shelters and stores shall be re-located to their proposed positions within 3 months of the date of this permission and shall thereafter be retained and maintained in good condition in those positions for the life of the development.
11. No additional structures either moveable or fixed, shall be sited on the land without the formal written consent of the LPA other than those expressly authorised by this consent.



Economic Prosperity and Place Directorate

Land At Os 384800 280058 Plot F Wolverhampton Road Cookley Kidderminster Worcestershire

Crown Copyright 100018317



PART A

Application Reference: 21/0711/FUL
Ord Sheet: 384988 280010
Case Officer: Richard Jennings

Date Received: 16.07.2021
Expiry Date: 15.10.2021
Ward: Wyre Forest Rural

Proposal: Change of use of land to equestrian use

Site Address: Land At Os 384988 280010, Wolverhampton Road, Cookley, Kidderminster, Worcestershire,

Applicant: Mrs Christine Cresswell

Summary of Policy	CP11, CP12, CC1, CC7, UP1, UP5, UP7, UP13 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for referral to committee	Statutory Consultee Objection and the Application is Recommended for Approval

1.0 History

20/0181/FUL - Change of use from agricultural land to equestrian use, including 2no. mobile field shelters

2.0 Consultations and Representations

2.1 Wolverley and Cookley Parish Council

Recommend Refusal due to adverse effect on the openness of the Greenbelt

2.2 Highway Authority

No Objection. It is noted that the application is retrospective with works beginning in February 2019 and there have been no known issues in this location from a Highways point of view. The proposed site is served by a private drive and the applicant should ensure they have the appropriate rights of access however the connection to the highway on Eleanor Harrison Drive is established and adequate for the proposed use. This route is also in use as farm access plus there is a bridleway / public right of way in the vicinity and the applicant's attention is drawn to the restrictions imposed by Section 34 of The Road Traffic Act, 1988, regarding the driving of motor vehicles over public footpaths and bridleways. Within the field site which has been subdivided, it is recommended that the shared access track is properly provided and suitable hard standing for a vehicle should be provided within the proposed site itself however there is No Objection from Highways to the proposed development.

21/0711/FUL

2.3 North Worcestershire Water Management

This site is not at risk of flooding from any source. To ensure the development will not increase flood risk for others, surface water runoff from all impermeable areas should be disposed of responsibly. The application has not indicated how surface water will be disposed of. As this site is located in an area with free draining soils, the preferred drainage method would be the use of appropriately sized soakaway drainage. I understand a Building Control application will not be required for this development, but notwithstanding this, Building Regulations (part H) set out how to properly design, size and install soakaway drainage and the principles set out in part H should be followed for this development.

2.4 Countryside and Parks Manager

Having studied the site and examined the records held by the Biological record centre, I do not feel the change in use has had a negative impact on Biodiversity.

Neighbour / Site Notice Representations

1 neighbour objection received raising the following concerns;

- The proposed structures are unjustified for the proposed use.
- Impact on the Green Belt
- Works have been carried out illegally without the required consent

3.0 Site Location and Description

3.1 The application site is a paddock of approximately 6.5 acres of available grazing land, formed through the subdivision and sale by the previous owner of a once much larger agricultural pasture field, and forms one of five individually owned plots. The site is accessed by way of a private track off Eleanor Harrison drive which is an unclassified, quiet residential estate road. The site lies on a prominent open area of Green Belt on the edge of Cookley Village.

3.2 The application proposes the retrospective change of use of the land from agricultural to private equestrian and initially proposed the siting of moveable structures on the paddock.

4.0 Officer Comments

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

4.1 The application proposes the retrospective change of use of the land to private equestrian use. The keeping of horses is considered by the NPPF and associated closed list of exemptions to constitute appropriate development within the Green belt for Outdoor sport and Recreation. Previous refusals and an appeal decision on adjoining plots found a private equestrian use in isolation, to be commensurate with both the NPPF and reflective Local Green Belt Policy UP1.

21/0711/FUL

- 4.2 The applicant's agent has been advised that the proposed rotational movement of structures around the plot was contrary to the collective formal pre application advice recently given to all plot owners, of which they were party to, as it resulted in an unacceptable impact on Green Belt openness and visual amenity, as well as resulting in a cluttered sporadic impact on the wider landscape. The applicant's agent therefore agreed formally to proceed on the basis of the change of use of the land to private equestrian only, and the application title is amended accordingly to remove the initially proposed moveable shelters. The applicants agent has been advised that should the application be considered favourably in terms of the proposed use, a condition requiring removal of the structures currently on site and a further condition restricting any future reintroduction of moveable structures will be applied to the consent to ensure it is clearly defined as purely a change of use consent. I therefore solely consider the change of use of the land and give no further considerations to any existing or proposed structures as part of this report to members of the Planning committee.

GREEN BELT POLICY AND APPROPRIATE DEVELOPMENT

- 4.3 The application site lies within the West Midlands Green Belt. The NPPF at paragraphs 149 - 150 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. Uses of land are included as one of the 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 private equestrian purposes would therefore fall within the scope of the exception as mentioned earlier within the report and comply in full with the requirements of the NPPF and reflective Green Belt Policy. The previously proposed moveable structures have been removed from the application description with the agreement of the applicant and conditions will be imposed to remove the existing structures from the site and a further condition will restrict the reintroduction of future structures either fixed or moveable. As such the proposal amounts to appropriate development in the Green Belt.

ECOLOGICAL ENHANCEMENTS

- 4.4 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 biodiversity of a site. The applicants are proposing a newly planted hedgerow to two boundaries. This will be bolstered by conditions to ensure the planting is carried out correctly, in a timely fashion, protected from both livestock and wildlife damage and retained and maintained for the life of the development. 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 Councils Countryside Officer has confirmed that the proposal does not result in a negative impact, however the benefits of the proposed planting are considered favourable in the overall balanced judgement.

HIGHWAYS AND ACCESS

- 4.5 The Highway Authority have raised no objection to any of the previous applications relating to this site, and this position stands with the current application, as there are no known Highway related issues in this location in terms of safe Highway access onto Eleanor Harrison Drive or on-site parking provision.

21/0711/FUL

5.0 Conclusion and Recommendations

5.1 The proposed change of use of the land to equestrian use 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. I therefore consider that the proposal meets the requirements of both National and local policy falling directly within the closed list of exemptions as outlined within the NPPF and reflective Green belt policy SAL.UP1. The introduction of additional hedgerow planting also serves to provide ecological enhancements to the site in the form of new wildlife corridors and further tips the balance in favour of the proposed development. As such the proposal also complies with the requirements of the biodiversity policy SAL.UP5 of the Adopted Wyre Forest Site Allocations and Policies Local Plan.

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

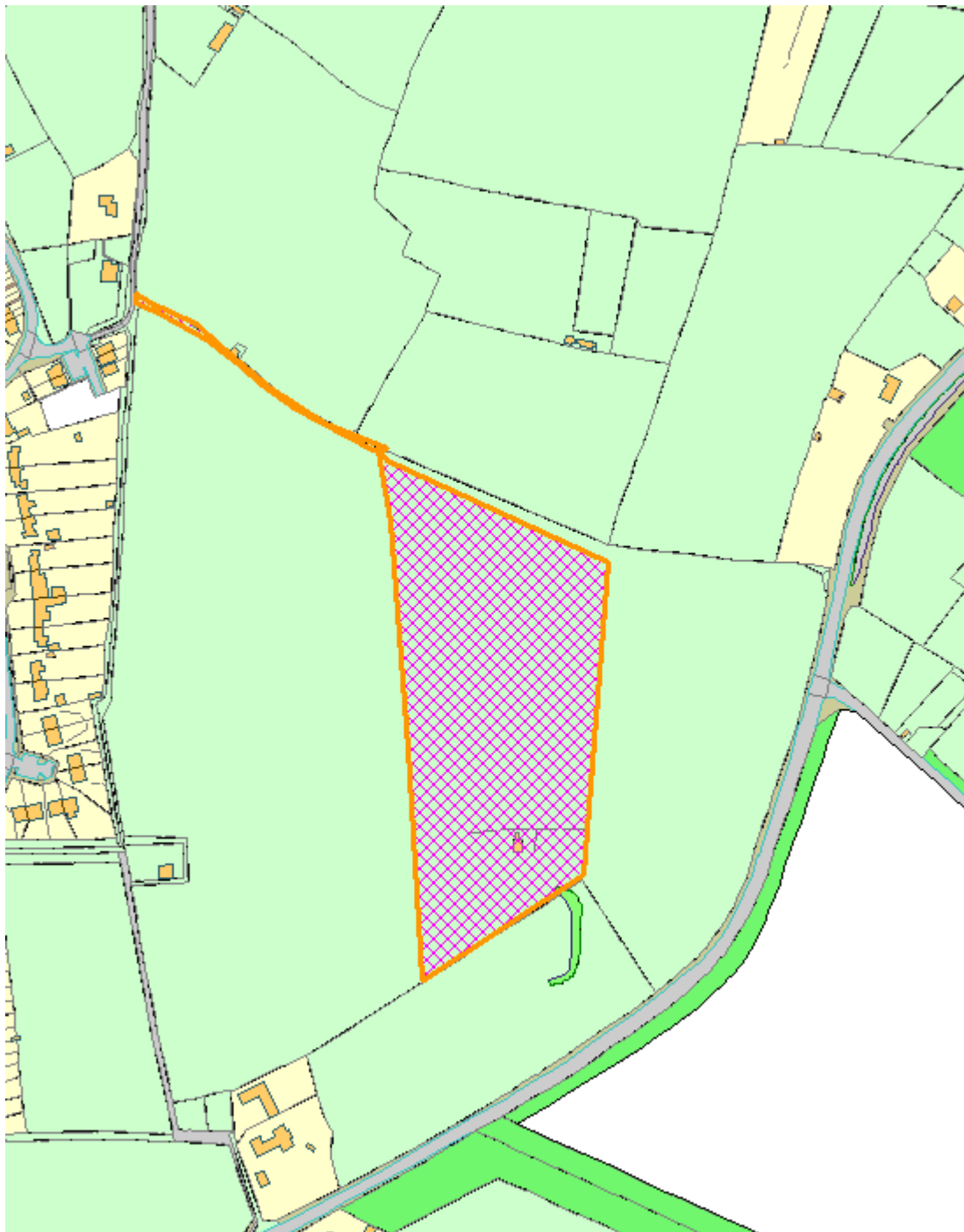
1. A6 (Approved Plans)
2. A11
3. Any manure heap shall be placed where there is no risk of run-off polluting watercourses and/or assets used to supply water for consumption. The manure heap shall have an impermeable base and shall be located at least 10 metres from any watercourse or ditch and at least 50 metres from any well, spring or borehole that supplies water for consumption.
4. The new hawthorn hedgerow as shown on the approved plan, shall be planted during the first planting season following this approval and shall consist of a double staggered row of hawthorn plants spaced at 300mm between plants and 400mm between rows. The planting shall be permanently retained and maintained at a minimum height of 2.4 metres once achieved, for the life of the development. Any plants which become diseased, are dead or dying shall be replaced during the first available planting season. The plants shall also be individually guarded immediately following planting to protect from damage from browsing animals.
5. The area of the proposed new hawthorn hedgerow shall be double hard stock fenced to a width of 2.5 metres with post and wire fencing, within 1 month of the date of this permission to provide the required stock proof planting area. The fencing shall be retained and maintained for the life of the development. The area shall at no time be accessed by Horses, Ponies or any other livestock.
6. No lighting of the site without the prior written consent of the Local Planning Authority
7. No commercial livery use of the site. Private equestrian facility only.
8. No structures either moveable or fixed, shall be sited on the land without the formal written consent of the LPA.
9. The existing structures shall be permanently removed from the site within 1 month of the date of this permission.

Informative

This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email:

21/0711/FUL

worcestershirevehicle.crossing@ringway.co.uk Tel: 01905 751651. The applicant is solely responsible for all costs associated with construction of the access.



Economic Prosperity and Place Directorate

Land At Os 384988 280010Wolverhampton RoadCookleyKidderminsterWorcestershire

Crown Copyright 100018317



PART A

Application Reference:	21/0770/FUL	Date Received:	09.08.2021
Ord Sheet:	385100 280000	Expiry Date:	04.10.2021
Case Officer	Richard Jennings	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 menage

Site Address: Land At Os 385100 280000, Wolverhampton Road, Cookley, Kidderminster, Worcestershire, ,

Applicant: Ms Helen Timmins

Summary of Policy	CP11, CP12, CC1, CC7, UP1, UP5, UP7, UP13 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for referral to committee	Statutory Consultee Objections and Application Recommended for Approval

1.0 History

20/0121/FUL - Retrospective change of use from agricultural land to equestrian use, including retention of stable building, muck store, field shelters and equestrian menage

2.0 Consultations and Representations

2.1 Wolverley and Cookley Parish Council

Recommend Refusal due to adverse effect on the openness of the Greenbelt

2.2 Highway Authority

No Objections. There are multiple applications on the wider site in this location which has been subdivided into 6 separate plots and it is noted on the submitted Application Form that activities on Plot A, started in February 2019. The application is therefore retrospective and there are no known issues in this location from a Highways point of view. The submitted details indicate that connection to the highway is on Eleanor Harrison Drive which is adequate for the proposed use and the traffic generation associated with the site(s) will be low. However, the applicant should ensure they have the appropriate rights of access on the private road between the site and the highway. This route is also in use as a farm access plus there is a bridleway / public right of way

21/0770/FUL

here and the applicant's attention is drawn to the restrictions imposed by Section 34 of The Road Traffic Act, 1988, regarding the driving of motor vehicles over public footpaths and bridleways. The access track to the site should be fit for purpose and within the site it is recommended that suitable hard standing for a vehicle is provided. On the basis that the site is for private use only, there is No Objection from Highways. Importantly, Plot A abuts the Wolverhampton Road (A449) and there is an existing gated access which is to be retained, as indicated on plan. Whilst this access has been in place for some time, it has not been installed to standards appropriate to the 'A' class road and access improvements are required to include a 45 degree fence line either side and the gate set back a minimum of 10 metres to allow agricultural vehicles to pull clear of the A449. Permeable hard surfacing is also required. The boundary treatment must be maintained to ensure that visibility is maximised.

2.3 North Worcestershire Water Management

No Objections subject to Conditions. This site is not at risk of flooding from any source. To ensure the development will not increase flood risk for others, surface water runoff from all impermeable areas should be disposed of responsibly. The application has not indicated how surface water will be disposed of. As this site is located in an area with free draining soils, the preferred drainage method would be the use of appropriately sized soakaway drainage. I understand a Building Control application will not be required for this development, but notwithstanding this, Building Regulations (part H) set out how to properly design, size and install soakaway drainage and the principles set out in part H should be followed for this development.

2.4 Countryside and Parks Manager

Having studied the site and examined the records held by the Biological record centre, I do not feel the change in use has had a negative impact on Biodiversity.

2.5 Neighbour / Site Notice Representations

1 neighbour objection received raising the following concerns;

- The proposed structures are unjustified for the proposed use.
- Impact on the Green Belt
- Works have been carried out illegally without the required consent

3.0 Site Location and Description

3.1 The application site is the largest of the paddocks being considered, and occupies a position immediately adjacent to the A449. The application site was formed through the subdivision and sale by the previous owner of a once much larger agricultural pasture field, and forms one of five individually owned plots. The site is accessed by way of a private track off Eleanor Harrison drive which is an unclassified, quiet residential estate road, but uniquely also benefits from an additional existing access directly off the A449. The site lies on a prominent open area of Green Belt on the edge of Cookley Village.

3.2 The application proposes the retrospective change of use of the land from agricultural to equestrian and the permanent siting and relocation of stable buildings, field shelter and schooling area, along with proposed new woodland buffer zone and hedgerow

21/0770/FUL

planting in an attempt to minimise any resulting visual harm. The structures are of typical rural timber construction with horizontal cladding and corrugated roofs, with a proposed schooling area of typical surface and post and rail fencing surround. Unlike the other plots on the wider site which are proposing re location to the Southern Boundary, Officers advice in this instance was relocation to the Northern boundary which is the least conspicuous as unlike the other plots, the land rises sharply to the south.

4.0 Officer Comments

POLICY CONTEXT AND PRINCIPLE OF DEVELOPMENT

- 4.1 The application proposes the retrospective change of use of the land to equestrian and the permanent siting and relocation of stable buildings, field shelter and schooling area. A previous refusal on the site makes reference to the proposed change of use and siting of structures on the land, cumulatively resulting in a loss of openness and impact on the visual amenity of the green Belt. In isolation the change of use of the land to an equestrian use is construed to play only a minor part in the resulting loss of openness or visual amenity with the structures current location resulting in the primary impact due to the poor siting of the physical, ancillary buildings and structures. The overriding consideration of this proposal must therefore be whether the structures re-siting when combined with the proposed landscaping scheme, has overcome the previous concerns in terms of the physical impact of the structures. I therefore consider that the change of use to equestrian in isolation is wholly acceptable, and shall focus specifically on the physical development element of the proposal.
- 4.2 The sole consideration of the current proposal is left to a balanced judgement as to the level of resulting impact of the proposed structures in terms of any resulting loss in visual amenity within the Green belt and whether they result in significant loss of openness or not, based on their proposed positional change to the northern boundary to minimise their intrusion, and inclusion of new woodland and hedgerow planting to minimise any remaining loss of visual amenity or openness. This balance must also give significant weight to the clear livestock husbandry requirement and of the applicants recreational requirements of the site in terms of the shelter, stable and schooling area, as well as the ecological net gain of new hedgerow and woodland planting. Any relevant fall-back positions must also be included and carefully considered in this balanced judgement. As with all of the other plots on the wider site, extensive pre application advice has been undertaken with the LPA prior to the submission of this application.
- ##### THE PROVISION OF APPROPRIATE EQUESTRIAN FACILITIES
- 4.3 The provision of the proposed facilities is considered reasonable to facilitate a successful private equestrian use. Due to the elevated exposed nature of the site, it is considered necessary for horses to have shelter facilities both from summer sun and cold wind and inclement weather in winter. The structures are considered to be commensurate with the proposed use and of traditional design and appearance providing only the bare essentials facilities for the use to operate and provide adequate livestock welfare.

21/0770/FUL

- 4.4 The Councils Equestrian Policy, SAL.UP13, requires that all equestrian structures harmonise with the landscape and are of traditional design, with hedges and planted backdrops utilised where possible. The structures which form the basis of this application are of timber construction, with horizontal cladding and corrugated roofs typical of other equestrian facilities in the area and the wider District, with the schooling area of all-weather surface at ground level surrounded by post and rail fencing. This policy also requires that all associated structures comply with the British Horse society standards in terms of providing adequate size and space from a welfare perspective. The application site totals just under 3 Hectares in area (approximately 7 acres), which by virtue of the relevant standards of 1 – 1.5 horses (dependent on size) per acre on permanent pasture, ensures that 5 horses and 5 boxes are proportionate to the land area and can be sufficiently sustained to a good welfare and grassland standard.
- 4.5 To ensure that the number of stables and shelters does not increase at any point in the future, a condition would be applied restricting any further structures, either moveable or fixed being sited on the land. 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 in part against an existing boundary hedge, with an additional woodland belt proposed behind the structures to bolster this planted backdrop. The hedges to the eastern boundary which run along the A449 are currently in poor condition due to lack of maintenance and age, and the proposal also includes a new hedgerow link from the proposed woodland belt and around the A449 boundary, as far as the existing access towards the top of the site. I therefore consider that the current proposal complies in full with the requirements of the Councils Equestrian Development Policy.

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. Uses of land are listed within the exemptions provided that the proposals preserve openness and do not conflict with the purposes of including land within it. The use of the land for private equestrian purposes would therefore fall directly within the scope of the exception as mentioned earlier within the report.
- 4.7 In terms of the associated structures, by virtue of their size and proposed sympathetic re siting against the most discreet northern boundary of the site, with additional hedgerow and woodland belt planting, minimal loss of openness or visual amenity of the Greenbelt results. I consider that the proposed position of the structures has carefully considered the advice of both Officers and the previous concerns of Members of the Planning Committee, and on balance minimal visual Green Belt harm will ensue from the development.
- 4.8 This balanced judgement must also give significant weight to the realistic fall-back position which exists, in the form of structures fitted with skids to enable their free movement around the plot, and likelihood of falling outside of the realms of controllable development. This undesirable situation would inevitably result in greater visual intrusion and impact on openness than their permanent siting in the most

21/0770/FUL

inconspicuous area of the field. Operation of the structures on this moveable basis would also inevitably lead to a sporadic appearance to both the plot in isolation and the wider plot as a whole, as structures rotate their way around the plots in an uncontrolled, random manner. The current proposal enables the Local planning Authority an opportunity to control this situation, and critically, an opportunity to conditionally remove the right to bring further moveable or fixed structures onto the land, and hence an opportunity to restrict the random, cluttered appearance which is feared. I therefore conclude that when proportional weight is afforded to the balanced judgement in terms of whether any resulting harm is outweighed by the resulting net gains and necessity for the proposal, the resulting loss of openness and harm to visual amenity is minimal. The proposed structures are therefore considered 'appropriate' development and compliant with the requirements of the Green Belt Policy SAL.UP1 and the NPPF.

- 4.9 In summary, the applicant has fully considered the Green Belt implications of the development, which have been raised by both Officers and Members of the Planning Committee during the determination of previous proposals on the site. Pre-application advice has been sought in an attempt to resolve the outstanding matters to both the satisfaction of the LPA whilst enabling the Applicant to utilise the site for an appropriate use, in a sensitive, sympathetic manner. The current proposal is not considered detrimental to the visual amenity of the Green Belt or openness by virtue of the structures careful and sympathetic siting, strategic planting, materials and design and the potential for an extremely harmful potential fall-back position. I therefore consider that the proposal results in minimal resulting Green Belt harm or intrusion.

ECOLOGICAL ENHANCEMENTS

- 4.10 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 biodiversity of a site. The applicants are proposing a newly planted woodland belt to the rear of the structures and hedgerow planting to the remainder of the northern and eastern boundaries to the existing A449 access. This would be bolstered by conditions to ensure the planting is carried out correctly, in a timely fashion, protected from both livestock and wildlife damage and retained and maintained for the life of the development. The Council's Countryside Manager has offered no objection to the proposal. Policy SAL.UP13 also 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 due to the necessity to screen the structures, huge ecological benefits follow as a byproduct. The collective ecological improvements of this woodland belt and hedgerow link between the A449 and the existing hedgerows on Eleanor Harrison drive, provides excellent wildlife corridors and connectivity which does not currently exist due to the age and unmanaged, sparse nature of existing hedgerows on the site and I consider that the resulting ecological benefits of the proposal are extensive and fully Policy compliant.

HIGHWAYS AND ACCESS

- 4.4 The Highway Authority have raised no objection to any of the previous applications relating to this site, and this position stands with the current application, as there are no known Highway related issues in this location in terms of safe Highway access onto Eleanor Harrison Drive or on-site parking provision. In terms of the access onto the

21/0770/FUL

A449, the Highway authority request the inclusion of a condition to improve this currently sub-standard lawful access point due to its connection onto a classified road, and this again results in the opportunity to increase safety for both the site owners and all other road users. An opportunity which again would not exist if the potential alternative fall-back position is implemented.

5.0 Conclusion and Recommendations

- 5.1 The proposed change of use of the land to equestrian use 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. I therefore consider that this element of the proposal meets the requirements of both National and local policy falling directly within the closed list of exemptions as outlined within the NPPF, and no further balanced judgement is required for this element. The sites position within the West Midlands Green Belt and the inclusion of associated ancillary structures has been the subject of careful consideration and recent pre application discussions to ensure that openness is maintained and visual amenity is not compromised by virtue of excessive size or density of structures, poor siting and inappropriate material selection, whilst ensuring the successful functioning and operation of the use and animal welfare needs are met.
- 5.2 I consider the current proposal to have given careful and thoughtful consideration to the previous concerns raised by Officers and the planning committee. The re location of the structures and especially the removal and reinstallation of the schooling area to accommodate the stables against the northern boundary, will clearly be of great financial implication, but is accepted as a necessary compromise by the applicant as they seek an acceptable resolution to this longstanding issue. The structures in terms of size and number are considered commensurate with the size of the holding offering the bare essential facilities, grouped and sited discreetly against the northern boundary, with proposed additional planting serving to soften the structures angular outline. On balance, the resulting proposal is considered 'appropriate' development on balance, which has minimal impact on openness or deterioration in the visual amenity of the Green belt, as well as minimal interference in this distinctive landscape. The current proposal therefore complies with the requirements of Policy SAL.UP1 and SAL.UP13 of the Adopted Wyre Forest Site Allocations and Policies Local Plan, the Government advice in section 13 of the National Planning Policy Framework, and Policy CP12 of the Adopted Wyre Forest Core Strategy. The introduction of additional hedgerow planting not only serves to break up the angular lines of the structures and blend them into setting in accordance with the aforementioned Green Belt and equestrian policies, but also serves to provide beneficial ecological enhancements to the site in the form of new wildlife corridors. As such the proposal also complies with the requirements of the biodiversity policy SAL.UP5 of the Adopted Wyre Forest Site Allocations and Policies Local Plan.

21/0770/FUL

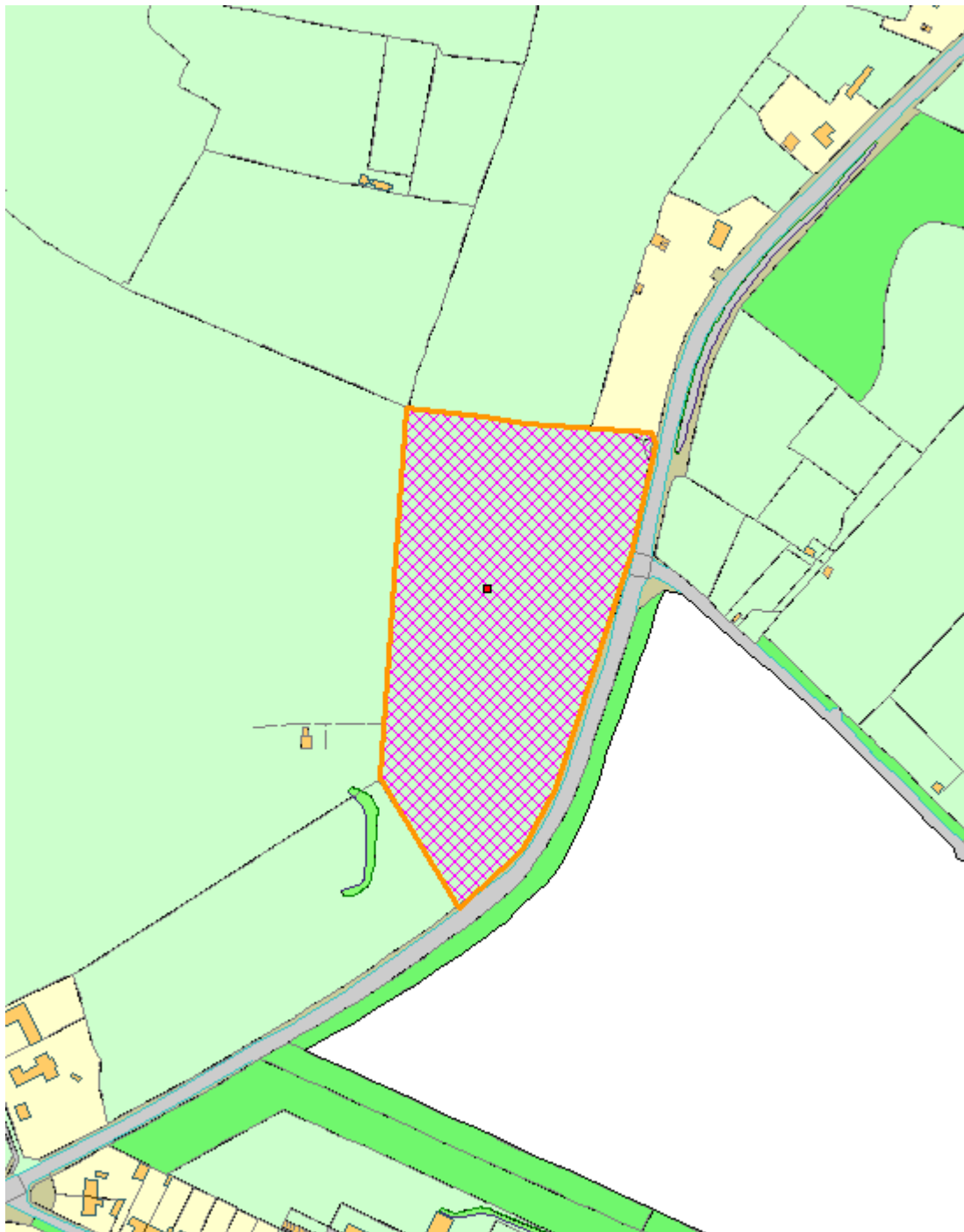
5.3 It is therefore recommended that the application be **APPROVED** subject to the following conditions:

1. A6 (Approved Plans)
2. A11
3. The structures hereby approved shall be stained dark green within 1 month of the date of this permission and shall be maintained in this colour for the life of the development.
4. Surface water from the development shall discharge to soakaway drainage which shall be implemented within 3 months of the re siting of the approved structures 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 tree and hedgerow planting areas as shown on the approved plan shall be double hard fenced with post and wire fencing within 1 month of the date of this permission, to provide the required stock proof planting areas. The fencing shall be retained and maintained for the life of the development. The area shall at no time be accessed by Horses, Ponies or any other livestock.
7. The proposed hedgerow planting areas shall be planted with a double staggered row of hawthorn plants spaced at 300mm between plants and 400mm between rows. The proposed woodland planting areas shall be planted with mixed native broad leaved species, planted at one meter between plants and one meter between rows. The planting shall be completed by the end of the first planting season following this approval and shall be retained and maintained at a minimum height of 2.4 metres once achieved, for the life of the development. Any plants which become diseased, are dead or dying shall be replaced during the first available planting season. The plants shall also be individually guarded immediately following planting to protect from damage from browsing animals.
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. The proposed stables, field shelters, stores and schooling area, shall be re-located to their approved positions in accordance with the details submitted within 3 months of the date of this permission, and shall thereafter be retained and maintained in good condition in those positions for the life of the development.
11. No additional structures either moveable or fixed, shall be sited on the land without the formal written consent of the LPA other than those expressly authorised by this consent.
12. Within 3 months of the date of 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. Details are to be submitted in writing to and approved by the Local Planning Authority.

21/0770/FUL

Informative

This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email: worcestershirevehicle.crossing@ringway.co.uk Tel: 01905 751651. The applicant is solely responsible for all costs associated with construction of the access.



Economic Prosperity and Place Directorate

Land At Os 385100 280000Wolverhampton RoadCookleyKidderminsterWorcestershire

Crown Copyright 100018317



PART B

Application Reference:	20/0892/FUL	Date Received:	02.11.2020
Ord Sheet:	381349 271112	Expiry Date:	31.05.2021
Case Officer:	Helen Hawkes	Ward:	Areley Kings And Riverside

Proposal: **Erection of 129 dwellinghouses, open space and associated infrastructure**

Site Address: **Formerly Carpets Of Worth Site, Severn Road, Stourport On Severn, Worcestershire, ,**

Applicant: **Mr Mark Elliot**

Summary of Policy	DS01 CP01 CP02 CP03 CP11 CP12 CP14 (WFCS) DPL1 CC1 CC2 CC7 UP5 UP6 UP7 UP9 EA1 (SAAPLP) Emerging Local Plan (2016-2036) Design Guidance SPD Severn Road Development Brief SPG National Planning Policy Framework National Design Guide Planning Practice Guidance
Recommendation	Delegated Approval subject to S.106 Agreement
Reason for Committee	'Major' Planning Application

1.0 History

- 1.1 08/0768/OUTL - Redevelopment of the site to provide a mixed use development consisting of 159 no. Residential properties, Class A Retail Uses, Class B Employment, Class C1 Hotel and Class D2 Assembly and Leisure (Outline) – Approved, Subject to S106 Obligation, 11.03.11.
- 1.2 09/0588/OUTL - Redevelopment of the site to provide a mixed use development consisting of 159 no. Residential properties, Class A Retail Uses, Class B Employment, Class C1 Hotel and Class D2 Assembly and Leisure (Outline): Allowed on Appeal.
- 1.3 11/0534/RESE - Redevelopment of the site to provide a mix of uses including Residential, Class A Retail Uses, Class B Employment, Class C Hotel and Class D Assembly and Leisure (Reserved Matters following Outline Approval 09/0588/OUTL - Access, Appearance Landscaping, Layout and Scale to be considered): Approved 6.11.2012

20/0892/FUL

2.0 Consultations and Representations

2.1 Stourport-on-Severn Town Council – Recommend refusal on the following grounds:

- The proposed current entrance is not acceptable, it needs to be a 2 lane exit.
- £150K for the infrastructure does not seem a lot of money, needs to be double.
- How will local schools cope?
- Traffic problems could cause problems for emergency vehicles.
- Could consideration be given to access through Discovery Road.

2.2 North Worcestershire Water Management Officer – No Objections subject to conditions.

It is still a real concern to me that the shallow ground water that was encountered during the site investigations might compromise the performance of the proposed underground attenuation features. The applicant has responded that the attenuation tanks will be impermeable and that floatation checks will be undertaken at Detailed design Stage. I believe that this should be incorporated in a future detailed condition.

The lowest proposed FFL is 21.200 m AOD, which is 640 mm above the 1 in 100 year plus 35% climate change modelled level (20.56 m AOD). This conforms Environment Agency's guidance. I understand that the substation slab is also at the 21.200 level. I believe the a minimum floor level of 21.200 should be conditioned.

A exceedance routing drawing has been provided, aiming to demonstrate that excess water surcharging from manholes will be directed away from properties. This is most crucial I believe for the 71,000 litres of water that is calculated to surcharge from manhole 18 near plot 53 when the river is in flood. I believe the information currently submitted is sufficient at this stage, but that further details will need to be provided in the future to ensure that this will not result in flooding of any of the properties, or cut-off access.

The proposed runoff treatment relies upon two proprietary treatment products. Is proposed to install Smart Sponges (or similar) in all gullies (private ones and those offered for adoption). This is acceptable subject to agreement by the County Council as part of the highway adoption process

I believe that further information regarding the future maintenance responsibility for the 'private' attenuation tanks can be conditioned.

I conclude that the majority of the information I had requested has now been submitted and that conditions can be imposed to address any outstanding matters. As such there is no objection to the proposal.

2.3 WCC Archaeologist - No objection to the development, but a programme of archaeological works should be included as a condition on any grant of consent. This should include historic building recording prior to demolition of the historic buildings on-site, followed by archaeological trial trenching in order to comply with NPPF199

20/0892/FUL

and Policy SAL.UP6 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan. Further works may be required subject to the results of the evaluation.

- 2.4 WCC Public Rights of Way team - This development will not affect any public rights of way on the current definitive map and proposes no additions. We have no comments to make.
- 2.5 Highway Authority – No objection subject to conditions to secure conformity with submitted details; pedestrian visibility splays; electric vehicle charging points; cycle parking; residential travel plan; residential travel welcome pack, construction environmental management plan. Informatives are also recommended to make the applicant aware that Ringway Infrastructure Service carry out all works within the adopted highway; Section 278 Agreement; Section Agreement Details; Drainage Details for Section 38; No Drainage to Discharge to Highway; Protection of Visibility Splays; Brightness of Illuminated Signs; Affected Street Lighting/Illuminated Signs; Common Land; Extraordinary Maintenance; Works Adjoining Highway; Section 115E Licence; Temporary Direction Signs to Housing Developments; Construction Environmental Management Plan (CEMP); and Travel Plan Requirements.

A planning obligation of £61,000 towards upgrading of the existing informal path from Discovery road, which runs along the east side of the River Stour and connects with the footpath to the north, providing access to the Tesco supermarket.

For the avoidance of doubt, the remainder of this response reviews each topic covered in the previous Highway Authority response in the same order in which they were discussed previously. Under each sub-heading, this response firstly details matters that have now been resolved to the satisfaction of the Highway Authority and secondly those which remain of concern but would not be considered a refusal on highways grounds.

Access Proposals - Primary Access Access to the site is currently obtained via an access road serving the Tesco superstore, with a partially completed (stub) arm off an existing mini roundabout. The Transport Assessment identified that due to the private ownership of the access road (by Tesco superstore) and the financial implications that this causes the development, access to the site is proposed off Severn Road, to the immediate south of Lichfield Street. The Highway Authority previously advised, and maintains, that access to the proposed development from the Tesco access road and mini roundabout is considered favourable. Furthermore, the Highway Authority remain conscious that, by not utilising the Tesco access road and roundabout, the current access proposals off Severn Road would create a staggered crossroad junction with Lichfield Street, increasing the risk of collisions to the detriment of road safety.

Off-Site Works/ Section 106 Requirements - The Applicant has noted that, following the conclusion of a financial viability assessment, a contribution of £150,000 has been agreed with Wyre Forest District Council for all off-site highway infrastructure works. Whilst the Highway Authority welcome this contribution, it is considered insufficient to address all necessary off-site highway improvements to make the development acceptable in planning terms.

20/0892/FUL

The works, as outlined in our previous response, are summarised below and should be secured through a suitable S106 agreement and completed before first occupation:

- To improve facilities for pedestrians and cyclists and encourage residents to undertake active travel trips, the Highway Authority request the provision of a controlled pedestrian crossing facility on Discovery Road (between the identified pedestrian accesses on the site Masterplan) and the conversion/widening of the footway located to the south of the proposed development, to link with the existing provision on Discovery Road; and
- Upgrading of the Tesco pelican crossing to a toucan crossing, with the provision of a quality shared use path through the development.

In addition to the above and in order to improve pedestrian and cycle links from the site, as well as improving provision for the wider community, a contribution of £61,000 is requested towards the cost of upgrading the existing informal path from Discovery Road, which runs along the east side of the River Stour and connects with the footpath to the north, providing access to the Tesco supermarket.

Parking Provision - The Highway Authority is now satisfied that the following have been resolved:

- Cycle storage to be provided in back gardens and/or garages. This would be secured via an appropriately worded planning condition; and
- Block paving to be provided on a number of parking bays (within plots 19-25, 81-84, 66-69, 71-75, 76-80, 107-112, 114-115 and 122-129). In addition, all private driveways should be surfaced with high quality surface material that would provide a contrast to the black tarmac on the adopted highway.

Provision of ULEV charging points at a level in keeping with the WCC Streetscape Design Guide. These requirements will form a condition as part of any successful planning consent.

- 2.6 Worcestershire Children First - The proposed development is estimated to yield 14 early years places equating to 5 places per year group. There is currently sufficient capacity in early years provision in the area to accommodate the number of pre-school pupils likely to be generated from this development. With regards to mainstream provision, the proposed development is likely to yield 43 pupils in the primary phase of education equating to 6 pupils on average per year group. The total sum of PANs in schools that can be considered related to the development equals 245, with the highest current year group of 222 pupils on roll across related schools in year 6. Therefore, it can be considered there are sufficient places across the area and no S106 contribution towards primary education is required. The proposed development is likely to yield 30 pupils in the secondary phase of education equating to 5 pupils on average per year group. Stourport High School is the designated secondary school serving the education planning area. Building work has recently been undertaken ahead of anticipated demographic growth. The Published Admission Number was increased from 224 to 254 in September 2019 in consideration of higher cohorts due to transfer from the primary phase of education. Analysis indicates that there is currently sufficient space in Stourport High School and Sixth Form to support the additional expected 5 places per year group required to support this development. However, it will be kept under review pending any further reviews to this application.

20/0892/FUL

A s106 will not be sought for high school infrastructure on the application as currently submitted.

With regards to Special Education Needs and Disabilities (SEND) provision, the proposed development is likely to yield 1 SEND primary school place and 1 SEND secondary school place. Analysis of pupil numbers at Wyre Forest School indicates that there is insufficient capacity in the area to admit the number of pupils that are likely to be generated from the proposed development who require a SEND specific place and that the development cannot be considered acceptable unless appropriate mitigation is put in place.

A financial contribution of £97,211 would be sought for SEND (Primary and Secondary School Places), which will be used to support improvements which may include additional or extended toilet accommodation, additional or extended classrooms, new or improved educational sports playing fields and/or infrastructure at Wyre Forest School.

2.7 Conservation Officer - No Objections subject to building recording conditions to be stipulated by WAAS; condition for interpretation panels.

The applicant has responded to my comments of 22nd April 2021 (see below) within their Design Statement: Action 1. This acknowledges the need for a full building recording of the White House and two other undesignated heritage assets on the site. The statement also confirms that whilst plots 1 and 120 have not been deleted, the built development on them has been pushed back into the site and an area of soft landscaped open space has been created between them and Severn Road. The resulting vista provides a visual connection from the Conservation Area through to the banks of the River Stour, as illustrated in the supporting CGI visualisation. This visualisation also illustrates the recessive effect of relocating the development on the two plots such that the new buildings appear less visually intrusive whilst still creating a focus and directing the eye towards the vista and the River Stour. The walls to the front of the development echo the boundary walls to the frontages in Lichfield Street and provide a sense of enclosure to the public space created by the road junction. Whilst it would have been preferable to retain the historic buildings on the site the time elapsed since their vacation has contributed to their dereliction such that they are now beyond reasonable repair, and as such do not contribute positively to the Conservation Area as it now is appreciated. The proposals alter this part of Stourport-on-Severn radically, however the degree of harm to the Conservation Area is less than substantial and the public benefits of redeveloping the site together with the mitigation measures of building recording and provision of interpretation should be considered to outweigh any loss of significance caused by the demolition of the now derelict buildings.

2.8 Principal Housing Strategy Officer (Initial response) - I would like to increase the affordable housing proving to 25% (31 units) with a tenure split of 65% (20 units) social rent and 35% (11 units) intermediate tenure. In terms of bedroom size we would be looking for the following mix:

20/0892/FUL

- 1 bed 12% of overall mix
- 2 bed 36% of overall mix
- 3 bed 3% of overall mix
- 4 bed 2% of overall mix

- 2.9 Principal Housing Strategy Officer (Second response) - I do have some concerns regarding the location of the affordable housing which may not be tenure blind as they appear to be all in the same area. 2.10 Canal & River Trust – No objection.
- 2.11 Arboricultural Officer - From my perspective, the landscape architect has done a good job considering the minute amount of space made available by the densely packed development proposals.
- 2.12 Worcestershire Regulatory Services (Air Quality) – No objection. It is advised that WRS have reviewed the submitted Air Quality Consultants; Air Quality Assessment: Severn Road, Stourport; Report ref: J4328; Dated: November 2020. The report used the two stage screening assessment criteria recommended in the EPUK and AQM guidance to see if a Detailed Assessment (DS) was required. When comparing the traffic data supplied by Travis Baker Transport Planning Limited to Criteria 2 in the guidance, the estimated traffic flows on all surrounding roads to the development is below the DS threshold of 500 light duty vehicles (LDV) for outside of an AQMA and below the 100 LDVs recommended for use within an AQMA for the junction at Bridge Street, High Street and York Street. The report concluded that a DS was not required as traffic flows on the local roads due to the development are all below the relevant screening thresholds, therefore the proposed development will not have a significant impact on local air quality.

The report compared NO2 results for a base year of 2018 and an operational year of 2022 from diffusion tubes in the centre of Stourport-on-Severn that has high traffic volumes and congestion and is within a street canyon, to the proposed location of the development, adjacent to open, generally free-flowing roads in the absence of street canyon features and concluded that the monitoring locations were not representative of conditions at the proposed development as it would likely experience considerably lower traffic volumes and congestion than those through Stourport town centre.

The reports overall conclusion was that the pollutant concentrations within the proposed development are expected to be below the objectives, thus future residents of the proposed development will experience acceptable air quality and the proposed development will not generate an increase in traffic on local roads such as to have a significant impact on local air quality. Therefore the operational air quality effects without mitigation were judged to be 'not significant' and that a Detailed Assessment was not required.

20/0892/FUL

WRS consider that the report is an appropriate assessment and WRS are in agreement with the methodology and findings and have no adverse comments to make. Given the size of the proposed development WRS recommend that conditions are attached to any decision notice to require cycle storage, electric vehicle charging points and low emission boilers.

- 2.13 Designing Out of Crime Officer - No objection to this application. From my perspective the revised layout is much better.

My only cause for concern is the number of alleyways that give access to the backs of the houses. Communal gates are required to deter access I have attached a copy of the site layout and indicated where the gates should be.

Two areas are of particular concern to me.

- Block with plot numbers 44 to 58. It appears that you can go down the path between plots 48 & 49. Gain access to the rear of the properties and leave via the path between plots 62 & 63. This not only creates an unauthorised shortcut, but is a burglar's dream. Easy access to the rear, limited surveillance and a choice of escape routes.
- Block with plots 11 to 15. Similar problem to above, access to the rear of properties from the path at the rear of plot 14 and the one between 12 & 13.

I suggest the gates are fitted with gate locks (rather than padlock) so that they can be locked from both sides.

[Officer comments – The revised site layout includes gates to prevent unauthorised access to rear gardens]

- 2.14 Natural England – No objection.

- 2.15 Worcestershire Regulatory Services (Noise Officer) – No objection subject to conditions. The submitted noise assessment appears satisfactory in terms of the methodology used and the conclusions reached. The noise assessment predicts that with the installation of the recommended noise mitigation measures, relating to glazing, ventilation and acoustic boundary fencing, both internal and external noise levels will be acceptable. Construction Phase Nuisance: In order to minimise any nuisance from noise, vibration and dust emissions during the construction phase the applicant should refer to the WRS Code of Best Practice for Demolition and Construction Sites (attached) and ensure its recommendations are complied with.

- 2.16 Worcestershire Regulatory Services (Potential Contaminated Land) – No objection subject to conditions. WRS have reviewed available documents and records in respect of potential contaminated land (PCL) issues at the above application site. We have read the Geo Environmental Assessment (dated April 2019, ref 18186, prepared by Travis Baker) and the Remediation Strategy (dated September 2019, ref 19124, prepared by Travis Baker), and WRS are in agreement with the methodology and largely in agreement with the findings and outcomes. The requirement for gas protection measures as stated and clean cover importation (for both soft landscaping, 600mm with no dig barrier

20/0892/FUL

and membrane, and foundations, is agreed with and the their independent validation should remain a condition of the remediation. The original reports highlight certain issues, including hotspots, basements and potential tanks that will require post-treatment or removal investigation; we also agree with the letter from the Environment Agency (ref SV/2020/110783/01-L01, dated November 2020) that further investigation is required given the presence of TPH, metals and potentially PFOS / PFAS, especially post made ground removal.

Due to the requirements for further testing highlighted by both the Travis Baker reports and further detail required by the Environment Agency, WRS recommend a condition is applied to the application, should any permission be granted to the development, to ensure PCL issues on site are appropriately addressed.

The application details suggest that soil or soil forming materials will be required to be imported on to the site. As a result, in order to ensure that the site is suitable for its proposed use and accordance with The National Planning Policy Framework, a condition is therefore recommended for inclusion on any permission granted.

2.17 Severn Trent Water Limited - No objection 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 are public 225mm foul sewers and public 300mm foul sewers located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent.

2.18 Environment Agency - No objection subject to conditions.

Published geological maps show the site to be underlain by the Wildmoor Sandstone Formation, classed as a Principal aquifer. This is overlain at this location by alluvium deposits classed as a Secondary A aquifer. The site is also located within Source Protection Zone 3 (SPZ) for a public supply borehole. There is a licenced groundwater abstractions within approximately to the north 480m of the site. BGS records show an onsite borehole, up to 100m deep. The application is for 129 dwelling houses, open space and associated infrastructure on a 3.7Ha site..

We consider that planning permission should only be granted to the proposed development as submitted if the following suite of planning conditions are imposed. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

20/0892/FUL

Flood Risk: The site is primarily within Flood Zone 1 (low risk) based on our Flood Map for Planning, for the River Stour informed by detailed modelling at this location. A small portion of the site does fall within Flood Zone 3, the high risk zone.

Residential development is classified as 'more vulnerable' in accordance with Table 2 of the NPPF Flood risk vulnerability classification.

As detailed in the submitted Flood Risk Assessment (FRA) the 1 in 100 year plus climate change (35%) flood level has been quantified as 20.56mAOD. The lowest proposed Finished Floor Level (FFL) is 21.200m AOD, which is in excess of 600mm above the 1 in 100 year plus climate change (35%) flood level and is therefore considered acceptable.

Foul Drainage: We would have no objection to the connection of foul water to the mains foul sewer, as proposed. The LPA must ensure that the existing public mains sewerage system has adequate capacity to accommodate this proposal, in consultation with the relevant Sewerage Utility Company.

- 2.19 Countryside and Parks Manager - No objection subject to conditions. It is noted that the applicant has now submitted a sufficient External Lighting Impact Assessment to demonstrate that the Lux Levels along the River Stour along the eastern and southern boundaries of the site would be at or below 0.5 lux and therefore would not have a significant impact on any light-sensitive species using this space. The applicant has also submitted sufficient justification for the proposed location of the new Otter holt and planning conditions can be secured to finalise the details of the proposed bat house and to require a suitably qualified ecologist to be present on site to oversee the site clearance works. The Landscape Management Plan has been updated to remove privet hedging and more detail in respect of litter collection along the river embankment, which is now acceptable.

Neighbour/Site Notice Representations

1 letter of support received from a nearby resident stating the following:

- Welcome the planning application as the site is currently very dilapidated, and good quality housing is always required.
- New residents will bring more local spend and footfall into the Stourport town which the High Street desperately needs.
- If this development is not supported by the community then we will have to wait another 5 years for a further application to be submitted.

1 letter of comment received from a nearby occupier advising that once again the historic buildings on this site which were supposed to be protected have been ignored. In recent years they have been allowed to collapse due to weather and vandalism. Where is the commitment to protecting local historic buildings?

20/0892/FUL

3.0 Site Location and Description

- 3.1 The application site relates to a large area of previously developed land, covering an area of approximately 3.3 Hectares in total and relates to the southern part of the much larger former Bond Worth carpet factory site, which is allocated under Policy SAL.EA1 of the Adopted Site Allocations and Policies Local Plan for mixed use development including residential. The northern part of the former carpet factory site has been redeveloped and is occupied by Tesco superstore and petrol filling station and includes an unadopted access road off Severn Road comprising a roundabout junction that serves Tescos and provides access to the application site off a partially constructed roundabout arm. The application site is also covered by a site allocation for up to 110 housing under draft Policy 33.7 of the Emerging Local Plan.
- 3.2 The site has been cleared of all buildings with the exception of three, which are locally listed and comprise the Former Dye House to the Bond Worth Carpet manufactory adjacent to the River Stour; the post-War Bond Works gatehouse building in Art Deco style, on Severn Road; and the 'the White House', a former factory manager's house, also on Severn Road. The White House and the southwest corner of the site falls within Stourport No. 1 Conservation Area. The majority of the site lies within Flood Zone 1 (low risk) however there is a small portion of the site along the River Stour that lies within Flood Zone 3, the high-risk zone.
- 3.3 The site is located to the east of Severn Road/Cheapside and to the north of Discovery Road and lies within close proximity to the town centre of Stourport-on-Severn. Adjoining the eastern boundary of the site is the River Stour and to the north is Tesco superstore and petrol filling station. The surrounding area is characterised by a mix of commercial, light industrial and residential development.
- 3.4 This is a full planning application seeking planning permission for the demolition of the three locally listed buildings and the construction of 129 dwellinghouses with a new access provided off Severn Road and associated internal roads and landscaping works.
- 3.5 The density of the development would be 48 dwellings per hectare (dph) based on the net developable area of the site being 2.7 hectares. The development would comprise two-storey detached, semi-detached and terrace properties, as well as a block of one bed flats provided within a two-storey building. There would be 4 one-bed flats, 53 two-bed dwellings, 69 three-bed dwellings and 3 four-bed dwellings provided.
- 3.6 Following a review of the submitted Financial Viability Assessment the initial offer of 13 affordable units has been increased to 32 affordable units or 25% (comprising 10 social rent, 10 affordable rent and 12 intermediate) and a financial contribution of £150,000 has been agreed to provide the necessary highway infrastructure. No contribution has been secured for Education or for off-site public open space, recreation and sporting provision, as it was concluded within the review of the financial viability assessment that this would make the development unviable.
- 3.7 The proposed housing would be arranged in perimeter blocks to provide an active streetscene with houses overlooking the roads/parking courtyards and rear gardens enclosed by other gardens to ensure they are private and secure. A mix of parking layouts is proposed including spaces adjacent and directly to the front of

20/0892/FUL

dwellinghouses and within private courtyards. Access to the site would be created by a new junction off Severn Road, which would lie almost adjacent to the existing junction with Lichfield Street and the existing access off the unadopted roundabout arm would be provided as an unadopted access for emergency vehicles only. Four pedestrian/cycle access points would be provided to enhance connectivity to the existing roads. The green infrastructure along the River Stour would include a knee-rail and would mainly remain in an unmanaged natural condition. A number of biodiversity enhancement measures are proposed including additional tree planting, two reptile hibernaculum, an artificial otter holt, purpose built bat roost building and 5 bird boxes.

3.8 To compensate for the loss of the locally listed buildings (notably ‘the White House’ and ‘the Bond Works gatehouse building’) and in an attempt to conserve the character and appearance of the Stourport No.1 Conservation Area, the applicant has submitted a revised scheme to include an interpretation historic interpretation board adjacent to Severn Road and additional detailing to the proposed dwellings on Plots 1 and 121.

3.9 The applicant has also provided further justification as to why they have discounted having the means of access to the site off the existing unadopted roundabout junction. Also, in support of the application the following have been submitted: Transport Assessment; Road Safety Audit; Arboricultural Impact Assessment; Archaeological and Heritage Statement; Planning Statement; Statement of Community Involvement; Design and Access Statement; Health Impact Assessment; Flood Risk Assessment; Surface Water Drainage Strategy; External Lighting impact Assessment; Ecological Assessment; Detailed Landscape Scheme; Landscape Management Plan; and Air Quality Assessment.

4.0 Officer Comments

4.1 The main considerations are whether the proposed development is acceptable in principle and whether it would deliver a sustainable housing development in terms of design, impact on heritage assets, highway safety, drainage and ecology.

POLICY CONTEXT

4.2 The Town and Country Planning Act 1990 in Section 70(2) requires the decision-maker of planning applications to have regard to the Development Plan, insofar as it is material to the application and to any other material consideration. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Paragraph 2 of the National Planning Policy Framework (the ‘Framework’) also advises that proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

4.3 The Development Plan for Wyre Forest District Council comprises the Adopted Core Strategy (2010), the Adopted Site Allocations and Policies Local Plan (2013), the Adopted Design Guide SPD, the Adopted Planning Obligations SPD and the Adopted Affordable Housing SPD.

20/0892/FUL

- 4.4 The former Carpets of Worth site (measuring 6.6 hectares in total area) is covered under site-specific Policy SAL.EA1 of the Adopted Site Allocations and Policies Local Plan (Adopted 2013), which relates to this site as well as the now redeveloped land to the north which has been developed for Tesco. The site allocation policy envisages a mix of land uses including residential, business and small scale retail and indicates a capacity of 159 dwellings for this site. This policy requires any development on this site to meet the following criteria:
- a. *Subject to other material considerations retain and bring back into use the important buildings and structures identified in the Severn Road Development Brief.*
 - b. *Preserve and enhance the character of the Conservation Area and its setting.*
 - c. *Safeguard and enhance the natural assets of the site provided by the River Stour, whilst also taking into account and mitigating against the flood risk of the area.*
 - d. *Be accessible via a new road to be provided as part of the redevelopment, linking this site with Discovery Road.*
 - e. *Ensure they incorporate appropriate remediation, building and drainage design in order to deal with any land contamination.*
- 4.5 The Emerging Wyre Forest Local Plan (2016-2036) is a material consideration in the case of this application, in accordance with Paragraph 48 of the Framework, as the Plan is at an advanced stage in its preparation having undergone public examination by the Secretary of State. The relevant draft policies contained within the Emerging Local Plan in the case of this application are also considered to be consistent with the Framework, in terms of seeking to achieve sustainable development by requiring the delivery of a sufficient supply of housing to meet the housing needs of the community; ensuring housing is provided in sustainable locations; are well designed, safe and have a high standard of amenity for existing and future occupiers; and that new developments make effective use of brownfield land and that they fully consider the impacts on flood risk, the historic environment, highway safety and biodiversity.
- 4.6 The Emerging Local Plan includes a draft site allocation policy (Policy 33.7) for the remaining undeveloped part of the former Carpets of Worth site, which forms the subject of this application. The policy advises that the site has a capacity for 110 dwellings and that any development should meet the following criteria:
1. *Proposals should provide for a mix of uses including residential, with the potential for community facilities and a riverside footpath and green corridor*
 2. *Development should be sympathetic to the Stourport No.1 Conservation Area and the riverside setting*
 3. *Consideration should be given to retaining and repairing the Gatehouse and / or The White House as these are the sole link to the site's former use as a carpet factory*
 4. *Any development on the site must reflect and complement the existing character and quality of the historic buildings to the west, and specifically the former route leading east from Lichfield Street towards the River Stour should be retained*
 5. *Site layout should provide a clear and logical block structure that connects with Lichfield Street and provide private backs and public fronts to all streets and spaces*

20/0892/FUL

- 6. *The site offers a major opportunity to buffer and enhance the major Green Infrastructure corridor associated with the River Stour and there are also opportunities for urban Green Infrastructure connectivity with Severn Road*
- 7. *Ecological surveys will be required prior to submission of any planning application*
- 8. *Potential for habitat creation along the river bank should be investigated. There are opportunities for creating nesting opportunities for owls and bats*
- 9. *Proposals should safeguard and enhance the natural assets provided by the River Stour whilst taking into account and mitigating against any flood risk. Control of drainage and pollution/SuDS should be a priority*
- 10. *Proposals should ensure they incorporate appropriate remediation, building and drainage design in order to deal with any land contamination*
- 11. *Proposals should take into consideration the Kidderminster and Stourport Urban and Waterfront Strategic Development Corridor Green Infrastructure Concept Statement.*

- 4.7 The Severn Road Development Brief, adopted as a Supplementary Planning Guidance (2001) is also relevant to this application and is a material consideration. It provides a framework for development across three sites (Lichfield Basin; Carpets of Worth; and Cheapside) and includes key principles to be incorporated into any future development of these sites in order to ensure a high standard of design that takes into consideration the surrounding context and the existing historic character of the town.
- 4.8 Also, as the site falls within the Stourport No. 1 Conservation Area it is necessary to take into account Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Also, the Character Appraisal for Stourport-on-Severn No. 1 Conservation Area (revised January 2015) is relevant.
- 4.9 Other material considerations include the National Planning Policy Framework, Planning Practice Guidance, National Design Guide, Building for Healthy Life, the Adopted Design Guidance SPD (2015) and the Adopted WCC Streetscape Design Guide (2020).

PRINCIPLE OF DEVELOPMENT

- 4.10 The application is for 129 dwellings over a site area of approximately 3.3 hectares. The proposed development would make effective use of previously developed land and is located within the urban area of Stourport-on-Severn, making it an appropriate and suitable location for housing as set out in Policy DS01 of the Adopted Core Strategy and Policy SAL.DPL2 of the Adopted Site Allocations and Policies Local Plan. Also, the site forms part of a wider site allocation for a mixed use development including residential under Policy SAL.EA1 of the Adopted Site Allocations and Policies Local Plan (2013) and draft site allocation policy 33.7 of the Emerging Local Plan also anticipates this site to be entirely redeveloped for housing.
- 4.11 As the site is a brownfield site, located within the urban area of Stourport-on-Severn and is allocated for residential development, the principle of development is therefore acceptable, subject to further considerations in relation to design, impact on heritage assets, ecology, highway safety, drainage and flood risk.

20/0892/FUL

DESIGN AND LAYOUT

- 4.12 Policy CP11 of the Adopted Core Strategy, Policies SAL.UP6 and SAL.UP7 of the Adopted Site Allocations and Policies Local Plan, the adopted Design Guidance SPD, draft Policies 26 and 27a of the Emerging Local Plan all seek well designed developments that complement the surrounding area and help add to the quality and local distinctiveness of an area. Draft Policy 11F of the Emerging Local Plan also encourages developments to open up views and enhance the landscape and biodiversity of the River Stour.
- 4.13 The supporting text to draft Policy 27A advises that good design is vital in protecting and enhancing the special character of Wyre Forest and that poor design, on the other hand, has the potential to detract from people's day to day lives through poor building relationships, car dominated layouts and a sub-standard public realm, all of which add little to a sense of place and have a negative impact on land values, property prices and the environment in general.
- 4.14 It is also advised within the Design Guidance SPD that good design is essential for sustainable development and that character and local distinctiveness are important qualities for any development in retaining and creating places with identity. It goes on to state that new development should respond to the local context and that proposals need to respond to the setting of heritage assets. Paragraph 126 of the Framework (2021) also stresses that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.15 The Severn Road Development Brief SPG emphasizes that any new development in this area should secure a positive social mix and avoid the creation of large areas of housing of similar characteristics. It also states that new development proposals must have regard to local distinctiveness and that many of the historic buildings and the Victorian factory buildings which predominate in the Severn Road area can provide a strong landmark tradition, local identity and help to provide depth and interest to new developments. Section 6.2 concludes that 'The design of proposals for sites within or affecting the setting of the Conservation Area must seek to safeguard and enhance the special character and appearance of the area' and paragraph 7.1 states that the aim in any new development should be to strike an appropriate balance between reflecting the unique heritage of the area and design innovation.
- 4.16 The applicant has made effort to ensure the site layout includes outward facing housing around the edges of the site to help integrate the development into the surrounding area and river setting, and has provided clear perimeter blocks to ensure all houses have an active frontage and private rear gardens. The houses are also set on a common linear or staggered building line and corners have been maximised with either dual frontage properties or those designed to have a splayed frontage.
- 4.17 The applicant has also amended the site layout in response to Officer's concern to provide a pedestrian and cycle access to the site from and to the roundabout junction that currently serves Tesco foodstore in order to provide a coherent and comprehensive development with the wider site that includes Tesco's foodstore and petrol filling station. The access arrangements accord with the Severn Road Development Brief SPG. In addition, plots 1 and 121 have been set back further into

20/0892/FUL

the site to provide additional open space with high quality landscaping at either side of the new junction into the site from Severn Road to help soften the views from within the Conservation Area and to enhance the character of the Conservation Area with new open space and historic interpretation boards to ensure the former use of the site as a long-standing carpet factory is not lost by this and future generations.

- 4.18 Furthermore, the block of one-bed flats within plots 22-25 has been amended to a three storey building to provide additional presence and focal point adjacent to the bend in the road and the row of terrace properties on plots 78-81 located adjacent to the pedestrian footbridge that crosses the River Stour and fronts the roundabout junction has been amended to provide an attractive and active frontage to this part of the site. Also, amendments have been made to address the parking layout for plots 82 to 85 to improve the visual amenity of the streetscene and the substation has been repositioned to a different location which is less prominent and to ensure it does not detract from the design quality of the development. I am now satisfied that the development accords with Policy SAL.EA1 and the Severn Road Development Brief, and that the design of houses and site layout would be of high quality and would respond well to the local context, and enhance the Conservation Area.

IMPACT ON THE HISTORIC ENVIRONMENT

- 4.19 Sections 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that decision makers when exercising its planning functions with respect to any buildings or land within a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 4.20 Policy SAL.UP6 of the Adopted Site Allocations and Policies Local Plan, which is called 'Safeguarding the Historic Environment', is particularly relevant. This Policy ensures that future development within, or adjacent to the Conservation Area, will need to protect, conserve and, where possible, enhance the Area. Draft Policies 26 of the Emerging Local Plan reiterates this policy requirement.
- 4.21 The site allocation policy (SAL.EA1) and draft site allocation policy (33.7) both require consideration to be given to retaining and repairing the Gatehouse and/or The White House as these are the sole link to the site's former use as a carpet factory. Whilst it is regrettable that the proposed development has not been able to retain any of the locally listed buildings, it is accepted by the Conservation Officer and I that these buildings have gone beyond any state of repair and cannot be retained.
- 4.22 Paragraph 207 of the Framework advises that the loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

20/0892/FUL

- 4.23 The Gatehouse building clearly has a industrial character and the White House has a domestic vernacular mid-19th century architecture and as such, it is clear that the significance of these two buildings as heritage assets and their contribution to the Stourport No. 1 Conservation Area is derived from both their architectural and historic importance.
- 4.24 I agree with the Conservation Officer that the proposal would result in less than substantial harm to the significance of the Conservation Area and therefore in accordance with Paragraph 202, the harm should be weighed against the public benefits of the proposal.
- 4.25 I acknowledge that the proposals would deliver a number of planning benefits, amongst others, it would help to maintain a 5 year housing land supply and provide affordable properties as well as economic benefits and a net biodiversity gain to the site. The applicant has also amended the scheme following Officer's concern to provide high quality open space and landscaping within most of the area of the site that falls within the Conservation Area and set plot 1 and 121 further into the site to reduce the amount of new built development within the Conservation Area. The important view from the Conservation Area is from Lichfield Street, and I am satisfied that the development has been designed to be sympathetic to the character and appearance of the Conservation Area and whilst locally listed buildings would be lost as part of the proposed development these buildings are no longer in a good condition and on balance, the benefits of the development would outweigh the less than substantial harm caused by the loss of these locally listed buildings. I therefore consider that the development would accord with Policy SAL.UP6, draft Policies 11B and 26 and the Section 16 of the Framework and would conserve the character and appearance of the Stourport No. 1 Conservation Area.

RESIDENTIAL AMENITY

- 4.26 As seen in application 11/0534/RESE, the private amenity gardens to serve the residential properties are not overly generous and in some plots are only 7 metres in depth. However, it was accepted in the previous application that small gardens should be accepted on this site given that it is essentially a town centre/edge of centre residential scheme where it is generally expected that the levels of amenity provision is less than in a more suburban location, and that this was considered the case in the nearby Lichfield Basin development. The revised scheme has increased the separation distances between rear facing windows and opposite blank gable walls to at least 11 metres to ensure all properties would have an acceptable outlook and all back-to-back relationships would exceed 21 metres to ensure no undue overlooking between properties. Internally, the proposed houses would provide an acceptable layout and room sizes.
- 4.27 The parking courtyards have been amended to ensure they are overlooked by dwellinghouses and gates are now shown on the proposed site layout to ensure all private gardens would be secure.
- 4.28 I consider that the proposed development would provide acceptable living accommodation and there would be no unacceptable impact on existing residents within the vicinity given that the site does not adjoin any residential properties.

20/0892/FUL

HIGHWAY SAFETY

- 4.29 I note that the Stourport Town Council have recommended refusal on highway grounds and in particular have advised that the proposed entrance is not acceptable as it needs to be a 2 lane exit and that the existing traffic problems could cause problems for emergency vehicles and that there should be consideration to access through Discovery Road.
- 4.30 The proposed development seeks to provide a new access off Severn Road, which would be two lanes (access/egress) and the partially constructed arm off the roundabout junction via the existing access road that serves Tesco would be used for pedestrian and cycles. I also note that due to changes in the ground level it would not be feasible to provide a new access point to the site from Discovery Road.
- 4.31 Paragraph 110 of the Framework states 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.
- 4.32 The Transport Assessment has been submitted in support of the application which advises that the site is within a comfortable walking and cycling distance to a range of shops, services and recreation facilities within Stourport town centre and within a 400 metre walking distance to local bus stops, which provides a regular bus service to Kidderminster and also to its railway station. It is also concluded within the Transport Assessment that the impact of the proposed development on the local highway network would not be significant.
- 4.33 Also, during the consideration of this application, the applicant has submitted further information including a road safety audit of the proposed access and amended the internal road layout to address the deferral comments made by the Highway Authority. The Highway Authority are now satisfied that the internal layout is acceptable and that the proposed mitigation measures outlined in the road safety audit would alleviate any increased risk of road collisions due to the proposed access creating a staggered junction with the existing road junction between Lichfield Street and Severn Road. I concur with the view of the Highway Authority and I do not consider that the proposed development would result in any unacceptable impacts on highway safety or a severe residual cumulative impact.
- 4.34 An updated Transport Assessment has been submitted to demonstrate that the junction between Severn Road and the unadopted road that serves Tesco has capacity to ensure the additional traffic generated by the proposed development would not result in a severe cumulative impact or undermine road safety at this junction. The Highway Authority raise no objection to the proposed secondary access now shown in the revised plans.
- 4.35 The Highway Authority have also advised that in order to make the development acceptable in planning terms and for them to raise no objection to the application, it would be necessary to attach a number of planning conditions and a planning obligation to secure the following highway improvements: the provision of a controlled pedestrian facility on Discovery Road; upgrading the Tesco pelican crossing to a toucan crossing; and a financial contribution towards the cost of upgrading the existing

20/0892/FUL

informal path from Discovery Road, which runs along the east side of the River Stour and connects with the footpath to the north, providing access to the Tesco superstore.

- 4.36 The Highway Authority have advised that the total cost of these planning obligations can only be provided once a site specific review has been undertaken, however, that the costs are estimated to be between £196,000 and £226,000.
- 4.37 Whilst I agree that these highway works would improve the facilities for pedestrians and cyclists and encourage residents to undertake active travel trips, I am not convinced that it is necessary to upgrade the existing Tesco pelican crossing, which is outside the Applicant's and Highway Authorities control, or for the applicant to contribute towards upgrading the existing informal path located on the opposite side of the river to the application site, a refusal based on these reasons could be justified. I also note that following the review of the submitted Financial Viability Assessment, the development would only be able to contribute a maximum of £150,000 towards highway improvements. On this basis it is concluded that in order to support a viable and acceptable development on the site, contributions are required but this is limited to the works and amount detailed above.

BIODIVERSITY

- 4.50 The River Stour is identified as a Local Wildlife site, which reflects its importance in providing a valuable habitat for wildlife. Also, the application site has been vacant for a number of years which has allowed vegetation to flourish and wildlife habitats to grow and expand from the riverside into the site itself. Policy CP14 of the Adopted Core Strategy, Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and draft Policy 11B of the Emerging Local Plan all require new developments to minimise the impacts on biodiversity and to secure net biodiversity gains. This is consistent with paragraphs 174 and 185 of the Framework.
- 4.51 The applicant has submitted a number of supporting documents including an Ecological Assessment and an external lighting assessment to address the concerns raised by the Council's Countryside and Parks Manager. The proposed development would result in the loss of biodiversity in terms of habitats along the river corridor, and to mitigate against this loss, the proposed scheme would provide an Otter holt, bird nesting features and a bat house that would be suitable for Lesser Horseshoe bats and these would be provided in suitable locations adjacent to the river embankment. The submitted External Lighting Assessment has demonstrated that the Lux levels along the River Stour along the eastern and southern boundaries of the proposed development would be at or below 0.5 lux and therefore it is not anticipated that lighting would result in a significant impact on any light sensitive species using the river corridor.
- 4.52 No objection has been raised by the Council's Countryside and Parks Manager following receipt of the additional information submitted and I concur with this view. If minded to approve this application suitable worded conditions can be imposed to secure the recommended mitigation and enhancement measures set out in the Ecological Appraisal and to secure the external lighting along the River Stour.

20/0892/FUL

DRAINAGE AND FLOOD RISK

- 4.53 Paragraph 163 of the Framework requires local planning authorities to ensure that flood risk is not increased elsewhere and that all new major developments incorporate sustainable drainage systems unless it can be demonstrated that this would be inappropriate for example due to specific site constraints. This is reiterated in Policy CP02 of the Adopted Core Strategy, Policy SAL.CC7 of the Adopted Site Allocations and Policies Local Plan and draft Policy 15B, 15C and 15D of the Emerging Local Plan.
- 4.54 The applicant has undertaken extensive discussions with the North Worcestershire Water Management Officer, Worcestershire Regulatory Services and the Environment Agency to establish the most appropriate drainage method for this site taking into account pollution prevention and water quality management given the historic use of the site and potential contaminated land issues.
- 4.55 Following these discussions it is proposed to install lined geocellular attenuation tanks within the site (under the car parking and access areas and oversized pipes to be installed under the roads) for surface water management. However, the North Worcestershire Water Management has advised that further information on drainage and flood risk mitigation is still required to ascertain whether the development would be made safe for its lifetime and that it would not result in an adverse impact upon the water environment. Based on these comments from the North Worcestershire Water Management Officer, I consider that insufficient information has been submitted to demonstrate that suitable drainage can be achieved on this site and that the proposed dwellings would not be subject to flooding.

MITIGATING AGAINST CLIMATE CHANGE

- 4.56 The purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the Framework sets out the three overarching objectives and states within the environmental objective, that developments should seek to mitigate against and adapt to climate change. Policy CP01 of the Adopted Core Strategy required new developments to incorporate measures to help reduce energy consumption.
- 4.57 The applicant has advised that ‘Our position as a business is to make our homes as sustainable and energy efficient as possible from a fabric first perspective. Bolt-on measures such as PV panels, air-source heat pumps have a life-span and maintenance costs and we feel offer less benefit to the end user and the environment than taking a fabric first approach’.
- 4.58 The application also advised that electric vehicle charging points could not be provided due to the viability position of the development. I have sought the advice from Cushman & Wakefield who have undertaken an independent review of the applicant’s Financial Viability Assessment on behalf of the Local Planning Authority, and they have advised that the provision of electric vehicle charging points would not alter the viability position that has been reached. I therefore consider that it would not be unreasonable to attach a planning condition to require electric vehicle charging points if Members were mindful to approve this application.

20/0892/FUL

S106 PLANNING OBLIGATIONS INCLUDING AFFORDABLE HOUSING

- 4.59 Policy CP04 of the Adopted Core Strategy sets out a requirement of 10% affordable housing provision to be provided on developments of 10 or more units. The draft Policy 8B of the Emerging Local Plan has reviewed this requirement and has set this at 25% for all major housing developments. As moderate weight can now be applied to the Emerging Local Plan and the site is included as one of the draft site allocations for housing, I consider that 25% should be sought in this instance.
- 4.60 The Council's cabinet report, dated 16th September 2020, sets out the prioritise for Section 106 planning obligations for sites where there is a shortfall in meeting the costs of all obligations following a viability assessment. It was agreed that Officers will prioritise in the following order:
1. On and/or off site infrastructure necessary to make the development acceptable
 2. Affordable housing
 3. Open space and recreation
 4. Education
 5. Other stakeholder contribution requests such as infrastructure costs associated with health provision or the police
- 4.61 Also, the legal tests for when a s106 obligation can be used are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended and Paragraph 56 of the Framework. The tests are that an obligation must be:
- necessary to make the development acceptable in planning terms
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 4.62 The application originally sought to provide 13 (10%) affordable units, with tenure split being 8 affordable rent and 5 intermediate dwellings and a financial viability assessment was submitted in support of this shortfall.
- 4.63 The financial viability assessment has been reviewed by the Council's independent Evaluation Office ('Cushman & Wakefield') and in their final report they have concluded that the development would remain viable if it were to deliver 25% (32) affordable housing provision (comprising 20 units (62.5%) which are rented (Split 10 Social rent, and 10 affordable rent) and a financial contribution of £150,000 to be spent on other planning obligations in order to make the development acceptable in planning terms.
- 4.64 As mentioned above, the Highway Authority have advised that in order to make the development acceptable in planning terms, a contribution exceeding £150,000 would be required to address all necessary off-site highway improvements. I consider that only the provision of a pedestrian controlled crossing facility on Discovery Road is necessary to make the development acceptable in planning terms and that Members would have the opportunity to determine whether it is necessary to require the developer to provide a contribution towards upgrading the Tesco pelican crossing to a toucan crossing and/or to upgrade the existing informal river path up to a total cost of

20/0892/FUL

£150,000. A planning obligation that seeks a higher contribution would make the development unviable.

- 4.65 I therefore consider that a Section 160 Agreement to secure 25% affordable housing provision and a total contribution of £150,000 towards highway improvements would meet the test set out in Regulation 122 and 123 of the CIL 2010 (as amended), and that a robust review of the viability of the development has been undertaken to evident that no other planning obligations in respect of open space/recreation, education and other stakeholder contributions can be secured without making the development unviable.

5.0 Conclusion and Recommendations

- 5.1 The principle of residential development is firmly established by the Development Plan and the Emerging Local Plan and the long-awaited redevelopment of this derelict brownfield site is welcomed. Amendments have been made to the design and layout of the proposed development to address Officer concerns and the inclusion of a pedestrian and cycle routes that links the site with the existing roundabout junction that serves Tesco foodstore would provide a coherent and comprehensive development. In addition, high quality public open space and landscaping would be provided at the entrance into the site which would make a positive contribution to the important views within the Conservation Area from Lichfield Street. Whilst locally listed buildings would be lost it is considered that these buildings are no longer in a good condition that could easily be refurbished and the public benefits arising from this development in terms of redeveloping this underused and dilapidated site and providing much needed housing and affordable housing would outweigh the less than substantial harm caused by the loss of these non-designated heritage assets. The proposals would accord with the Development Plan, including the Wyre Forest Emerging Local Plan (2016-2036), the National Planning Policy Framework and would secure a sustainable development.

- 5.2 I therefore recommend **delegated APPROVAL** subject to;

- a) The signing of a S.106 agreement to secure affordable housing and highway contributions; and
- b) The following conditions;
 - 1. A6 (Standard Time)
 - 2. A11 (Approved Plans)
 - 3. Materials to be agreed
 - 4. Existing and proposed levels
 - 5. Means of enclosure
 - 6. Landscaping Scheme
 - 7. Landscape Implementation and Management Plan
 - 8. Surface Water Drainage Scheme
 - 9. Drainage Strategy to be secured and maintained
 - 10. Finished Floor Levels
 - 11. Foul Water Drainage

20/0892/FUL

12. Visibility Splays
13. Electric Charging Points
14. Cycle Parking
15. Travel Plan
16. Welcome Pack
17. CEMP
18. Low emission boilers
19. Biodiversity enhancements
20. Lighting scheme to be agreed
21. Removal of PD rights for certain plots
22. Archeology Recording
23. Deposit of Recording with Archive
24. Historic Interpretation Board details to be provided, installed and maintained.
25. Provision of Defibrillator

Notes

- A. S.106
- B. Demolition
- C. Highways
- D. Severn Trent – Sewer in Vicinity of Site
- E. Archeology

PART B

Application Reference:	21/0621/FUL	Date Received:	21.06.2021
Ord Sheet:	380440 275609	Expiry Date:	20.09.2021
Case Officer	Paul Round	Ward:	Wribbenhall And Arley

Proposal: Construction of eight safari lodges, demolition of the existing rhino, ungulate and giraffe housing and erection of new giraffe house, mixed species house (rhino/ungulates) and associated paddocks.

Site Address: West Midlands Safari Park, Kidderminster Road, Bewdley, Worcestershire, DY12 1LF,

Applicant: West Midlands Safari Park

Summary of Policy	DS01 CP01 CP03 CP07 CP10 CP11 CP12 CC1 CC2 UP1 UP5 UP6 UP7 UP9 GPB5 PFSD1 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for referral to Committee	Major Planning Application

1.0 History

Various but of relevance

- 1.1 19/0451/FUL - Creation of elephant exhibit, carnivore (cheetah) exhibit, ungulates house, muck clamp, construction of 8 No. Accommodation lodges, new road links and associated landscape and infrastructure - Approved

2.0 Consultee Comments

2.1 Bewdley Town Council
Recommend Approval

2.2 Highway Authority
No Objection

2.3 Conservation Officer
No Objection.

The applicant has considered the potential impacts of this development on heritage assets within a 500m radius of the site and has concluded that:

21/0621/FUL

“No part of the proposed development would be visible in views to or from the Grade II listed Spring Grove House, or the Grade II listed stable block, or the Grade II listed gates and gate piers to the north of Spring Grove House, or the non-listed lodge adjacent to the gates. This is due to the existing mature vegetation between these buildings and the proposed development. There would be no increase in noise above the current baseline position with regard to any of these buildings. Consequently, the construction and operation of the proposed development would not affect the significance of these designated and undesignated heritage assets.

No part of the proposed development would be visible in views to or from the Grade II listed former cowhouse at Spring Grove Farm, or the Grade II listed former barn and stables at Spring Grove Farm, or the non-listed Spring Grove Farmhouse. This is due to the existing mature vegetation between these buildings and the proposed development, which would be reinforced with additional planting. There would be no increase in noise above the current baseline position with regard to any of these buildings. Consequently, the construction and operation of the proposed development would not affect the significance of these designated and undesignated heritage assets”.

The heritage statement does not however consider the impacts of the development on any heritage assets outside the 500m radius applied within the assessment. A site visit revealed that there are two designated heritage assets visible from the proposed site of the Giraffe House, which is to be located close to the highest point of the Safari Park at around the 45m contour and adjacent to the elephant house constructed recently under 19/0451/FUL.

I commented on that application that the location would make the elephant house prominent in the wider landscape within the Green Belt and beyond.

The first of these designated heritage assets is Winterdyne House, a Grade II* listed building NHLE 1348266 which lies 1000m SW of the proposed giraffe house.

The second is Wassell Wood House a Grade II listed building NHLE: 1167709 which lies 2000m north of the proposed giraffe house, in an elevated position on the 105m contour.

Both designated heritage assets are prominent in the landscape and visible from many vantage points in the locality to the east of Bewdley. Their settings serve to enhance their historic significance as important country houses dating back to at the C18.

Whilst there is co-visibility of both these heritage assets from the site of the proposed giraffe house there is no direct inter-visibility between the two owing to the raised ground known as Maypole Piece which lies immediately to the east of Bewdley.

Whilst the proposed development will, to a certain extent, be visible from both these designated heritage assets, particularly the bulk of the giraffe house, when added to the already sizeable elephant house, it does not appear to me to interrupt any significant views to or from these assets, and the existing views from the site will remain uninterrupted.

21/0621/FUL

From the information submitted with this application I conclude that the impact of the development on the element of significance that these designated heritage assets derive from their setting is likely to be negligible.

Overall I consider the impacts on the setting of heritage assets to be negligible and thus the application appears to me to conform to Policy SAL.UP 6.

2.4 Arboricultural Officer
No Objection.

2.5 Countryside and Parks Manager
No Objection.

2.6 North Worcestershire Water Management
No Objection subject to conditions.

To my knowledge the site is not at risk of any type of flooding. The site is located in the Riddings Brook catchment, which is a designated main river at this point for which the Environment Agency has the overseeing and enforcement role rather than the Council. A water management statement has been submitted that details that the intention is to discharge surface water run-off via infiltration. This is the preferred method where ground conditions allow. Permeability tests elsewhere on the site have demonstrated that grounds in the area are generally suitable for infiltration drainage. Further tests will be required specifically for this development to establish the actual permeability, which will need to inform the detailed design of any assets.

The submitted water management statement describes a suite of infiltration SuDS that is proposed, which includes rain gardens for the Safari Lodges and geo-cellular storage crates for the Giraffe House. For the mixed species house a French drain is proposed. It appears to be intended that this is to be constructed within the root zones of the trees within the muck clamp enclosure. This will need careful consideration as to not adversely impact those trees during the construction phase and to ensure the longevity of the drainage assets. This can I believe form part of the detailed design stage. The application has not mentioned any design criteria. We would expect all surface water drainage assets to be designed so they can cope with the 1 in 100 year rainfall event, plus an allowance for climate change. For climate change allowances we follow the latest guidance available from the Environment Agency.

With regards to foul water management the application details that animal waste will be collected and removed to the Muck Clamp. Foul drainage will be required within the buildings to collect run-off from washdown areas. It is proposed to discharge foul runoff generated by the proposed Safari Lodges and animal housing to the existing foul sewer present on the site. This will require approval from Severn Trent Water. We would not accept a non mains drainage solution if a connection to the foul sewer network can be achieved. If a non mains drainage solution is the only option then a sewage treatment plant would need to be explored first, rather than a septic tank. I understand from the submitted information that discussions with Severn Trent Water are still to be had. I would ask that a detailed foul water drainage condition gets attached to a future approval.

21/0621/FUL

I've suggested pre commencement conditions as I believe that the detailed design of the drainage assets could potentially impact upon the detailed design of the proposed development as well as upon the construction methods adopted.

2.7 Campaign for Protection of Rural England

It is very difficult to object to the provision of replacement housing for animals. The Planning Statement says that these are part of leisure facilities. A similar conclusion may be reached by treating the proposal as analogous with agriculture. This concerns raising livestock, though in this case exotic species rather than those required for food.

We are slightly more concerned about the six lodges. These will be tourist accommodation, which is a variety of housing that would not normally be allowed in the Green Belt. Policy CP10 of the Core Strategy encourages tourism, but its detailed provisions mainly relate to the development in towns or related to waterways. The first item in this relates to improving the quality and diversity of existing tourist facilities, attractions, accommodation, and infrastructure. The lodges proposal does not quite fit into that: it is arguably an improvement to tourist facilities, but it is not an improvement to tourist accommodation as it involves new (rather than improved) accommodation. Furthermore, there is an area of the Safari Park within which development is relatively unrestricted (because it is a previously developed area), but this appears to be beyond that.

The lodges will presumably be "chalets", whose development would offend against policy CP12, which discourages further such developments. However, that policy is related to landscape, which would not necessarily be affected in this case. If your council is minded to approve this application, we would ask for the imposition of conditions on the occupation of the lodges to ensure that they genuinely remain holiday accommodation and do not become any one's permanent home. We would suggest that this could be done by imposing a maximum period if (say) 6 weeks for any person remaining in residence. Many of the district's caravan and chalet developments have begun as holiday accommodation, where the period during which people allowed to reside there has gradually been extended until they are occupied for a "holiday" of 11 months, interrupted by an actual on-month holiday.

2.8 Bewdley Civic Society

Bewdley Civic Society is concerned that there is an ever increasing amount of buildings being constructed on the Park. It is after all in the Green Belt and it seems to us that if this sort of development continues the site will become very urbanised. While the proposed buildings are in the centre of the park they will be seen from various viewpoints e.g. the Maypole Hill.

The Society appreciates that tourism is important to the area and that will no doubt be an overriding factor in the decision making for this application. However, fact that opine that the District Council should take note of the fact that because the site lies in the Green Belt due regard should be given going forward to the danger of the site being substantially covered with buildings.

We also would like to support the views of the CPRE that any new holiday accommodation should remain as such and not become permanent homes or even 11 month residences.

21/0621/FUL

2.9 Neighbour/Site Notice Representations

1 comment received seeking clarification on access and landscaping and expressing some concern over noise during the construction phase. Following clarification from Officers, no further comments have been made,

3.0 Site Location and Description

- 3.1 The application site relates to an area measuring approximately 5.2 hectares within the southern part of the West Midlands Safari and Leisure Park (WMSLP), which currently comprises the Safari drive-through attraction. The Safari Park covers an area of approximately 90 hectares which is bounded to the north and west by the A456; the Severn Valley Railway Line to the south and southwest and Rhydd Covert and Devil's Spittle Nature Reserve (Site of Special Scientific Interest (SSSI)) to the east and southeast. Within the northern part of the Safari Park is a Grade II listed house (Spring Grove) with associated Grade II listed farm buildings (former cow house and stable/barn buildings), gate and gate pier. From the site, you are able to view the Grade II* Listed Winterdyne House and the Grade II Listed Wassell Wood House.
- 3.2 The application site has an undulating landscape lying to the north of the recently completed Elephant facility and lodges. The site includes the existing, Giraffe, Rhino and two Ungulates houses, which are to be demolished. The land is predominantly open grassland with groupings of mature trees and within each enclosure are different animal houses and shelters. The site is washed over by the West Midlands Green Belt and falls within Flood Zone 1. There are no trees that are directly affected by the proposals, any trees within the Safari Park are covered by a Tree Preservation Order (TPO 375).
- 3.3 The proposed development seeks to upgrade the current animal buildings and management facilities by replacing the existing buildings with a new Giraffe House (29.3m (l) x 32.4m (w) x 8.5m (h) with 6m at eaves)) and a combined Rhino and Ungulate House (47m (l) x 42m (w) x 5.6m (h) with 3.6m at eaves)). All animal houses would be constructed in olive green composite metal wall cladding and roof panels, olive green guttering, olive green metal doors, Green uPVC windows and clear polycarbonate rooflight panels. It is proposed and the existing internal roads would be reorganised and new roads provided.
- 3.4 Associated with the scheme would be the erection of 8no. Safari Lodges, 6no. Lodges would be sited to the west of the elephant exhibit and would be two storey in height and would measure 8.1m (w) x 7.5m (d) x 9m (h) and include a balcony area. They would be finished in timber cladding and thatched roof. Four of the lodges would be orientated towards the Giraffe paddock with the other four being orientated towards the rhino paddock. It is also intended to erect central viewing platform between the two sets of lodges. A new visitor walkway will connect the proposed and existing lodges with the main service road to allow separate access for guests and for servicing the lodges.
- 3.5 The application has been submitted with a supporting Design and Access Statement, Heritage Statement, Planning Statement and a Water Management Statement.

21/0621/FUL

4.0 Officer Comments

- 4.1 The main considerations are whether the proposed development would be appropriate development in the Green Belt and whether it would result in a detrimental impact on the significance of heritage assets, on biodiversity and ecology in the area, on the living conditions of nearby residents, and on drainage.

GREEN BELT

- 4.2 The application site is located within the Green Belt and the land, which is the subject of this application is not considered to be Previously Developed Land compared to the northern part of the Safari Park which comprises Park rides and restaurant/visitor buildings.
- 4.3 Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan advises that development will not be permitted within the Green Belt, except in very special circumstances, or unless (amongst other exceptions) the development provides 'Provision of appropriate facilities for ... outdoor recreation ...; as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it, or for other uses of land which preserve the openness of the Green Belt, and do not conflict with the purposes of including land within it'. This policy reflects the Green Belt guidance set out within Paragraph 149 of the National Planning Policy Framework (the Framework).
- 4.4 I am satisfied that the proposed Elephant, Cheetah and Ungulate Houses are an appropriate requirement of this outdoor visitor attraction and are required to meet the necessary regulatory requirements. I therefore consider that this element of the development falls within the above exception and would not amount to inappropriate development in the Green Belt providing they preserve the openness. The new internal roads, footpaths and fencing would comprise engineering operations, which paragraph 150 of the Framework states are also not considered to be inappropriate development in the Green Belt providing they preserve the openness of the Green Belt.
- 4.5 The proposed Safari Lodges and associated viewing huts do not fall within any of the exceptions listed within Policy SAL.UP1 of the Adopted Site Allocations and Policies Local Plan or Paragraphs 149 and 150 of the Framework and therefore amount to inappropriate Green Belt development.
- 4.6 In terms of the impact on openness, the proposed Elephant, Cheetah and Ungulate Houses would be significantly larger in size and height than the houses they are to replace and would be located in a more elevated position. The proposed Safari Lodges and associated viewing huts would also result in some harm on the openness of the Green Belt, due to the quantum of buildings being greater than that which exists on site. For these reasons, I consider that there would be a reduction in the openness of the Green Belt and that the development as whole would result in encroachment into the countryside.
- 4.7 I note, however, that the degree of harm to the openness would be considerably mitigated by the siting of the Safari Lodges and animal housing together, to form a cluster of buildings. Also, additional tree planting is proposed around the buildings and

21/0621/FUL

the proposed Undulated House would be located within dense woodland. The design of the Elephant, Cheetah and Ungulate Houses would resemble agricultural buildings, which would make the buildings more suitable for this location than the buildings they are to replace and would not appear out of character in this rural landscape. Furthermore, the proposed Safari Lodges and associated viewing huts have been designed to have a low scale and would not appear as prominent buildings within the context of the site.

4.8 Overall, I consider that there would be elements of the proposed development, namely the Elephant, Cheetah and Ungulate Houses, the Safari Lodges and associated viewing huts would undoubtedly cause some harm to the openness of the Green Belt and encroachment into the countryside. This part of the development is therefore also considered to constitute inappropriate development.

4.9 Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It further states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

4.10 In favour of the application, the applicant has highlighted the following:

- The existing animal housing, constructed in the 1970's, no longer meets the minimum DEFRA requirements for the welfare of this animal in terms of size and flooring and staff safety, in particular;
 - Concrete floors throughout, no bedding areas
 - Lack of enrichment
 - Shortage of space for each animal
 - Poor heating and insulation
 - Paddock areas falls short of current guidance;
- The rhino house is approaching the end of its serviceable life and requires replacement, the giraffe house has a Zoo License condition attached to it requiring replacement, and the ungulates houses are part of the Zoo Licensing renewal programme and a list of agreed dates for replacement has been submitted to the Secretary of State by WMSP
- The new housing would comply with these minimum requirements and would comply with the SSSMZP (Secretary of State's Standards of Modern Zoo Practice)
- The proposal would result in the removal of four existing buildings increasing openness elsewhere;
- The lodges are required to help offset the cost of the large-scale investment required to upgrade the existing animal housing and infrastructure and would also drive additional revenue streams, which is important in terms of onward investment in the Safari Park;
- The proposal will assist in further job creation of 37.5FTE by 2023.
- The lodges would also provide a new and unique experience for visitors which would diversify the offer at WMSP and is considered to have proved a great

21/0621/FUL

- success at other venues, including Zoo de la Fleche in France, where the lodges are booked up months in advance.
- The proposal will continue to increase the importance of the West Midlands Safari Park as a major Tourism destination for the District.

4.11 I also note that within Policy SAL.GPB5 of the adopted Site Allocations and Policies Local Plan and emerging Policy 23A provides that 'The Council will consider applications for development at West Midland Safari and Leisure Park favourably, where such development would upgrade and improve the viability of the attraction, address the potential for heathland restoration and recreation, are appropriate to its function as a major tourism destination, make a positive contribution to the local economy and are acceptable taking into account its location within the Green Belt and the need to ensure compatibility with the local infrastructure network.

4.12 I am satisfied that the proposed development would secure the investment required to upgrade the existing animal housing, which would make a positive contribution to the conservation of endangered species and would help to retain local employment opportunities and support the long term economic viability of this major tourist attraction. I therefore consider that these benefits as well as those highlighted by the applicant should be given significant weight in favour of the development. I note the comments by CPRE and Bewdley Civic Society and agree that suitable conditions can be included to limit occupation, although it will be noted that the nature and design of the buildings are clearly for the intended purpose and not for market housing.

DESIGN

4.13 The design and layout of the development follows on from Phase 1, with buildings being appropriately located and group in a sensitive way when viewed from the wider landscape. The animal buildings although are larger, are agricultural in appearance and are wholly appropriate within the setting of the landscape. The lodge buildings, if seen from the wider context, will be seen against the backdrop of the wider Safari Park and landscaping. The use of cladding and thatched roofs enable at close quarters a continuation of the African theming across this part of the park, but also from long distance views allows the lodges to shrink into the landscape context. This clever use of design and materials results in a further exciting and well conceived plan to provide accommodation within the park without creating visual impact. The design and layout of the development is therefore considered to be of quality design that meets the Government's high standards of design in planning.

BIODIVERSITY AND ECOLOGY

4.14 The previous planning approval (19/0451/FULL) demonstrated through an appropriate Preliminary Ecological Appraisal (PEA) that no adverse impact would occur to any of statutory designated sites for nature conservation value that lie within 5km of the site. The Countryside and Parks Manager has raised no objections to the current proposal, which will effectively be an additional phase to that approved previously. No adverse impact was identified previously and it is considered that this additional phase can be satisfactorily introduced without harm. In addition, the landscaping proposals along with features within the buildings design will provide additional enhancements to biodiversity. The development would therefore comply with Policy SAL.UP5 of the Adopted Site Allocations and Policies Local Plan and Section 15 of the Framework, which seek to protect and enhance sites of biodiversity value.

21/0621/FUL

IMPACT ON HERITAGE ASSETS

- 4.15 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.
- 4.16 Section 12 of the Framework refers to 'Conserving and enhancing the historic environment'. Paragraph 184 identifies that heritage assets 'are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'.
- 4.17 The application site was originally a landscaped park surrounding a late 18th Century country house, known as the Grade II listed Spring Grove House. Starting in 1971, the park has been gradually developed into the West Midlands Safari and Leisure Park, which has seen a number of animal shelters, infrastructure and leisure park facilities being constructed within the former historic parkland and estate farmland. I am of the view that the setting of the Grade II listed Spring Grove House has somewhat diminished, however, the house itself still retains its historic and architectural importance and views to and from the house are extremely limited due to the presence of mature trees. The proposed development would be constructed within the historic estate farmland and would not result in any harm to the significance of this heritage asset. There would also be no harm caused to the significance of the associated Grade II listed farm buildings or the Grade II listed gates and gate piers to the north of Spring Grove House.
- 4.18 The Grade II* Listed Winterdyne House can also be viewed from within the application site, however, due to the distance from this Grade II* listed house and the design of the animal buildings having the appearance of agricultural buildings, together with the low scale and use of natural materials for the proposed lodges, it is considered that there would be no harm caused to the significance of this heritage asset. The development is also not considered to have any detrimental impact on the Severn Valley Railway Line. I note that no objection has been raised by the Conservation Officer who concludes that the impacts on the setting of the heritage assets would be negligible and that the application would accord with Policy SAL.UP6 of the adopted Site Allocations and Policies Local Plan which seeks to preserve and enhance the significance of Heritage Assets.

LIVING CONDITIONS OF EXISTING RESIDENTIAL PROPERTIES

- 4.19 The proposed development would be approximately 200m from the properties at Spring Grove Barns, although there is no visual relationship due to the topography and the substantial landscaping that separates the Safari Park from the residential properties. The proposed development will result in any loss of amenity to these properties or increase any nuisance over and above the existing situation. I understand that the concerns in respect of construction noise, but given the distance and the existing landscape screening I do not consider that any undue harm will be caused.

21/0621/FUL

DRAINAGE

- 4.20 The application has been submitted with a supporting Water Management Statement which includes an outline drainage strategy for both surface and foul water. The proposed development is not considered to be at risk of flooding and would not increase the risk of flooding elsewhere. It is proposed to discharge surface water via infiltration which is considered to be the preferred method by the North Worcestershire Water Management Officer.
- 4.21 Animal waste will be removed and The applicant has confirmed that animal waste will be collected and moved to the Muck Clamp. Foul water generated by the proposed Safari Lodges, and wash-down areas within the animal houses would be to the existing on-site foul water sewer prior to discharging to the public sewer network, which is also considered to be acceptable by the North Worcestershire Water Management Officer. It is noted that further discussions are needed with Severn Trent, but foul water drainage can be controlled through an appropriate condition. I therefore consider that suitable drainage of the site can be achieved and have recommended the condition as suggested by the North Worcestershire Water Management Officer to require the detailed surface water and foul water drainage strategy to be submitted and agreed.
- 4.22 **HIGHWAY ACCESS AND PARKING**
Access and parking will be provided within the wider site with guest being transported to their accommodation by Safari Park Staff. The additional of 8 lodges will not result in any adverse impact on the surrounding highway network or result in additional parking within the wider site. A no objection response has been received from the Highway Authority with no conditions being required.

OTHER MATTERS

- 4.23 The Safari Park currently have several defibrillators within the wider public areas of the park, but none within the area around the existing or proposed lodges. It has been agreed that the provision of an additional defibrillator will be beneficial. A condition is recommended to secure provision and ensure that it is retained within the locality.

PLANNING BALANCE

- 4.24 It has been concluded that the development as a whole represents inappropriate development in the Green Belt which attracts substantial weight, additional harm is created through loss of openness. Having considered the detailed aspects of the development, no other harm has been identified. The material considerations that have been outlined in support of the application are felt to be substantial and significant, including the overarching strategy of the adopted and emerging plan in supporting major development at the West Midlands Safari for the tourism benefits of the District. These when viewed together clearly outweigh the identified harm, and as such Very Special Circumstances exist.

5.0 Conclusions and Recommendations

- 5.1 I consider that subject to safeguarding conditions, the proposal would have no detrimental impact on biodiversity and ecology of the area, the living conditions of nearby residential occupiers or upon highway safety. There would be elements of the

21/0621/FUL

scheme which would result in conflict with Policies SAL.UP1 of the Adopted Site Allocations and Policies Local Plan and the Framework, as they would result in a reduction in the openness of the Green Belt and would therefore amount to inappropriate development. In accordance with the Framework, this harm carries substantial weight. However, there would be a number of benefits arising from the proposed scheme including improvements to animal welfare, conservation of an endangered species, creation of new local employment opportunities and significant financial investment into an existing major tourist attraction that would help to secure its long term viability. I consider that these benefits represent very special circumstances which clearly outweigh the harm to the Green Belt by reason of inappropriateness, including the reduction in openness.

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

1. A6 (Full with no reserved matters)
2. A11 (Approved plans)
3. Details of materials and finishes for Safari Lodges and viewing huts
4. Site and Finished Floor Levels
5. External Lighting Scheme
6. Ecological Enhancement and Management Plan
7. Planting Plan including timing of planting
8. Surface water and foul water drainage strategy
9. Require the existing Animal Houses to be demolished
10. Lodges to be used for short stay holiday use only.
11. Defibrillator to be provided within or close to the application site and retained and maintained

PART B

Application Reference: 21/0701/HOU
Ord Sheet: 381661 276115

Date Received: 14.07.2021
Expiry Date: 08.09.2021
Ward: Blakebrook and Habberley South

Case Officer: Kelly Davies

Proposal: Proposed two storey side extension and single storey rear extension

Site Address: 48 Oakfield Road, Kidderminster, DY11 6PL

Applicant: Mr & Miss Bonnafous & Hilton

Summary of Policy	CP11 UP7 UP8 CC2 CC7 Design Guidance SPD National Planning Policy Framework Planning Practice Guidance
Recommendation	Approval
Reason for referral to committee	A member of the public has registered to speak

1.0 History

No Planning History

2.0 Consultations and Representations

2.1 Kidderminster Town Council
No Objections

2.2 Highway Authority
No Objections. The existing 3no. bedroom dwelling benefits from 2 parking spaces as existing within the curtilage. The proposed development will result in an additional room upstairs which is labelled as an 'Office' and there is also an office on the ground floor. On the basis that these details are acceptable in planning terms and the offices are for home use only, there is no objection. Cycle parking can be accommodated in the proposed 'Store'

2.3 North Worcestershire Water Management
To my knowledge this location is not at risk of flooding. The proposed development might 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. 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

21/0701/HOU

infiltration drainage. 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.

2.4 Neighbour/Site Notice Representations

One letter of objection received. A summary of the main issues raised are below, the main planning considerations are the loss of light and the position of the velux windows.

- Encroachment onto land owned by 49 Oakfield Road
- Loss of light into conservatory and adjoining kitchen
- Discharge of rainwater goods on land owned by 48 Oakfield Road
- Damage to conservatory
- Position of velux window above WC
- Level of workmanship

3.0 **Site Location and Description**

- 3.1 The application property is a three bedroom 1930's detached dwelling located off Oakfield Road in Kidderminster. The host dwelling is traditional in design and benefits from a hipped roof design and constructed from a mix of facing brick and render to all facades and tile to the roof. The host dwelling has been extended under permitted development rights in 2003, which saw a side extension added to create a kitchen and downstairs WC. There is parking to the front of the property for two vehicles.
- 3.2 The application site is bounded at all points by residential properties, most benefiting from some sort of extension or alteration.
- 3.3 The application proposes a two storey side extension and single storey rear extension. The two storey element will not extend across the whole length of the property, and will cover around 2/3rd of the side of the original house.

4.0 **Officer Comments**

- 4.1 The main considerations in the assessment of this application are;
- The impact of the proposals on the character and appearance of the property.
 - Impact on Residential Amenity
 - Highway matters
 - Watercourse
 - Any other matters

21/0701/HOU

POLICY CONTEXT

- 4.2 When considering extensions to residential properties the following policies should be taken into consideration. Policy SAL.UP7 and SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan. CP11 of the Adopted Wyre Forest District Site Core Strategy and the Design Supplementary Guidance.
- 4.3 Policy SAL.UP7 states that proposals should have regard for common building line, street pattern and skyline. Have an appropriate building footprint for the locality and do not represent over-development of the site. Proposals must integrate well within the existing streetscene and have regard for traditional design and materials, avoiding inappropriate features and detail.
- 4.4 Policy SAL.UP8 states that residential extensions should accord with the 45 degree code, be in scale and keeping with the form, materials and detailing of the original building, be subservient and not overwhelm the original building, which should retain its visual dominance and harmonise with existing townscape and not create incongruous features.
- 4.5 The proposed extensions will provide additional living space and ground and first floor. The ground floor extension will provide a large family room to the rear, comprising of an open plan, kitchen, living and dining area. The existing garage will be utilized as a store and utility room. The first floor will comprise of an extension to the existing smaller bedroom and home office.

DESIGN AND IMPACT ON LOCAL CHARACTER

- 4.6 The two storey extension will be situated to the side of the property and measures approximately 2.3 metres in width. It will be constructed from materials to match the host dwelling and the hipped roof design typical of the host has been carried through onto the roof of the extension. Due to the close proximity to the boundary, a parapet style wall detailing has been included to house the rain water goods. The extension will be set back 0.37 metres from the front face of the existing property.
- 4.7 The side extension has been designed to be a subordinate addition to the original property which ensures that the original dwelling maintain its visual dominance. The use of a parapet roof design is not ideal, although it is clear that there is no alternative if the existing hipped roof design is to be matched. It is considered that a change of roof design to a gable would appear more dominant and would not retain the original roof design, therefore in this instance it is considered that a hip roof with small parapet is acceptable.
- 4.8 The extension will blend well into the streetscape and provide a positive design solution to additional accommodation for the property. The materials used will blend well with the host dwelling and wider sitting in the streetscene.
- 4.9 It is acknowledged that the 0.37 metre set back is less than is suggested within the Council's Design Guidance SPD. However, the Council Design Guidance SPD is only a general rule and is given as guidance and is not a definitive policy requirement in Policy SAL.UP8 of the Adopted Wyre Forest District Site Allocations and Policies Local Plan or the emerging policy 27b. The main purpose for requiring a set back of extensions is to avoid a 'terracing effect' of multiple extensions within a streetscene.

21/0701/HOU

On this occasion the stepped position of the adjoining properties and the change in house design, allows for a lesser set back and I consider that 0.37 metres is appropriate in these circumstances.

- 4.10 The rear extension will extend off the back of the original house by 3.7 metres at the narrowest point, extending out to 5.3 metres at the widest point where part of the rear extension includes part of an existing side/rear extension. This existing structure will be extended by a further 1.57 metres to make up the 5.3 metre projection. The rear extension will include a mix of flat and pitched roof designs. The large 5.3 metre section will be pitched to continue the existing roof line of the existing extension. It is considered that this design solution is acceptable and conforms to the requirements of the design policies set out above.
- 4.11 Both adjoining neighbouring properties have benefited from extension or alterations over the years. The nearest neighbouring property to the proposed extensions benefits from a side conservatory which leads off the existing kitchen. The letter of objection contains concerns about the loss of light into the conservatory and existing kitchen adjacent the conservatory. This conservatory is located between the side walls of both 48 and 49 Oakfield Road. 48 Oakfield Road (the application site), already benefits from a side extension which runs adjacent the neighbouring conservatory. Although the existing structure of the side extension remains predominantly unchanged, the roof pitch will be increased in line with the existing higher pitch above the existing kitchen area. This slight increase is considered acceptable and will result in minimal additional reduction of light to the occupants next door. Furthermore, the neighbour has confirmed the side door into the kitchen is a secondary source of light, with the main window to the rear of the house which will be unaffected by the 45 degree line. It is considered that neither of the adjoining properties will be adversely impacted by the proposals, the loss of light has been fully assessed and is acceptable, it is therefore considered that no undue loss of amenity will occur.
- 4.12 There are no side windows in the brickwork proposed, however, velux roof lights are proposed within the new pitched roof to create light into the new kitchen area and downstairs WC. Following comments received from the occupants of the neighbouring property a revised plan has been received showing the window to serve the WC will be obscure glazed. This will ensure privacy to both the application site occupants and neighbouring occupants.

HIGHWAYS AND ACCESS

- 4.13 There will be no increase in bedrooms at the property and, as such, the current arrangement of two car parking spaces within the curtilage is appropriate and in line with car parking standards.

OTHER MATTERS

- 4.14 Worcestershire Water Management have raised no objection to the proposal. Neighbour concerns over disposal of rainwater will be overseen during the Building Regulations process.

21/0701/HOU

- 4.15 Additional objections have been raised in respect of the position of the boundary, damage to existing conservatory during construction and quality of workmanship. In the main these are civil matters that will need to be addressed between the two property owners. However, confirmation has been provided by the agent to show that all works proposed are within the boundary. The revised plan has been designed to ensure all works and rainwater goods are within the boundary of 48 Oakfield Road.
- 4.16 An informative note is recommended, to ensure permission is gained from the occupants of the adjacent properties before entering on their land should they need to.

5.0 Conclusion and Recommendations

- 5.1 The application proposes extensions to the property that are well designed and will assimilate well within the streetscene. The extensions will not adversely impact on neighbouring properties. Overall the proposal is fully in accordance with the Development Plan policies and can be fully supported.
- 5.2 I therefore recommend **APPROVAL** subject to the following conditions;
1. A6 (Standard Time)
 2. B6 (Matching Materials)
 3. A11 (Approved Plans)
 4. Obscure glazing to be provided as per approved plan and retained

Note

- SN12 (Neighbours Rights)
- Building Regulations