

Open

Planning Committee

Agenda

6pm
Tuesday, 19th October 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.

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

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

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

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

*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, 19th October 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 21 st September 2021.	7
5.	Land at Friends Meeting House, Lower Park, Bewdley To Consider a report from the Corporate Director: Economic Prosperity and Place to determine whether Tree Preservation Order No 478 (2021) relating to a group containing a Sliver Birch and Fastigate Hornbeam, within the grounds of the Friends Meeting House, Lower Park, Bewdley, should be confirmed or not.	17
6.	Land Adjacent to 60 Bark Hill, Bewdley To Consider a report from the Corporate Director: Economic Prosperity and Place to determine whether the Tree Preservation Order No 477 (2021) relating to a semi mature English Oak, on land adjacent to 60 Bark Hill, Bewdley, should be confirmed or not.	22

7.	<p>Land Adjacent to Mill Street and Bradley Thursfield Court, Kidderminster</p> <p>To Consider a report from the Corporate Director: Economic Prosperity and Place to determine whether the Tree Preservation Order No 476 (2021) relating to a woodland block, on land adjacent to Mill Street and Bradley Thursfield Court, Kidderminster, should be confirmed or not.</p>	27
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>	
9.	<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

10.	<p>New Enforcement Case</p> <p>To receive a report from the Corporate Director: Economic Prosperity and Place on a new enforcement Case.</p>	-
11.	<p>New Enforcement Case</p> <p>To receive a report from the Corporate Director: Economic Prosperity and Place on a new enforcement Case.</p>	-
12.	<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**

21ST SEPTEMBER 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:

Councillor P W M Young was present as an Observer.

PL.11 Apologies for Absence

There were no apologies for absence.

PL.12 Appointment of Substitutes

No substitutes were appointed.

PL.13 Declarations of Interests by Members

Councillor M J Hart declared for transparency in respect of applications 20/0192/FUL, 20/0309/FUL, 21/0681/FUL, 20/0711/FUL and 21/0770FUL that he and his ward colleagues for Wyre Forest Rural met with the case Officer and took part in a site visit. The applicants were present but Cllr Hart made no comment on the applications and would judge these applications with an open mind.

Councillor L J Jones declared for transparency in respect of applications 20/0192/FUL, 20/0309/FUL, 21/0681/FUL, 20/0711/FUL and 21/0770FUL that she and her ward colleagues for Wyre Forest Rural met with the case Officer and took part in a site visit. The applicants were present but Cllr Jones made no comment on the applications and would judge these applications with an open mind.

Councillor A Coleman declared in respect of 21/0621/FUL that she had considered this application as a member of Bewdley Town Council and made her decision on the information available at that time, but she came to this meeting with an open mind and would consider the application having read all of the additional information available in the officer report and ready to listen to any comments that members of the committee may make.

PL.14 Minutes

Decision: The minutes of the meeting held on 17th August 2021 be confirmed as a correct record and signed by the Chairman.

PL.15 Applications To Be Determined

The Committee considered those applications for determination (now incorporated in Development Management Schedule No. 595 attached).

Decision: The applications now submitted be determined, in accordance with the decisions set out in Development Management Schedule No. 595 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 7.39pm.

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE

21st September 2021 - Schedule 595 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.

Delegated authority to **APPROVE** subject to the following:

a) the signing of a **Section 106 Agreement** to secure:

provision and maintenance of landscape and biodiversity areas

b) 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 plant)
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.

Application Reference: 20/0192/FUL

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

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 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.
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.
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.

Application Reference: 20/0309/FUL

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

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 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.
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, 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.

Application Reference: 21/0681/FUL

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

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 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.
7. No lighting of the site or buildings without the prior written consent of the Local Planning Authority
8. No commercial livery use of the site. Private equestrian facility only.
9. 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.
10. 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.

Application Reference: 21/0711/FUL

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

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, with the addition of the entire southern boundary, 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 proposed hedgerow planting areas, with the addition of the entire southern boundary, 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.
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: worcestershirevehicle.crossing@ringway.co.uk Tel: 01905 751651. The applicant is solely responsible for all costs associated with construction of the access.

Application Reference: 21/0770/FUL

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

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 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.
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.

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.

Application Reference: 20/0892/FUL

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

Delegated authority to **APPROVE** subject to the following:

- 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
 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
 26. Provision of a Photovoltaic Panels to a minimum of 13 plots. Details to be submitted and agreed with the LPA.

Notes

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

Application Reference: 21/0621/FUL

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

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

Application Reference: 21/0701/HOU

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

APPROVED 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

AGENDA ITEM NO
WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
OCTOBER 2021

Tree Preservation Order on land at Friends Meeting House, Lower Park, Bewdley

OPEN	
RESPONSIBLE OFFICER:	Director of Economic Prosperity and Place
CONTACT OFFICER:	Alvan Kingston 2548 Alvan.Kingston@wyreforest.gov.uk
APPENDICES:	Location Map.

1. PURPOSE OF REPORT

- 1.1 To determine whether the Tree Preservation Order No 478 (2021) relating to a group containing a Silver Birch and Fastigate Hornbeam, within the grounds of the Friends Meeting House, Lower Park, Bewdley, should be confirmed or not.

2. RECOMMENDATION

- 2.1 **That the Tree Preservation Order (TPO) be confirmed without modification.**

TPO to include Group 1 (G1) consisting of
1x Silver Birch
1 x Fastigate Hornbeam

As the trees contributes to the amenity of the locality and they are considered worthy of protection.

3. BACKGROUND

- 3.1 On 22 June 2021, a Section 211 notification (21/0626/TCA) was received to fell a mature Silver Birch, located on the grounds of the Friends Meeting House.
- 3.2 The birch tree was inspected on 25 June 2021, where the amenity of the tree was assessed and, along with an adjacent hornbeam, found to be an important part of the Conservation Area.
- 3.3 As a result, a new Tree Preservation Order was made to ensure their retention and protection and served on 3rd August 2021.

4. OFFICER COMMENTS

- 4.1 Two objections to the making of the TPO have been received from residents of Lower Park

4.2 Objection 1 is summarised below:

- This tree has reached maturity, being over 30 years old and at least 100ft tall. When it falls it will certainly cause significant damage to the Hornbeam and is also likely to damage the Friends Meeting House (which is a listed building, I believe) or one of the adjoining properties, Rose Hill Corner or 5B Lower Park (or their respective garages) depending on which way it drops;
- The tree is an unsightly one, growing through the Hornbeam and preventing the Hornbeam from maintaining its symmetry;
- Significant quantities of catkins and seeds are generated annually by the tree. These are a nuisance and block gutters, drains and culverts in the area;
- The branches extend horizontally over the adjoining property significantly blocking daylight and reducing the amount of rain that reaches this garden;
- I have seen the email justifying the retention of the tree. The main reason he gave for retaining the tree in spite of the closeness of the two was because it and the Hornbeam were "keeping each other company". I have not had the benefit of any arboricultural qualifications, but I don't accept that the potential loneliness of the Hornbeam is a valid reason to retain this dangerous eyesore against the wishes of the owner and the locals who are affected by it. If required, I would be happy to show other examples of Hornbeams that appeared to be perfectly happy growing on their own without having to compete for nutrients and daylight with another tree so close growing up through them.

4.3 Objection 2 is summarised below:

- As an owner of the property directly adjoining the Friends Meeting House, we have been concerned about the height and lack of maintenance of the silver birch and the potential risk that this now poses to our property and surrounding ones, one of which is listed and of local historical importance, as well as the Hornbeam.
- The hornbeam was maintained in September 2017, with permission from the council, however the silver birch has not been tended to in this period, and we doubt for sometime before that. The Hornbeam is a lovely tree which we enjoy having adjoining our property and hope this continues to flourish, although it must currently be impacted by the proximity of the birch, which is effectively growing through it, which prevents it achieving full symmetry.
- The silver birch has reached maturity and is in excess of 100ft tall and poses a risk of damage to our property should any part of the tree fall. We are also concerned about the span of the roots due to the excessive height of the tree and the potential impact this could have on the foundations of our property. We would expect, for a tree of this age and height, at a bare minimum to have a maintenance plan and regular surveys to ensure its safety, if deemed to not be a current risk by your expert.

4.4 The objections raised by both objectors are in relation to the inclusion of the birch within the Tree Preservation Order (TPO). Officers will therefore respond to the objections for the inclusion of the birch tree.

4.5 Both objectors raise similar points for their objections. The grounds for one of the objections points to the height and age of the birch tree, as a reason to not protect it. Silver Birch can reach 70 years old, so if the tree is indeed 30 years old (as suggested) it has a good 30+ years left. The current height of the birch tree is approximately 17 metres (around 57ft) tall and is unlikely to grow much more in height. Birch trees are considered a 'medium' sized tree with a maximum height of 17

Agenda Item No. 5

to 20 metres. It is important to state that the height of a tree has little relevance to its overall safety. The fact that the birch is at its full height does not automatically result in it failing, in part or whole. The important distinction to make is the tree's overall health and condition. No supplementary report was submitted with the 211 Notification, pointing to the tree being in a poor or dangerous condition and upon inspection Officers did not observe any serious defects with the tree.

- 4.6 Another objection posed by both objectors is that the tree is in some way suppressing the growth of the Hornbeam. The Hornbeam is not a standard native Hornbeam, but a cultivar known as *Carpinus betulus 'Fastigiata'*, or Fastigate Hornbeam. As the name suggests, this cultivar has an up-right habit that does not spread and therefore has a smaller crown spread than a native hornbeam. As a result, the size and shape of the hornbeam has little to do with the birch tree and more to do with the habit of the cultivar.
- 4.7 Officers do not consider the birch to be "*an unsightly one*" as stated. The birch and hornbeam have been growing together for many years and the contrast between the tall birch and round fastigate hornbeam adds to the character of the Conservation Area. In addition, the assertion that as the birch has not been maintained for many years it is somewhat less attractive than the hornbeam is one based wholly on personal taste and not scientific fact. There is a common misconception that trees benefit from regular works. This is not the case with most works causing unnecessary stress on the tree and promoting decay and infection of pathogens. Works to trees in urban areas is almost always to benefit human interests and not the trees health or amenity.
- 4.8 The objector points to the birch tree causing maintenance issues due to the "*significant quantities of catkins and seeds generated annually*" and suggests that "*these are a nuisance and block gutters, drains and culverts in the area*" going on to refer to, "*...the branches extend horizontally over the adjoining property significantly blocking daylight and reducing the amount of rain that reaches this garden*". All trees drop leaves, seeds and/or fruit and this is certainly a disbenefit of trees in urban areas. However, if we are to have well treed towns within the district there are some negative aspects we must accept, including some shading and dropping of arisings.
- 4.9 The TPO to protect the birch was not in anyway because of it 'keeping the hornbeam company'. The decision to make the TPO was to prevent a healthy tree that officers feel adds to the amenity of the Conservation Area, from being removed. However, from a tree biology perspective, there is growing evidence from the works carried out by Peter Wohlleben and Suzanne Simard that trees do pass nutrients to each other through their roots and therefore assist each other.
- 4.6 The comments received from the two objectors have been fully considered, however the objections put forward are not considered to provide justifiable reasons not to confirm the Order.

5. **FINANCIAL IMPLICATIONS**

- 5.1 There are no financial implications arising directly as a result of this report.

6. **LEGAL AND POLICY IMPLICATIONS**

6.1 There are no legal and policy implications arising directly as a result of this report.

7. **CONCLUSION**

7.1 Officers consider that the objections and representations have been fully considered and that the Tree Preservation Order should be confirmed without modification due to the reasons given above.

8. **CONSULTEES**

8.1 None

9. **BACKGROUND PAPERS**

9.1 Tree Preservation Order No. 478

S089167351

TPO 478



Economic Prosperity and Place Directorate



WYRE FOREST DISTRICT COUNCIL (Land at Friends Meeting House, Lower Park, Bewdley, DY12 2DP) Tree Preservation Order 2021

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Scale 1:500

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

AGENDA ITEM NO
WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
OCTOBER 2021

Tree Preservation Order on land Adjacent to 60 Bark Hill, Bewdley, DY12 2BD

OPEN	
RESPONSIBLE OFFICER:	Director of Economic Prosperity and Place
CONTACT OFFICER:	Alvan Kingston 2548 Alvan.Kingston@wyreforest.gov.uk
APPENDICES:	Location Map.

1. PURPOSE OF REPORT

- 1.1 To determine whether the Tree Preservation Order No 477 (2021) relating to a semi mature English Oak, on land adjacent to 60 Bark Hill, Bewdley, should be confirmed or not.

2. RECOMMENDATION

- 2.1 **That the Tree Preservation Order (TPO) be confirmed without modification.**

TPO to include: T1 - Oak

As the tree contributes to the amenity of the locality and is considered worthy of protection.

3. BACKGROUND

- 3.1 On 19 July 2021, the Council were contacted by a local resident who was concerned about the clearance of land adjacent to 60 Bark Hill, Bewdley, which was given outline permission to construct 2 dwellings with detached garages, on 10 October 2019 (19/0402/OUTL). The resident was particularly concerned by the loss of an oak tree on the northern boundary of the land in question.
- 3.2 The trees on the land were inspected on 21 July 2021 where the amenity of the trees were assessed, and the oak was found to be worthy of a TPO. The remainder of the trees, worthy of protection, are located within Bewdley Conservation Area so do not currently need to be protected by a TPO.
- 3.3 As a result, a new Tree Preservation Order was served on 3rd August 2021, on the oak, to ensure its retention and protection.

4. **OFFICER COMMENTS**

4.1 One objection has been received from the Planning Agent working on behalf of the developer and site owner EGM Homes Ltd.

4.2 The grounds for the objection are summarised below:

- *...an assessment and survey of the Oak by B J Unwin. You will note within the report that the tree has been assessed as a B category, and notes that the future life of the tree is likely limited due to the constrained position.*
 - *It is the position of the objector that the Oak at The Racks does not have any real amenity value to it. The canopy is half removed due to power lines running through the tree and will continue to be the case as Weston Power have an obligation to maintain the power supply to the residential area. On that basis the tree does not possess any real amenity value and is 'ugly' in appearance; definitely not a quality specimen that a TPO would infer. One would expect an intact tree with plenty of space for it to grow and retain protected for perpetuity, but also visible for users to enjoy; which is not the case in this highly secluded area.*
 - *Further to this, the tree is highly constrained as it currently stands, by virtue of other trees but also the highway and neighbouring buildings (as well as services and utilities). The site also has the benefit of outline planning permission for two detached dwellings, of which would further densify the site with buildings, hard landscaping and surfaces. Whilst the new dwellings these will be designed to sit outside of the current RPA, there is no future protection for root growth outside of these.*
 - *The new dwellings would also require new services and utilities (including drains, water, gas and electrical supplies that will run in the highway and directly through the root zone of the oak, as they do now. The statutory undertakers would not be bound to protect the tree under the TPO here.*
 - *Whilst it appears common ground that the tree may well have a 'defensible TPO', the objector does not consider this helpful both to the area or the future redevelopment of the site. It would be more useful to all if a carefully designed planting scheme, removing the tree and replacing with more native tree coverage throughout.*
- 4.3 Officers agree with the 'B' retention classification attributed to the oak by Consulting Arborist B J Unwin. This is the assessment within British Standards BS5837:2021 (Trees in relation to design, demolition, and construction), and suggests the tree has at least 20 years in its current position. Officers also acknowledge that the lower crown of the tree is constrained by the road and overhead power cables. However, the crown of the tree has now outgrown these constraints and can develop a fuller crown above these restrictions, without causing future issues to either.
- 4.4 Officers would agree with the objector that the oak is not a top-quality specimen tree, mainly due to the crown lifting works over the road and power cable. However, it is in a sound condition and is still relatively young, for an oak, so has the potential to grow into a very attractive tree. It is a prominent tree when viewed from 'The Racks' and as it grows will be seen over the houses from Richmond Road, and possibly Cleobury Road once the site is developed. In addition, B J Unwin's own assessment of the tree

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stated that placing a TPO on the oak is '*defensible*' so it therefore is of sufficient amenity value as to merit a TPO.

- 4.5 As already stated, Officers concede that the lower crown of the oak is restrained on its northern side, but do not agree that it is constrained on other sides. Either from neighbouring trees, which are likely to be removed to facilitate the outline approval, or by existing dwellings. The nearest of which being 56 Richmond Road, at around 10 metres from the trunk of the tree, the owner of which has not objected to the making of the TPO. In addition, the dwelling at 60 Bark Hill is around 14m away and Chimney, Bark Hill is around 20m.
- 4.6 It is acknowledged that the making of this TPO has added a major constraint to the outline approval to build two dwellings, with garages, on the site. In hindsight a TPO should have been made in 2019 when the outline application was submitted. However, all matters were reserved in the application, apart from access, so the loss of the tree was not fully appreciated at the time. Officers do not believe that the making of the TPO has compromised the development potential of the site. The design of foundations, driveways and parking areas may need to be changed so as to not impact on the oak's Root Protection Area (RPA), but there are sufficient methods available to do this. Officers do not feel this is a sufficient reason to not confirm the TPO.
- 4.7 Although statutory services do have a right to undertake works to trees without needing permission, there is already sufficient clearance of the overhead line and there is a code of practice, known as '*NJUG Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees*', for below ground works near trees, that requires that roots are not damaged and are protected during installation or repair of underground pipes.
- 4.8 The comments received from the objector have been fully considered, however the objections put forward are not considered to provide justifiable reasons not to confirm the Order.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising directly as a result of this report.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 There are no legal and policy implications arising directly as a result of this report.

7. CONCLUSION

- 7.1 Officers consider that the objections and representations have been fully considered and that the Tree Preservation Order should be confirmed without modification due to the reasons given above.

8. **CONSULTEES**

8.1 None

9. **BACKGROUND PAPERS**

9.1 Tree Preservation Order No. 477

AGENDA ITEM NO
WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
OCTOBER 2021

Tree Preservation Order on Land Adjacent Mill Street & Bradley Thursfield Court,
Kidderminster

OPEN	
RESPONSIBLE OFFICER:	Director of Economic Prosperity and Place
CONTACT OFFICER:	Alvan Kingston 2548 Alvan.Kingston@wyreforest.gov.uk
APPENDICES:	Location Map.

1. PURPOSE OF REPORT

- 1.1 To determine whether the Tree Preservation Order No 476 (2021) relating to a woodland block, on land adjacent to Mill Street and Bradley Thursfield Court, Kidderminster, should be confirmed or not.

2. RECOMMENDATION

- 2.1 **That the Tree Preservation Order (TPO) be confirmed without modification.**

TPO to include: W1 – Woodland with mixed species.

As the woodland contributes to the amenity of the locality and is considered worthy of protection.

3. BACKGROUND

- 3.1 On 11 May 2021, the Council received a pre-application enquiry to develop land to the rear of the old BT exchange, Mill Street, Kidderminster (21/0078/PAE).
- 3.2 The trees on the land were inspected on 19 May 2021 where the amenity of the trees were assessed, and the woodland was found to be worthy of a TPO due to their importance as a wildlife habitat and corridor, along the river, and to soften a very built up part of the town.
- 3.3 As a result, a new Tree Preservation Order was served on 28th July 2021, to ensure the woodland's retention and protection.

4. **OFFICER COMMENTS**

- 4.1 One objection has been received from LVG Investment Limited, who are the owners of the small section of the woodland.
- 4.2 The grounds for the objection only refer to the woodland on land within their ownership and are summarised below:
- *...there is no public access to the land and limited visibility of the trees. Consequently, the trees and woodland on our land provide little or no amenity value to the public.*
 - *The site is subject to redevelopment proposals which have been discussed through pre-app with WFDC. It appears more appropriate for the planning authorities to impose any conditions they require with regards to the site.*
 - *During my ownership, the trees have been managed by professionals in line with good arboricultural and wildlife practices and consequently I feel the TPO is unnecessary and unjustified. I would suggest that the excessive use of TPOs encourage landowners to remove young trees unnecessarily.*
 - *The trees are self-setters containing mixed species. Having established themselves naturally, many are fighting for light, are leaning and are unstable.*
 - *The trees are causing damage to my property, being a perimeter palisade fence and tarmac car park / yard.*
- 4.3 Officers agree that there is limited visibility of the section of woodland in question. However, there is some visibility from Mill Street and there is a potential, as the woodland matures, that the tops of the tree will be visible from other public vantage points along Mill Street. It is worthy of note that the term 'public amenity' can refer to many different 'amenities' that the trees/woodlands provide. In the case of this woodland, it contributes to flood and pollution control (both air and river pollution), capturing carbon and providing an important buffer from a highly urbanised part of Kidderminster for wildlife that use the river to move from Puxton Marsh LNR through the town and out into the wider countryside.
- 4.4 When Officers inspected the site several trees had already been removed. Most did not look to be important, however it did raise the possibility that more of the woodland could be felled prior to a full application being submitted. Officers therefore decided to make a TPO, to ensure the woodland is fully considered during the planning process. Making a TPO at pre-application or application stage is usual practise and is the reason the majority of TPOs are made in the District.
- 4.5 The TPO will not prevent correct management of the woodland, it will just mean an application will need to be submitted prior to undertaking the works. The application has no charge, so there is no expense created by the making of the TPO.
- 4.6 The woodland is self-set; however, this has no bearing on its importance in the local area. The structure of the woodland could be improved by thinning and planting, which would be supported by the Council.
- 4.7 No evidence has been submitted identifying the damage caused by the trees in question. If any of the trees are causing damage officers will support an application to remove the trees in question. However, this is not a strong enough reason not to confirm the TPO as many of the trees within this section of the woodland are not causing any damage at all.

- 4.8 The comments received from the objector have been fully considered, however the objections put forward are not considered to provide justifiable reasons not to confirm the Order.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no financial implications arising directly as a result of this report.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 There are no legal and policy implications arising directly as a result of this report.

7. CONCLUSION

- 7.1 Officers consider that the objections and representations have been fully considered and that the Tree Preservation Order should be confirmed without modification due to the reasons given above.

8. CONSULTEES

- 8.1 None

9. BACKGROUND PAPERS

- 9.1 None

SO82517708

TPO 476



Wyre Forest
District Council

Economic Prosperity and Place Directorate



WYRE FOREST DISTRICT COUNCIL (Land adjacent to Mill Street and Bradley Thursfield Court, Kidderminster Worcestershire)
Tree Preservation Order 2021

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