



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 9TH AUGUST 2010
AT 2.00 P.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman), Mrs. J. M. Boswell, Miss D. H. Campbell JP, R. J. Deeming, Mrs. J. Dyer M.B.E., B. Lewis F.CMI, Mrs. J. D. Luck, E. J. Murray, S. R. Peters, C. J. Tidmarsh, P. J. Whittaker and C. J. K. Wilson

Updates to the Reports of the Head of Planning and Regeneration Services will be available in the Council Chamber one hour prior to Meeting. You are advised to arrive in advance of the start of the Meeting to allow yourself sufficient time to read the updates.

Members of the Committee are requested to arrive at least fifteen minutes before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting.

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 12th July 2010 (Pages 1 - 8)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)

5. 10/0397-CE - Change of use from retail shop A1 to takeaway food A5 and restaurant A3; trading to take place between 5.00 p.m. and 11.00 p.m. Monday to Sunday - 148A New Road, Aston Fields, Bromsgrove, B60 2LE - Mr. W. Ascott (Pages 9 - 14)
6. 10/0409-JT - Demolitions and alterations to existing buildings and erection of new buildings and associated works - Bumble Hole Poultry Farm, Bumble Hole Lane, Dodford, Bromsgrove, B61 9JA - Bumble Hole Foods Ltd. (Pages 15 - 32)
7. 10/0433-SC - Erection of an agricultural building for free range hens - Park Farm, Kidderminster Road, Park Gate, Dodford, Bromsgrove, B61 9AL - Mr. R. Pinfield (Pages 33 - 38)
8. 10/0455-RL - Change of use from a residential dwelling to Residential Assessment Centre providing overnight accommodation with no internal alterations - 8 Gibb Lane, Catshill, Bromsgrove, B61 0JP - Mr. M. Astbury (Pages 39 - 46)
9. 10/0496-MT - Use of building for car valeting - Rear of 186 - 210 New Road, Rubery, B45 9JA - Mr. P. Nodoro (Pages 47 - 50)
10. 10/0501-DK - Erection of building for archery training - Wythall House and Park, 52 Silver Street, Wythall, B47 6LZ - Mr. P. Johnson (Pages 51 - 56)
11. 10/0517-SG - Resiting of plots 6-18 inc. and the removal of the Communal Refuse Storage Area [previously approved under B/2003/1034] - Former Regal Garage Site, 186 Worcester Road, Bromsgrove, B61 7BA - Mr. R. Phipps (Pages 57 - 62)
12. 10/0573-MT - Proposed change of use from ancillary residential use to dwelling [Resubmission of 10/0285] - Little Dodford Barn, Priory Road, Dodford, Bromsgrove, B61 9DF - Mr. and Mrs. Groves (Pages 63 - 70)
13. Appeal Decisions (Pages 71 - 74)
14. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting
15. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-

"RESOLVED: that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of

the following item(s) of business on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Item No.</u>	<u>Paragraph(s)</u>	
16	2 and 6	"

16. Enforcement of Planning Control (Ref.: 20100809-01) (Pages 75 - 80)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

29th July 2010

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 12TH JULY 2010

AT 2.00 P.M.

PRESENT: Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman), Mrs. J. M. Boswell, Miss D. H. Campbell JP (not present during Minute Nos. 43/10 to 47/10), Mrs. J. Dyer M.B.E., B. Lewis F.C.M.I, Mrs. J. D. Luck (not present during Minute Nos. 43/10 (part) to 47/10), E. J. Murray, S. R. Peters, C. J. Tidmarsh, P. J. Whittaker and C. J. K. Wilson

Observers: Councillors D. L. Pardoe and C. R. Scurrall

Officers: Ms. R. Bamford, Ms. T. Lovejoy, Mr. D. M. Birch, Mrs. H. L. Plant, Mr. R. Goundry, Mr. J. Turner, Ms. J. Carstairs, Mr. A. Bucklitch, Mr. S. Hawley (Worcestershire Highways) and Mr. A. C. Stephens

35/10 **APOLOGIES FOR ABSENCE**

No apologies for absence were received.

36/10 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

37/10 **MINUTES**

The minutes of the meetings of the Planning Committee held on 14th June 2010 and 28th June 2010 were submitted.

RESOLVED that the minutes be approved as a correct record.

38/10 **08/0675-HLP - RETROSPECTIVE PLANNING APPLICATION FOR THE ERECTION OF LIGHTING ON GROUNDS OF MEADOWS FIRST AND PARK SIDE MIDDLE SCHOOL - MEADOWS FIRST SCHOOL, STOURBRIDGE ROAD, BROMSGROVE, B61 0AH - BAM CONSTRUCTION LTD.**

Members of the Committee were informed of the announcement by the Secretary of State for Communities and Local Government on 6th July 2010 that Regional Spatial Strategies had been revoked with immediate effect and no longer formed part of the development plan. As a result of this, no consideration of the West Midlands Regional Spatial Strategy policies referred

to in the report was required, but this had no effect on the recommendation of the Head of Planning and Regeneration Services relating to this application.

At the invitation of the Chairman, Mr. C. Platt addressed the Committee and spoke in opposition to the proposals, while Mr. D. Green spoke in favour of the scheme on behalf of the applicant. Councillor D. L. Pardoe also addressed the Committee in his capacity as one of the Ward Members for the area in which the application site was located.

Consideration was then given to the application which had been recommended for approval by the Head of Planning and Regeneration Services. On the matter being put to the vote, Members considered that the impact of the development had a adverse effect on the amenities of adjoining occupiers and local residents.

RESOLVED that permission be refused due to the harmful impact of the development upon residential amenity.

39/10 **10/0101-MT - CONVERSION OF INDUSTRIAL BUILDINGS TO RESIDENTIAL USE (9 UNITS COMPRISING 6 X 2 BED UNITS, 2 X 3 BED UNITS AND 1 X 4 BED UNIT) WITH ACCESS ROAD, CAR PARKING AND AMENITY SPACE - 2, AND PART OF 4 AND 6, HARTLE LANE, BELBROUGHTON, DY9 9TG - ROWANMOOR TRUSTEES LTD. (MR. P. MASON / MRS. C. MASON)**

The Head of Planning and Regeneration Services reported the comments of Belbroughton Parish Council in respect of the revised rear elevation design, which she considered were acceptable. The comments of Natural England were also reported.

RESOLVED that permission be granted subject to:

- (a) the conditions, with the exception of Condition No. 3, and notes set out or referred to on pages 54 to 57 of the report; and
- (b) the following additional condition, together with an amended Condition No. 3:
 3. Prior to the commencement of the development hereby approved, detailed drawings of the proposed new and replacement windows on the rear elevation of the scheme (as indicated on approved Drawing Number 1443.07F received 07.06.2010) at a scale of 1:20 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the setting of the Conservation Area in accordance with policy CTC.20 of the Worcestershire County Structure Plan 2001, policy S35A of the Bromsgrove District

Local Plan 2004 and the advice contained in PPS5: Planning for the Historic Environment.

24. Notwithstanding the Proposed Site Plan (Drawing No. 1443.02E), full details of the proposed garage building (elevations and floor plan) shall be submitted to and approved in writing by the Local Planning Authority before any work on the site commences. The building shall not exceed a height of 4 metres above ground level and no first floor accommodation shall be provided. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a well planned development and to protect the amenity of the adjoining occupier in accordance with policy CTC.1 of the Worcestershire County Structure Plan 2001, policies S7 and DS13 of the Bromsgrove District Local Plan 2004 and PPS1: Delivering Sustainable Development.

40/10 **10/0326-CE - PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF TWO DETACHED DWELLINGS - 19 PLYMOUTH ROAD, BARNET GREEN, B45 8JF - MR. R. LEWIS**

Members of the Committee were informed of the announcement by the Secretary of State for Communities and Local Government on 6th July 2010 that Regional Spatial Strategies had been revoked with immediate effect and no longer formed part of the development plan. As a result of this, no consideration of the West Midlands Regional Spatial Strategy policies referred to in the report was required, but this had no effect on the recommendation of the Head of Planning and Regeneration Services relating to this application.

The Head of Planning and Regeneration Services clarified the address of the application site having been omitted from page 1 of the report.

At the invitation of the Chairman, Mrs. E. Mitchell and Mr. N. Hood addressed the Committee and spoke in opposition to the proposals. The Chairman read out a statement prepared by Councillor C. B. Taylor, the Ward Member for the area in which the application site was located, who was unable to be present at the meeting.

Consideration was then given to the application which had been recommended for approval by the Head of Planning and Regeneration Services. On the matter being put to the vote, Members considered that the proposals had a harmful effect on the character of the area which, if granted permission, may set a precedent for future developments and have an adverse impact upon residential amenity, as exacerbated by the differences in land levels.

RESOLVED that permission be refused for the following reasons:

- (a) the development has a harmful effect on the character of the area; and

- (b) the proposals could set a precedent and have an adverse impact upon residential amenity, as exacerbated by the differences in land levels.

41/10 **10/0334-DK - PROVISION OF 13 CLOSE CARE SUITES AND 16 ASSISTED LIVING UNITS TO FORM CONTINUING CARE RETIREMENT COMMUNITY (OUTLINE) - BURCOT GRANGE RESIDENTIAL HOME, GREENHILL, BURCOT, BROMSGROVE, B60 1BJ - MR. AND MRS. M. BALES**

Members of the Committee were informed of the announcement by the Secretary of State for Communities and Local Government on 6th July 2010 that Regional Spatial Strategies had been revoked with immediate effect and no longer formed part of the development plan. As a result of this, no consideration of the West Midlands Regional Spatial Strategy policies referred to in the report was required, but this had no effect on the recommendation of the Head of Planning and Regeneration Services relating to this application.

The Head of Planning and Regeneration Services reported the receipt of the following relating to this application:

- a Statement of Community Involvement, undertaken by the applicant, outlining the public consultation exercise on the proposals;
- two artistic impressions of the Assisted Living Units;
- two further letters of support from St. Catherine's Church, Blackwell, and Bromsgrove Age Concern;
- two emails of objection from Lickey and Blackwell Parish Council and Barnt Green Parish Council;
- a letter from DTA Transport Planning Consultants in respect of parking requirements;
- the comments of Worcestershire Highways;
- a Bat Mitigation Survey from the applicants;
- the comments of Natural England; and
- additional comments from the Tree Officer;

The Head of Planning and Regeneration Services informed the Committee that, in light of the comments and documentation received, refusal reasons nos. 2 and 4 were to be removed.

At the invitation of the Chairman, Dr. P. King addressed the Committee and spoke in opposition to the proposals, whilst Mr. P. Frampton spoke in favour on behalf of the applicant. The Chairman read out a statement prepared by Councillor C. B. Taylor, the Ward Member for the area in which the application site was located, who was unable to be present at the meeting.

Consideration was then given to the application which had been recommended for refusal by the Head of Planning and Regeneration Services. On the matter being put to the vote, Members considered that:

- the need for more and specialised accommodation for the elderly;
- the absence of alternative sites in the urban area to meet the need;

- the benefits of the established care home at Burcot Grange;
- the provision of accommodation providing alternative tenure arrangements;
- the impact upon the existing housing market; and
- the topography of the site -

constituted very special circumstances to outweigh the harm that would be caused to the openness of the Green Belt, and the purposes of including land within the Green Belt, and any other harm identified in refusal reason no. 1 referred to on page 95 of the report.

Furthermore, the Committee was also of the opinion that the limited overall loss of trees on the site as a result of the proposals, together with the strength of the existing screening to the application site boundary and the ability to require mature replacement trees by a condition which could be attached to planning permission addressed the harm identified in refusal reason no. 3 referred to on page 95 of the report.

Additionally, the proximity of the application site to Burcot and Blackwell, as well as the availability of sustainable forms of transport and access to alternative means of travel, outweighed the harm identified in refusal reason no. 3 referred to on page 95 of the report.

The Head of Planning and Regeneration Services stated that, in the event of the Committee being minded to approve the application, it would be necessary for it to be referred to the Government Office for the West Midlands, pursuant to the requirements of the Town and Country Planning (Green Belt) Direction 2005.

RESOLVED:

- (a) that the application be referred to the Government Office for the West Midlands under the 'departure' procedure; and
- (b) that, in the event that the application is not 'called-in' by the Government Office for the West Midlands, permission be granted subject to any reasonable conditions and notes as considered necessary by the Head of Planning and Regeneration Services.

42/10

10/0337-DK - DEMOLITION OF EXISTING OUTBUILDINGS AND EXTENSIONS AND ERECTION OF EXTENSIONS TO PROVIDE NEW CARE BEDS, CARE SUITES AND A DEMENTIA UNIT - BURCOT GRANGE RESIDENTIAL HOME, GREENHILL, BURCOT, BROMSGROVE, B60 1BJ - MR. AND MRS. M. BALES

Members of the Committee were informed of the announcement by the Secretary of State for Communities and Local Government on 6th July 2010 that Regional Spatial Strategies had been revoked with immediate effect and no longer formed part of the development plan. As a result of this, no consideration of the West Midlands Regional Spatial Strategy policies referred to in the report was required, but this had no affect on the recommendation of the Head of Planning and Regeneration Services relating to this application.

The Head of Planning and Regeneration Services reported the receipt of the following relating to this application:

- a Statement of Community Involvement, undertaken by the applicant, outlining the public consultation exercise on the proposals;
- two further letters of support from St. Catherine's Church, Blackwell, and Bromsgrove Age Concern;
- a letter from DTA Transport Planning Consultants in respect of parking requirements;
- the comments of Worcestershire Highways;
- a Bat Mitigation Survey from the applicants;
- the comments of Natural England; and
- additional comments from the Tree Officer;

The Head of Planning and Regeneration Services informed the Committee that, in light of the comments and documentation received, refusal reasons nos. 2 and 4 were to be removed.

At the invitation of the Chairman, Mr. P. Frampton addressed the Committee and spoke in favour on behalf of the applicant.

Consideration was then given to the application which had been recommended for refusal by the Head of Planning and Regeneration Services. On the matter being put to the vote, Members considered that:

- the need for more and specialised accommodation for the elderly;
- the absence of alternative sites in the urban area to meet the need;
- the benefits of the established care home at Burcot Grange;
- the provision of accommodation providing alternative tenure arrangements;
- the impact upon the existing housing market; and
- the topography of the site -

constituted very special circumstances to outweigh the harm that would be caused to the openness of the Green Belt, and the purposes of including land within the Green Belt, and any other harm identified in refusal reason no. 1 referred to on page 95 of the report.

Furthermore, the Committee was also of the opinion that the limited overall loss of trees on the site as a result of the proposals, together with the strength of the existing screening to the application site boundary and the ability to require mature replacement trees by a condition which could be attached to planning permission addressed the harm identified in refusal reason no. 3 referred to on page 95 of the report.

Additionally, the proximity of the application site to Burcot and Blackwell, as well as the availability of sustainable forms of transport and access to alternative means of travel, outweighed the harm identified in refusal reason no. 3 referred to on page 95 of the report.

The Head of Planning and Regeneration Services stated that, in the event of the Committee being minded to approve the application, it would be necessary for it to be referred to the Government Office for the West Midlands, pursuant to the requirements of the Town and Country Planning (Green Belt) Direction 2005.

RESOLVED:

- (a) that the application be referred to the Government Office for the West Midlands under the 'departure' procedure; and
- (b) that, in the event that the application is not 'called-in' by the Government Office for the West Midlands, permission be granted subject to any reasonable conditions and notes as considered necessary by the Head of Planning and Regeneration Services.

43/10 **10/0453-SC - CONVERSION OF EXISTING REDUNDANT FORMER WORKSHOP AND STORES TO A TWO-BEDROOMED STARTER HOME - LAND AT STATION DRIVE, HAGLEY, DY9 0NX - MR. B. STOCKFORD**

Members of the Committee were informed of the announcement by the Secretary of State for Communities and Local Government on 6th July 2010 that Regional Spatial Strategies had been revoked with immediate effect and no longer formed part of the development plan. As a result of this, no consideration of the West Midlands Regional Spatial Strategy policies referred to in the report was required, but this had no effect on the recommendation of the Head of Planning and Regeneration Services relating to this application.

The Head of Planning and Regeneration Services reported the receipt of an additional letter of objection, together with the comments of the Tree Officer and the Drainage Engineer.

At the invitation of the Chairman, Mr. B. Havinga addressed the Committee and spoke in opposition to the proposals, whilst Mr. B. Stockford spoke in favour. Furthermore, Dr. P. King spoke on behalf of Hagley Parish Council in opposition to the application and Councillor C. R. Scurrrell also addressed the Committee in his capacity as one of the Ward Members for the area in which the application site was located.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on page 117 of the report.

44/10 **DESIGNATION OF HEWELL GRANGE CONSERVATION AREA**

The Conservation Officer gave a brief presentation in respect of the proposals relating to the designation of a Hewell Grange Conservation Area, and responded to a number of questions and comments from Members.

RESOLVED that the Hewell Grange Conservation Area Draft Character Appraisal document (June 2010) be noted.

45/10 **APPEAL DECISIONS**

Consideration was given to a report which outlined the Inspector's decision in a recent planning appeal.

RESOLVED that the report be noted.

46/10 **LOCAL GOVERNMENT ACT 1972**

RESOLVED that under Section 100 I of the Local Government Act 1972, as amended, the 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 Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part being as set out below, and that it is in the public interest to do so:-

<u>Minute No.</u>	<u>Paragraphs</u>
47/10	2 and 6

47/10 **CLOSURE OF NON-EXPEDIENT ENFORCEMENT CASES**

The Committee considered a report in respect of a number of enforcement investigations which were either:

- (i) older cases only kept open due to inconsistencies in record keeping; and
- (ii) more recent cases relating to trivial or technical breaches of planning control.

RESOLVED:

- (a) that the report be noted;
- (b) that, with the exception of current or active cases which are still ongoing, all enforcement cases from before 2008 be closed;
- (c) that all enforcement indications referred to in Appendix 1 to the report be closed; and
- (d) that, where relevant, those persons involved with enforcement investigations; such as the complainant, the subject(s) of the complaint and, where relevant, the parish council; be notified of the closure of the cases referred to in (c) above.

The meeting closed at 5.00 p.m.

Chairman

Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr W. Ascott 'B'	Change of use from retail shop A1 to takeaway food A5 and restaurant A3; trading to take place between 5:00 p.m. and 11:00 p.m. Monday to Sunday - 148A New Road, Bromsgrove, B60 2LE	SHOPPING	10/0397-CE 17.08.2010

Councillors Mrs. C. M. McDonald and S. P. Shannon have requested that this application be considered by the Committee, rather than being determined under delegated powers.

RECOMMENDATION: that, subject to the receipt of amended plans and additional information, and the satisfactory views of the Environmental Health Manager, permission be **GRANTED**.

Consultations

WH	Consulted - view received 28.06.2010. No objection.
EHM	Consulted - view received 16.07.2010. Further information required on the noise levels generated by the extract fans and any refrigeration or air conditioning plant at the nearest noise sensitive property. Details of drainage and street waste bins to be required by condition. Further view received 26.07.2010. There is a need for noise insulation on the windows of the application site which face residential properties. This is likely to increase the requirement for ventilation to the building. An alternative would be an appropriate report to indicate that the opening of the window will not affect adjacent residential properties.
EHM (Commercial Regulation)	Consulted - view received 28.06.2010. No objection. Advice provided on Food Safety and Health and Safety legislation.
Economic Development	Consulted 12.07.2010. No response received to date (expires 02.08.2010).
West Mercia Police	Consulted - view received 01.07.2010. No objection. Consideration has been given to the issues of parking and disorder. At present the other A5 and A3 premises close to this location cause no issues around disorder. Whilst complaints have been made in relation to the parking for customers of the A5 premises, it is easily resolved. The parking restrictions opposite the proposed location cease at 18:00 hours. A condition is suggested regarding opening hours to prevent late night revellers creating disorder.
Publicity	4 letters sent 25.06.2010 (expired 16.07.2010). 4 letters sent 14.07.2010 (expire 04.08.2010). 1 site notice posted 09.07.2010 (expired 28.07.2010). 8 objections received raising the following issues: <ul style="list-style-type: none"> ▪ There are not the two parking spaces referred to on the plans. The parking of one car would block the fire exit to numbers 148 and 148A. There is already a serious problem with insufficient parking in the area. Parking on the pavement would result in pedestrians

having to walk on the road next to a very busy junction. The junction is congested throughout the day. The junction has a blind spot for cars turning left out of Stoke Road into New Road. Buses at the bus stop close to the site cause a back log of vehicles at the junction. The proposal would exacerbate these problems.

- Worcestershire County Council's change in parking standards does not relieve the lack of parking that exists or the nuisance that would be caused to local residents and retailers.
- Crowds of young people gathering outside may intimidate young children.
- Increased litter and food waste (already a concern in the area).
- A takeaway next door to a fitness centre would not be suitable or acceptable for many parents and especially their children.
- Lack of fire escape from first floor.
- Opening hours would cause a problem with local residents and business as a noise and nuisance issue. Late night customers may disturb local residents.
- The proposal may harm other takeaways in Aston Fields and food outlets in the town centre.
- Is there space for food waste containers? The passageway is shared with number 148 and is unsuitable for food waste and litter storage. The passageway is the sole emergency exit for both properties and should not be restricted at any time.
- The flue system required to prevent disruption to residential properties as a result of food odours would have to discharge at such a height as to be visually obtrusive.

The site and its surroundings

This application relates to a two storey commercial premises located to the west side of New Road close to the junction with Stoke Road and Finstall Road. The site is attached to number 148 Finstall Road at first floor level with a communal passage separating the two properties at ground floor level. Number 148 is used as a fitness centre. To the north, Hills Court consists of 4 shops with two flats above. Immediately to the rear of the site is the back garden of 2 Stoke Road, a residential property. The application site is currently vacant and was last used as a wedding dress shop. The property is located within the designated shopping area of Aston Fields.

Proposal

This application proposes the change of use of the property from a shop (Use Class A1) to a takeaway and restaurant (Use Classes A5 and A3). A flue is to be added to the flat roof of the property and a doorway is to be removed from the elevation facing the passageway.

Relevant Policies

WCSP	SD.4, CTC.1, T.1, T.4, D.43
BDLP	DS13, E9M, S21, TR11, BROM24
Others	PPS1, PPS4, PPG13

Relevant Planning History

B/2007/1285 Change of use from retail shop to takeaway food. Trading from 11:00 p.m. to 12:00 midnight Monday to Sunday inclusive. Refused 22.01.2008.

Notes

The main issues with this application relate to the principle of the proposed development, the impact to the amenities of local residents and parking provision. Consideration will also be given to the issues raised in response to the publicity exercise. In considering the application, I am mindful that a proposal to use of the property as a takeaway was refused in 2008 on grounds of harm to highway safety, due to an increased demand for on-street parking, and harm to residential amenity.

Principle of the proposed use

Policy EC10 of Planning Policy Statement 4: Planning for Sustainable Economic Growth states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. The application site falls within an area covered by policy BROM24 of the Bromsgrove District Local Plan 2004. This policy provides support for Use Classes A1, A2 and A3. It should be noted that, following the sub-division of the A3 Use Class under the Use Classes (Amendment) Order 2005, the A3 use mentioned in policy BROM24 now includes A3 (restaurant) and A5 (takeaways). As such, the proposed restaurant and takeaway use is acceptable in principle.

Third parties have raised concern about the number of takeaways already within Aston Fields and the impact of a further establishment on the existing ones. Aston Fields currently benefits from a good range of convenience and more specialist shops and services. There are currently two takeaways, a restaurant with associated takeaway, a public house and the café area at Banners Foods. In addition, there is a currently vacant café at 148C New Road. Other uses include the Co-op and Post Office, a florists, dry cleaners, betting shop and hairdressers. The issue of the number of restaurant / takeaway uses on the vitality of a local centre in Catshill was considered at appeal in 2009. The appeal concerned the change of two vacant retail units to a restaurant with associated takeaway at the small group of shops on Golden Cross Lane (application B/2008/0514). At the time of the appeal, there were 5 existing takeaways and one restaurant in the centre (which is smaller than the centre in Aston Fields). In allowing the appeal, the Inspector considered that a small supermarket and other retail and service units in the centre met the day to day needs of the local population. The proposed loss of a retail unit was therefore not considered to be detrimental to the range of services reasonably to be expected in a local centre and no harm would be caused to its vitality. In my opinion, Aston Fields currently provides a good range of shops and services and that the loss of the existing shop will not compromise this range. In relation to the impact of the proposal on existing food establishments in Aston Fields and the town centre, I would note that it is not the role of the planning system to regulate competition.

Residential amenities

As detailed above, the nearest residential properties to the application site are the flats above Hills Court and 2 Stoke Road. The main concerns regarding residential amenities relate to disturbance from the comings and goings of customers and delivery vehicles, the use of the restaurant's seating areas, the potential for cooking smells and noise from the ventilation system. I acknowledge that the proposal will cause some level of impact to residential amenities but this must be considered in relation to the existing environment in Aston Fields. The issue of cooking smells can be overcome through the use of a suitable extraction and filter system. The applicant has been asked to provide additional information to demonstrate that the noise arising from the system will fall within acceptable levels. I will update Members on the submission of such information, together with views of the Environmental Health Manager, at the meeting of the Committee.

I consider that noise and disturbance arising from the coming and going of customers and delivery vehicles can be controlled through the use of a condition restricting the opening hours of the business. Under application B/2007/1285, the applicant proposed to remain open until midnight. This was considered unacceptable to surrounding residents. Under this application, the applicant proposes to be open between 5:00 p.m. and 11:00 p.m. In my opinion, these opening hours are acceptable and will prevent any noise associated with the proposed use continuing into the night. I would also note that these hours are similar to the other three takeaways / restaurants in the area. The upstairs seating area includes a window which would directly face the side wall of the neighbouring flat. To reduce the level of noise escaping from this window, the Environmental Health Manager has suggested a condition requiring the use of noise insulation on this window.

Parking

Policy TR11 of the BDLP states that the Council will require development proposals to incorporate sufficient off-street parking. Worcestershire County Council's parking standards are set out in their Highways Design Guide for New Developments. Since the refusal of application, these standards have been revised and, in relation to commercial properties, parking space standards are set as a maximum rather than the minimum they were in 2008. The use of minimum standards is in accordance with Planning Policy Guidance 13: Transport and is designed to reduce travel by private car in favour of more sustainable forms of transport. The application site is located within walking distance of a large residential catchment and the area is served by public transport. Whilst the applicant has suggested that a proposed home delivery service will mean that the number of people collecting from the premises will be low, I would note that the Council has no means of controlling this. The application site benefits from a dropped kerb access and an area of hardstanding at the front. This would not accommodate the two parking spaces the applicant has suggested and its use as one space would require a vehicle to park sideways on so to obstruct the pavement. On-street parking in the area is heavily restricted but designated spaces are available on New Road and nearby streets. Many of the maximum stay restrictions on these spaces are lifted after 6:00 p.m. I can understand the concerns regarding traffic congestion, proximity to a busy roundabout, parking and highway safety raised in response to the publicity exercise. However, both Worcestershire Highways and West Mercia Police have raised no objection. Given the absence of minimum parking standards, the nearby provision of on street parking and the potential for visitors arriving on foot, I am satisfied that the

additional parking demand created by the development will not adversely affect highway safety and does not warrant the refusal of the application.

Street scene

The proposed flue will rise 1.3 metres above the flat roof to the property. It will be clearly visible from the street scene and the residential properties to the rear. I acknowledge that it will be unsightly and I have asked the applicant to consider a lower design. However, in assessing the impact of the flue on the street scene, I would draw Members attention to the flues already existing in the street scene, particularly the one above the fish and chip shop (which is similar to that proposed) and the one to Banners Foods. I will advise Members of the receipt of any amended plans at the Meeting of the Committee.

Other matters

The applicant has been asked to provide details of the proposed facilities for the storage of waste. These will be reported to Members at the Meeting of the Committee.

A third party has raised concern about the absence of a fire escape from the first floor of the restaurant. The issue of fire safety would be dealt with under Building Regulations and I have been advised by the Council's Building Control Team that it would be possible to meet the Regulations with the use of extensive internal measures. Concern has also been raised about the appropriateness of having a takeaway next to a fitness centre and young children being intimidated by crowds of young people gathering outside the premises. The planning system does have a role in promoting healthy and sustainable lifestyles and fear of crime is a material consideration to a planning application. However, I do not consider that the implications of the concerns raised are such that could justify the refusal of the application.

Conclusion

As a result of the amendments to Worcestershire County Council's car parking standards and the proposed earlier closing time of 11:00 p.m., the reasons application B/2007/1285 was refused have been overcome. In my opinion, the impact to the amenities of adjoining occupiers can be satisfactorily limited through the use of suitable conditions. I therefore recommend that planning permission be granted.

RECOMMENDATION: that, subject to the receipt of amended plans and additional information, and the satisfactory views of the Environmental Health Manager, permission be **GRANTED**.

1. C99
2. The premises shall only be open between the hours of 17:00 hours and 23:00 hours Monday to Sunday (including Bank Holidays). All cleaning of equipment and utensils shall have been completed within half an hour of the premise's closing time.
3. A scheme of noise insulation for the north facing window to the first floor seating area shall be submitted to and approved in writing by the Local Planning Authority and implemented prior to the commencement of any trading from the premises of the use hereby permitted.

4. Notwithstanding the submitted information, the development hereby permitted shall not be commenced until a scheme for ventilation and the control and extraction of fumes, gases, odours and other effuvia from the site has been submitted to and approved in writing by the local planning authority. All elements of the approved system shall be installed, implemented and in full working order prior to the use commencing and shall thereafter be properly maintained. Such equipment must be used at all times when cooking activities are undertaken at the premises.
5. The extraction system installed shall be regularly maintained to ensure its continued satisfactory operation and the cooking process shall cease to operate if at any time the extraction equipment ceases to function to the satisfaction of the local planning authority.

Reasons

2. - 5. To protect the amenity of nearby residential occupiers in accordance with policy SD.2 of the Worcestershire County Structure Plan 2001 and policy DS13 of the Bromsgrove District Local Plan 2004.

Notes

The premises and business will be required to comply with Food Safety and Health and Safety legislation which will be enforced by Bromsgrove District Council. The business and premises will be subject to routine inspection to assess compliance. The business will be required to register with the Council as a food business a minimum of 28 days before commencing trading. Advice may be obtained on detailed compliance with this legislation from the Commercial Team at the Council (telephone number 01527 881434).

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan (BDLP) January 2004 and other material considerations as summarised below:

WCSP	SD.4, CTC.1, T.1, T.4, D.43
BDLP	DS13, E9M, S21, TR11, BROM24
Others	PPS1, PPS4, PPG13

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.

Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Bumble Hole Foods Ltd. 'A'	Demolitions and alterations to existing buildings and erection of new buildings (gross internal area 4966 sq m) for refrigeration, grading, storing, breaking and processing eggs and manufacture of egg products (Use Class B2) and associated works (as augmented by drg. no. H1334/01-G (Floor Plans - Sketch Scheme 1) received 28.05.2010) - Bumble Hole Poultry Farm, Bumble Hole Lane, Dodford, Bromsgrove, B61 9JA	GB	10/0409-JT 10.06.2010

RECOMMENDATION: that, subject to the satisfactory views of Worcestershire Highways, permission be **GRANTED**.

Consultations

Worcestershire Highways	Consulted: 13.05.2010. Final response awaited.
Highways Agency	Consulted: 13.05.2010. Final response received: 07.06.2010. No objections.
Worcestershire County Conservation and Landscape Officer	Consulted: 04.06.2010. Final response received: 09.06.2010. Generally supports the application as the removal of derelict sheds and replacement with purpose-built buildings will improve visual amenity. There will be minimal visual impact resulting from the proposals, which will not be visible from public highways or footpaths. The taller buildings will however be visible from two adjacent residential dwellings - Greenacres and Bumble Hole Cottage. Considers that the effect of taller buildings on the visual amenity of these two dwellings will be of a minor adverse degree. Also considers that the removal of the derelict sheds will result in a minor beneficial impact.
West Mercia Police	Consulted: 13.05.2010. No response received.
Worcestershire Wildlife Trust	Consulted: 13.05.2010. No response received.
Strategic Planning	Consulted: 13.05.2010. Final response received: 26.05.2010. As the application site is situated within the Green Belt, PPG2 and Policy DS2 of the adopted Bromsgrove District Local Plan will apply. PPS1, PPS4, PPS7, draft PPS Planning for a Low Carbon Future in a Changing Climate, draft PPS Planning for a Natural and Healthy Environment, DS13, ES11 and SPG5 are also relevant. Although the proposed buildings are not higher than the existing building remaining on site and the proposals do not encroach any further than the existing buildings, the proposal will be more bulky than the existing buildings due to the joining up of buildings for the increase in floor space in the new proposal, and higher than the demolished

buildings. It is therefore only in very special circumstances should permission be given.

PPS4

According to EC10.2 of PPS4, a series of impact considerations should be applied, in relation to limiting carbon dioxide emissions, accessibility by a range of modes of transport, high quality and inclusive design, economic and physical regeneration, and local employment.

Draft PPS: Planning for a Low Carbon Future in a Changing Climate

Policy LCF13 of the draft PPS states that new development should be designed to reduce Green House Gas emissions, give priority to the use of SUDs, support sustainable waste management, create and secure opportunities for sustainable transport, to avoid adding to the vulnerability of existing or other proposed development to impacts arising from changes in the climate. As the proposal is a major development (i.e. commercial development with 1000 m² or more commercial floor space), LCF13.3 requires the applicant to demonstrate through the Design and Access Statement how the development complies with the criteria in LCF13.2. Although the draft PPS does not carry as much weight as the PPSs it is going to replace, LCF13 is in accordance with the current PPS1 supplement, and hence the above issues should be considered by the applicant in the proposal.

Draft PPS: Planning for a Natural and Healthy Environment

Policy NE8 of the draft PPS states that local planning authorities (LPA) should:

- maximize opportunities for building-in beneficial biodiversity and geodiversity features in and around developments as part of good design, using planning obligations where appropriate (NE8.7)
- aim to avoid harm to the natural environment (such as landscape and biodiversity) through development and ensure that conditions on adequate mitigation and compensation measures are put in place before planning permission is granted (NE8.1).

The Worcestershire Landscape Character Assessment and the Green Infrastructure Map should be referred to when considering the necessary mitigation, compensation and contributions from the development to the natural environment stated in the policy.

Worcestershire Landscape Character Assessment

Paragraph 13 of PPS 7 states that "local planning authorities should encourage good quality design throughout their rural areas in accordance with Annex C to PPS1, and utilising tools such as Landscape Character Assessments".

According to the Worcestershire Landscape Character Assessment, the site falls within the Catshill Principal Settled Farmlands Landscape Description Unit. The landscape condition of the unit in previous survey was moderate intensity land use with declining field pattern in places fragmented with boundaries in poor condition, lack of hedgerow trees, localised intermittent stream tree lines, etc.

In reference to the landscape type factsheet, the management strategy for Principal Settled Farmlands should be to conserve and enhance the unity and scale of the landscape with particular emphasis given to retaining its settlement pattern and the hedgerow boundaries to its fields. The Landscape Guidelines are:

- Conserve and enhance the pattern of hedgerows
- Retain the integrity of the dispersed pattern of settlement
- Conserve and enhance tree cover along watercourses
- Enhance patterns of tree cover associated with settlement
- Seek opportunities to conserve all remaining areas of permanent pasture

The online LCA tool should be used or views from the County Landscape Officer should be sought to assess the landscape impact of the proposal. I am aware that some trees will be felled in the proposal, the Tree Officer's views will be relevant regarding the impact of the development on existing trees on the site.

Green Infrastructure Base Map

PPS9 states that one of the Government objectives for planning is "to conserve, enhance and restore the diversity of England's wildlife and geology by sustaining, and where possible improving, the quality and extent of natural habitat and geological and geomorphological sites". The County Council is working on a county-wide Green Infrastructure map and in the draft Green Infrastructure map, the site falls within the 'Functional Ecological Connectivity Buffer' and 'Other Semi Natural Habitat' areas. These are habitats important for wildlife and it is important that the proposal will conserve and enhance the habitats.

The ecologist in the County Council and the Worcestershire Wildlife Trust should be consulted in regards of the ecological issues.

In regards of parking, highways and the promotion of sustainable transport (cycle routes in particular), PPG13, policy TR16 and the view of the Highways Engineer will be relevant.

Consulted: 13.05.2010. No response received.

Woodland
Officer
Economic
Development

Consulted: 13.05.2010. Final response received: 13.05.2010.

Strongly supports the application. Bumble Hole Eggs is a progressive company which supplies several nationally known brands with egg-

Engineers /
Drainage

derived products. It is one of the district's major employers.
Consulted: 13.05.2010. Final response received: 25.05.2010.

No objections. Comments as follows:

Condition

The disposal of storm water shall be by means approved by the Local Planning Authority. The approved system shall be operational before building works commence. Balancing will be required in accordance with the Environment Agency policy. There is no Public Surface Water Sewer available and no surface water will be allowed to discharge to the foul water sewer.

Precise details of the containment and disposal of surface water generated by new structures and hardstandings will be required. Sustainable urban drainage systems will be required with porous surfaces incorporated into their design. Yard gullies are to be of a trapped design and the possibility of incorporating an online interceptor needs to be discussed. Any discharge to the adjacent stream/ditch has to be attenuated to a discharge rate comparable to a green field site.

No flood risk assessment warranted.

Comment

The disposal of foul sewage shall be as before to the public foul sewer that actually passes through the site.

General note: Any defunct pipe work is to be broken out while any existing land drains are incorporated into the new storm drainage systems.

Environmental
Health

Consulted: 13.05.2010. No response received.

Commercial
Regulation

Consulted: 13.05.2010. Final response received: 18.05.2010.

No objections in principle to the above application.

The premises and business will be required to comply with Food Safety legislation which is enforced by this Council and the premises will be subject to routine inspection to assess compliance.

The premises are Approved Premises under the provisions of Regulation (EC) No 853/2004 by virtue of the nature and quantity of food stuffs produced. As a consequence of this they are subject to specific requirements relating to food safety.

Advice may be obtained on detailed compliance with this legislation from the Commercial Team at Bromsgrove District Council (telephone number 01527 881434).

Bournheath Parish Council
Bromsgrove National Farmers' Union

Consulted: 13.05.2010. No response received.

Response received: 22.06.2010.

Fully supports the application. Notes that the applicant has been members of local Bromsgrove National Farmers Union since the 1960s and have successfully developed and diversified their business in this time.

As the business has evolved it has had to adapt working practices to cope with the demands of modern legislation and economic efficiencies required to survive and remain a key player in the modern business market place.

The submission demonstrates the benefits arising from the proposed development, including a positive outcome not only for the business, but also for local employment, the local economy and a growing population.

Publicity Site Notice posted 10.06.2010; expired 01.07.2010.

Press Notice posted: 20.05.2010; expires 10.06.2010.

No objections received.

The site and its surroundings

The application site is situated south of Bournheath and south west of Catshill in an open Green Belt location, immediately to the west of the intersection of the M5 and M42 motorways (M5 junction 4A). It forms part of the wider Bumble Hole Foods site, which includes a recently constructed main access to the site (via Rocky Lane to the north), a weighbridge and two residential properties with associated curtilage buildings. The site has an approximate area of 5.5 ha.

The site is used for manufacturing (Use Class B2), mainly involving the processing and packing of eggs and egg-based products. The applicant's planning statement states that 'over time the use has altered from agricultural to manufacturing. The current use has been operational for well over 10 years and is therefore longstanding'.

According to the submitted planning statement, the site was acquired in 1964, soon after which processing commenced as a result of supermarket competition. Processing has increased and been ever more important to the business model since that time. Turnover has increased from £5 million to £14 million over the last five years, and the applicant now employs 65 permanent staff in addition to a number of temporary positions. According to the applicant, the business has altered over the years from a low key rural diversification site to a significant and important local employer contributing significantly to the District's economy.

The site contains a range of building associated with the longstanding egg packing plant at the site. These include an office building, storage building (understood formerly to have been chicken sheds), substation, production building and eggshell storage building which

has recently been completed. 38 parking spaces are formally laid out, with additional parking at various locations around the site. Several buildings, including those proposed to be demolished, are in a poor state of repair having been in situ since the site was acquired by the applicant.

A small eggshell store building, with a footprint of 72 sq m and a height of 6.5 metres was given planning permission in June 2010 (ref: 10/0362). It is understood that this permission has not yet been implemented.

Other than those residential properties falling within the ownership of the applicant, the nearest dwellings to the application site are Bumble Hole Cottage, Bumble Hole Lane - approximately 180 metres to the south - and a cluster of properties at the junction of Bumble House Lane and Valley Road (Keble House, The Lodge, Wayside, White Lodge and The Clock House) the nearest of which, Keble House, is approximately 150 metres to the west.

Proposal

Permission is sought for demolitions and alterations to existing buildings and erection of new buildings and associated works. According to the applicant, the work is needed to upgrade and remodel the site for purposes "associated with Bumble Hole Foods ongoing commitment to providing local employment for the local area, maintaining their position within Bromsgrove District, and rationalising and making more efficient the existing process."

The applicant states that the present production process is disjointed and there is significant inefficiency with the movement of products and personnel across the site. There is no continuous production line and processes of storage have developed on an ad hoc basis in different locations across the site. It is also said that some of the buildings are in a poor state of repair and whilst capable of being used are not ideal for their purpose, having never been designed for egg processing.

It is anticipated by the applicant the proposals would protect the existing employment supported by the site and to increase the number of employees by approximately 30 to 95 full time equivalent jobs.

Three distinct elements are proposed. Firstly, an extension to the south of the existing production building is proposed comprising a new egg breaking area, refrigerators and staff facilities. This extends to a footprint of 2,027 sq m, following demolitions extending to 1,290 sq m. The net increase is therefore 737 sq m.

Secondly, a smaller detached egg grading building is proposed to the west of the proposed extension to the south, extending to a footprint of 890 sq m. This would replace two storage buildings which total 844 sq m, thus comprising an increase in floorspace of 46 sq m.

Thirdly, a further extension is proposed to the north of the existing production building comprising a bay extension. This extends to a footprint of 630 sq m, replacing two storage buildings totalling 567 sq m of footprint. The overall increase in this area is therefore 63 sq m.

The buildings would be of utilitarian appearance, and would have a maximum height of approximately 12 m. The applicant states that the scale and height of the buildings are the minimum necessary for operational requirements and their datum levels are set by the loading entrance area which is critical to finished floor levels.

Relevant Planning History

The site and land in surrounding ownership have a long planning history, including several historic applications for dwellings for agricultural occupancy. The most relevant applications are as follows:

- BU/111/1971 Packing, grading and storage shed. Approved.
- BU/421/1973 Three 90' x 32', two 140' x 32' battery laying sheds and one rearing shed. Approved.
- B/3593/1977 Erection of office block.
- B/8433/1981 Extension of farm offices.
- B/10536/1983 Erection of farm building (storage). Approved: 21.02.1983.
- B/18592/1989 Erection of two adjoining buildings for packaging and storage of eggs. Approved: 11.12.1989.
- B/1992/0536 Installation of 1000kg vessel for propane. Approved: 10.08.1992.
- B/1994/0880 Erection of adjoining building for boiled egg production & cold storage and canopy to loading bay. Refused: 09.03.1995.
- B/1995/0186 Erection of adjoining building for boiled egg production and cold storage (re-submission of 94/0880), plus canopy to loading bay (B18592). Approved: 21.12.1995.
- B/2000/0004 Ground floor and first floor extensions to existing single storey farm office and formation of car park. Approved: 19.06.2000.
- B/2000/0270 Hay barn - agricultural notification. Determined details not required: 12.10.2000.
- B/2000/0334 Erection of electrical sub-station and water plant room following the demolition of existing buildings. Approve: 25.09.2000.
- B/2003/1045 Formation of new vehicular access to Bumble Hole Eggs Ltd (from Rocky Lane). Withdrawn: 25.09.2003.
- B/2003/1600 Formation of new vehicular access to Bumble Hole Eggs Ltd (from Rocky Lane) - resubmission. Approved: 29.04.2004.
- B/2006/0194 Steelframe egg shell storage/crushing - agricultural notification. Determined details required: 20.03.2006.
- B/2006/0459 Steel framed colour coated steel clad/brick eggshell storage/crushing building. Approved: 02.08.2006.
- B/2008/0315 Formation of flush weighbridge area including paved approaches, cameras, and lighting. Approved: 17.07.2008.
- 10/0362 Erection of eggshell store. Approved: 18.06.2010.

Relevant Policies

WCSP	CTC.1, CTC.8, D.16, D.19, D.29, D.38, D.39, D.43, SD.2, SD.3, SD.4, T.1, T.3, T.4, T.9
BDLP	C4, C27, DS2, DS13, E9, ES1, ES2, ES4, ES11, TR1, TR8, TR11, TR16
Others	PPS1, PPG2, PPS4, PPS7, PPS9, PPG13, PPS23, Draft Planning Policy Statement: Planning for a Low Carbon Future in a Changing Climate, SPG4, SPG5

Notes

The main issues in determining the application are:

- 1) the appropriateness of the development in the context of Green Belt policy, and whether any harm to the Green Belt would be caused;
- 2) if harm is caused to the Green Belt, whether any very special circumstances exist to outweigh that harm;
- 3) any other relevant planning issues, including highways, landscape impact, sustainability, design and residential amenity.

Harm to the Green Belt

The applicant acknowledges that the proposal does not conform to any of the categories of appropriate development set out in PPG2: Green Belts, and therefore constitutes 'inappropriate' development within the Green Belt. Policy D.39 of the Worcestershire County Structure Plan states that there will be a presumption against allowing inappropriate development in the Green Belt, reflecting the advice contained in national planning guidance PPG2. Inappropriate development is, by definition, harmful to the Green Belt. Policy D.38 of the Structure Plan and policy DS2 of the Local Plan are in general accordance with PPG2 in resisting development in the Green Belt unless proposals fall within a defined list of appropriate development.

The extent of the harm caused to the Green Belt must therefore be determined. According to paragraph 1.5 of PPG2, the purposes of including land in the Green Belt include checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns from merging into one another, and assisting in safeguarding the countryside from encroachment.

The proposed buildings all broadly replace existing buildings of similar footprint. According to submitted plans, the existing footprint of the building on the site is 7,349 sq m. The proposed footprint would be 7,640 sq m, an increase of approximately 4 per cent. This figure is increased to 7,712 sq m (5 per cent) if the 72 sq m permitted but unimplemented egg storage building is included.

As the proposed buildings would be partially two storey, the total floorspace would be increased to approximately 8,820 sq m, an increase of around 17 per cent. (NB. In the submitted planning statement, the applicant puts this figure higher, at 21 per cent.)

The height of the proposed buildings (a maximum of 12 metres above ground level) would be substantially taller than the existing shed buildings to be demolished, which

have a ridge height of approximately 6.5 metres. The proposed buildings would be largely shielded from public view by the adjacent motorway and the sunken topography of the site and would not be easily visible from public vantage points, other than from Bumble Hole Lane.

In summary, the buildings proposed would cover a slightly larger footprint than the existing buildings which they would replace, but the new buildings would be substantially taller than the existing ones. However, the site is not widely visible from public vantage points. The proposal would not result in or contribute to urban sprawl, the merger of settlements or significant encroachment into the countryside. It is considered there would be a modest but noticeable impact on the openness of the Green Belt in the vicinity as a result of the bulk and height of the proposals.

Consideration of 'very special circumstances'

As the proposals are by definition harmful to the Green Belt, the application should be refused unless very special circumstances exist which outweigh the harm caused. The applicant has put forward several very special circumstances in relation to the application as follows:

- 1) importance of supporting economic development in the District;
- 2) need for development;
- 3) need for development on the application site;
- 4) protection and enhancement of employment opportunities; and
- 5) lack of impact on the Green Belt.

These arguments are summarised in turn in the following paragraphs.

Economic development

The applicant points out that PPS1 states at paragraph 5 that development should support existing communities and contribute to, inter alia, communities with good access to jobs and key services for all members of the community, and at paragraph 23 that the Government is committed to promoting a strong, stable and productive economy that aims to bring jobs and prosperity for all. Furthermore, PPS4 states that one of the Government's key aims is to encourage continued economic development, and a key objective is to maximise job opportunities for all.

The applicant concludes that:

"It is clear therefore that there is a substantial weight of policy, both adopted and emerging, which supports economic development within Bromsgrove District... Economic development is a means for achieving prosperity for all, creating mixed and inclusive communities, and ensuring sustainable approaches to both urban and rural living... This has never been more important than in the current economic climate, at a time when the economy is in recession, businesses are failing, and jobs are being lost... The ability to protect existing jobs, and create jobs in such a recessionary environment is a significant material consideration which weighs heavily in favour of the proposals and constitutes very special circumstances."

Need for development

The applicant points out that the physical attributes of the site have changed little since the site was acquired in the 1960s, and as a consequence, few of the buildings are designed specifically for the egg processing that takes place. For example, storage and other activities take place in prefabricated timber chicken sheds, which are not secure, watertight, suitable for refrigeration, or capable of easy use by forklift trucks or import/export vehicles.

Two further limitations on productivity as a result of the configuration of the site are identified by the applicant:

- The siting of the buildings dictates that the production and storage activities are limited to specific areas of the site, and in most cases these buildings are detached from the principle production building resulting in produce and employees having to travel from one building to another, which in poor weather slows or halts production.
- The form, size and lack of quality in the buildings is such that their use is only limited. As a consequence there is little flexibility in the production process (i.e. buildings cannot be put to a range of uses associated with the business).

The applicant contends that it is no longer appropriate for the site to operate as a rural diversification scheme, instead there is a need for productivity to be made significantly more efficient in order to competitively service the national and international clients which the applicant has secured over the years. The applicant is competing with national and international egg processing plants which have bespoke, first class buildings and equipment designed specifically for the process in order to maximise efficiency and minimise costs.

Need for development at the application site

The applicant states that the processing of eggs requires a bespoke building layout and design and that there is also a requirement for significant levels of hygiene on the site. This requires that buildings are subdivided, temperatures are closely controlled, protective clothing is worn, and levels of security high. Several buildings require refrigeration and there is a need for significant utility supplies to buildings (electricity, gas and compressed air). All buildings require complex gulley systems set within the flooring.

It is contended that these factors mean it is not possible for the egg processing operation to be relocated to lightweight, industrial units elsewhere within the District. Furthermore, it is not a viable proposition for the site to be split, with production and storage taking place on separate sites within the District, which the applicant contends would add to production costs (transportation, travel times, management structures, duplication of staff etc.). The most efficient production model is said to be the location of all operations on a single site, within bespoke designed buildings providing for efficient movement between raw material, processing and end product.

To this end, it is noted that the site has already been the subject of significant investment in plant and equipment in recent years, particularly with regard to plant and equipment. The applicant states that approximately £2.5 million has been spent in the past 5 years on bespoke plant and equipment for the operation. This includes works carried out under

permissions B/2000/0004, B/2006/0459 and B/2008/0315, for offices, egg shells storage buildings and a weighbridge.

The applicant also emphasises that an additional benefit of remaining in the present location over relocation is the proximity to the existing workforce, the great majority of which is said to live locally.

The applicant concludes that:

"The lack of any ability to relocate some or all of the operations to an alternative site outside of the Green Belt is a very special circumstance which weighs heavy in favour of the proposals."

Protection and enhancement of employment opportunities

The applicant contends that "at the local level, the need to protect and enhance employment opportunities is vital given the rural location of the site and the lack of any alternative employers locally. In this regard the jobs to be protected and created are in a low risk stable industry, and provide a good balance with the District's traditional automotive industry".

The site currently supports 65 permanent jobs together with additional temporary positions. It is anticipated that if the proposals were to be approved, an additional 30 jobs would be created, as well as the protection of the existing positions.

The applicant contends that supporting employment development is increasingly important in rural areas, and cites emerging and new policies including the Taylor Review and PPS4.

The applicant also notes that, according to 2001 Census data, people in fulltime employment account for 35.08 per cent in the Woodvale Ward in which the application site is situated compared to 42.02 per cent in Bromsgrove District, 40.3 per cent in the West Midlands and 40.81 per cent in England. The applicant cites this as clear evidence that providing additional employment opportunities locally is important.

Lack of impact

The final very special circumstance put forward by the applicant is that the proposals would not cause any harm to the Green Belt. The applicant argues that proposed development has been sensitively designed to avoid any impact on the Green Belt as follows:

- The buildings proposed replace buildings that exist in terms of their footprint and siting.
- The total floorspace to be created amounts to only 21 per cent more than the floorspace that is to be demolished. [Officer's note: the case officer's own calculations based on the submitted drawings put this figure at approximately 17 per cent, and the increase in footprint at between 4 and 5 percent.] This is a modest immaterial increase and demonstrates that this is the lowest quantum of floorspace that can be accepted in order to maintain viability of the site.

- The buildings would be located within the existing building envelope upon previously developed land. There will therefore be no extension to the urbanised form of development, and the proposed buildings to a large extent will be viewed against the backdrop of existing structures.
- The proposed buildings will be no higher than the existing buildings on site, and the application site sits within a hollow such that the skyline will not be broken from any public vantage points.
- No extensions to areas of hard surfacing, fencing or other urbanising features are proposed.

Conclusion on Green Belt issues

It has been identified that the proposal represents inappropriate development in the Green Belt. Officer's do not concur with the applicant's suggestion that no harm to the Green Belt would arise as a result of the proposal, as according to PPG2 inappropriate development is by definition harmful to the Green Belt. Additionally, though it is true that the proposed buildings would be no taller than some others on the site, they would be significantly taller than those they would replace.

I agree with the applicant's conclusion that the impact of the proposals would be limited by a number of factors, and would not significantly prejudice any of the aims of Green Belt policy. However, it has been concluded there would be a modest but noticeable impact on the openness of the Green Belt in the vicinity as a result of the bulk and height of the proposals, notwithstanding the fact that the proposal would not be significantly visible. Members must therefore consider whether the harm caused to the Green Belt is outweighed by the benefits of those very special circumstances identified by the applicant, as set out in the paragraphs above.

Each of the circumstances put forward are considered to be valid considerations. I place varying degrees of weight upon each of these matters. I consider the need to encourage economic development and the requirements of the applicant's business to represent a very special circumstance of significant weight. According to the Economic Development Officer, the applicant is a progressive company which supplies several nationally known brands with egg-derived products and is one of the District's major employers. It is also noted that the National Farmers' Union has written to support the application. The proposed development would help to secure approximately 65 jobs and create a further 30, many of which could be filled by local people, which is to be supported. This therefore also represents a very special circumstance of significant weight.

The case officer's site inspection confirmed that the buildings to be demolished are of poor quality and ill suited to the needs of a modern business. I therefore attach significant weight to the need to bring the facilities on the site up to modern standards in order that productivity can be maintained and increased.

Although the need to comply with food hygiene legislation is recognised, no evidence that the existing arrangements are unsatisfactory in relation to health and safety procedures has been submitted. Only limited weight is therefore given to this factor. However, I acknowledge that the needs of the applicant are highly bespoke and specific, and could not be easily accommodated in an existing vacant industrial unit in a non-Green Belt location within the District. Similarly, it would appear that there is limited scope for

disaggregation of activities to separate sites, and the investment in the site that has already taken place is noted. It is therefore considered there is little realistic prospect that the business could relocate to other premises within the District, and I therefore attach significant weight to the need to improve the current facilities.

On balance, I am satisfied that the very special circumstances put forward by the applicant are sufficient to outweigh the relatively limited harm that would be caused to the Green Belt if the proposals were to proceed.

It is recommended that conditions are attached limiting the floorspace to that specified by the application, and preventing external storage and further extensions to the building using permitted development rights, in order to restrict further Green Belt encroachment. For the same reason, a condition should require the demolition of the existing buildings prior to the commencement of the development (other than incidental site preparation works).

Use

The use of the buildings for the refrigeration, grading, storing, breaking and processing eggs and manufacture of egg products is considered acceptable in principle. However, it is considered that a condition should be attached restricting the use of the buildings specifically for this purpose, rather than other uses in Use Class B2 (general industry) which would be allowed under permitted development legislation.

Highways implications

Policy E9 states that all applications for new employment development will need to demonstrate that traffic to be generated by the development will not overload the capacity of the highway system or adversely affect residential or other non-industrial development. Where this is likely to occur the applicant will be required to carry out amendments to overcome the problems otherwise created. The comments of the Highways Officer are awaited.

Residential amenity

No dwellings are close to the proposed buildings as the site occupies a relatively isolated and self contained location, and it is noted that no objections to the proposals have been received. Nevertheless, it is considered that a condition should be attached restricting the noise emissions from the proposal.

Sustainability

Policy EC10.2 of PPS4 states that, among other things, the Council must consider whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change. The proposals would represent an improvement over the existing buildings from a sustainability perspective, being more efficient and purpose built.

Design

The proposed buildings are of functional design. However, they would represent a significant improvement over the buildings to be replaced, which are in a poor state of repair and are reaching the end of their useful life, having been constructed as chicken sheds.

Landscape impact

The landscape impact of the proposals is considered to be minimal. The applicant has carried out an assessment of landscape impact in accordance with the Worcestershire Landscape Character Assessment, which concludes that the proposals will not conflict with the Assessment, and that the proposals would contribute positively towards the landscape. It is noted that the Worcestershire County Conservation and Landscape Officer supports the application.

Conclusion

It has been concluded that the proposals represent inappropriate development in the Green Belt, and that a moderate amount of harm would be caused as a result of the new buildings. However, in my view, very special circumstances exist sufficient to outweigh the harm caused. The proposals do not raise any other planning issues, and it is therefore recommended that permission is granted, subject to the imposition of suitable conditions.

RECOMMENDATION: that, subject to the satisfactory views of Worcestershire Highways, permission be **GRANTED**, subject to the following conditions:

- 1) C001 Standard time - three years
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: H1329/01 (Ground Floor Plan), H1334/01-G (Floor Plans - Sketch Scheme 1) (received 28.05.2010), H1334/02-B (Elevations), H1335/02-F (Proposed Site Plan) and H1335/03-A (Site and Location Plan).

Reason: To define the permission and in order to secure the satisfactory appearance of the development in accordance with policy CTC.1 of the Worcestershire County Structure Plan 2001 and Policy DS13 of the Bromsgrove District Local Plan.

- 3) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any Order revoking and re-enacting that Order the buildings hereby approved shall only be used for the refrigeration, grading, storing, breaking and processing of eggs, the manufacture of egg products and any purposes ancillary to those activities, and for no other purpose falling within Use Class B2.

Reason: To define the permission in accordance with Policy CTC.1 of the Worcestershire County Structure Plan 2001 and Policy DS13 of the Bromsgrove District Local Plan.

- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any Order revoking and re-enacting that Order, no extensions other than those approved by the Local Planning Authority shall be made to the building hereby approved.

Reason: To preserve the openness of the Green Belt and in the interests of visual amenity in accordance with Policies D29, D38 and D39 of the Worcestershire County Structure Plan and Policies DS2 and C27 of the Bromsgrove District Local Plan.

- 5) The total gross internal floorspace of the development hereby approved shall not exceed 4966 sq m, and the building shall not be subdivided other than in accordance with the approved plans.

Reason: To define the permission and in order to secure the satisfactory appearance of the development in accordance with Policy CTC.1 of the Worcestershire County Structure Plan 2001 and Policy DS13 of the Bromsgrove District Local Plan.

- 6) Prior to the commencement of development (other than such site preparation works as may be agreed in writing by the local planning authority) the buildings shown to be demolished on the approved plans shall be taken down and all resulting debris removed from the site.

Reason: To preserve the openness of the Green Belt and in the interests of visual amenity in accordance with policies D.29, D.38 and D.39 of the Worcestershire County Structure Plan and policies DS2 and C27 of the Bromsgrove District Local Plan.

- 7) No materials or any items shall be stored externally on the site.

Reason: To preserve the openness of the Green Belt and in the interests of visual amenity in accordance with Policies D29, D38 and D39 of the Worcestershire County Structure Plan and Policies DS2 and C27 of the Bromsgrove District Local Plan.

- 8) Details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.

- 9) Before the development hereby approved is commenced a survey of existing and proposed ground level sections across the site and details of the finished slab level(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the agreed ground and slab levels.

Reason: In order to secure the satisfactory appearance of the development in accordance with Policy CTC.1 of the Worcestershire County Structure Plan 2001 and Policy DS13 of the Bromsgrove District Local Plan.

- 10) The level of noise emitted from the development hereby approved, including any association temperature control equipment, compressors, plant equipment or machinery, shall not exceed the background noise level present when the compressors are not in use, as measured 1 m from the façade of the nearest residential property.

Reason: In order to protect the amenities of the area in accordance with Policy DS13 of the Bromsgrove District Local Plan.

- 11) C010 - Trees - landscaping scheme

- 12) The disposal of storm water from the development hereby approved shall only be in accordance with a drainage scheme submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Precise details of the containment and disposal of surface water generated by new structures and hardstandings.
- Sustainable urban drainage systems with porous surfaces incorporated into their design.
- Yard gullies of a trapped design.
- A demonstration that any discharge to the adjacent stream/ditch will be attenuated to a discharge rate comparable to a green field site.

The approved system shall be operational before building works, other than those required to implement the approved system, commence.

Reason: To reduce the risk of flooding and prevent pollution of the water environment in accordance with Policies CTC8 and CTC9 of the Worcestershire County Structure Plan and Policies ES1 and ES2 of the Bromsgrove Local Plan.

- 13) The disposal of foul sewage from the development hereby approved shall be to the public foul sewer that passes through the site. No surface water from the development shall be discharged to the foul water sewer.

Reason: To reduce the risk of flooding and prevent pollution of the water environment in accordance with Policies CTC8 and CTC9 of the Worcestershire County Structure Plan and Policies ES1 and ES2 of the Bromsgrove Local Plan.

Informative

- 1) The Council's Drainage Engineer advises the following:
- Balancing will be required in accordance with the Environment Agency policy.
 - There is no Public Surface Water Sewer available and no surface water will be allowed to discharge to the foul water sewer.

- The possibility of incorporating an online interceptor needs to be discussed.
- Any defunct pipe work is to be broken out while any existing land drains are incorporated into the new storm drainage systems.

Notes

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WCSP	CTC.1, CTC.8, D.16, D.19, D.29, D.38, D.39, D.43, SD.2, SD.3, SD.4, T.1, T.3, T.4, T.9
BDLP	C4, C27, DS2, DS13, E9, ES1, ES2, ES4, ES11, TR1, TR8, TR11, TR16
Others	PPS1, PPG2, PPS4, PPS7, PPS9, PPG13, PPS23, Draft Planning Policy Statement: Planning for a Low Carbon Future in a Changing Climate, SPG4, SPG5

The proposals would represent inappropriate development in the Green Belt, and such development is by definition harmful. The harm caused would be limited to a significant extent by the fact the development footprint would not be significantly different to that of the existing buildings, and by the fact the site is well shielded from public vantage points by the adjacent motorway and local topography. However, the proposed buildings would have a greater height and mass than the existing low level buildings, which would increase the prominence on the buildings in comparison to those they are to replace. It has been concluded that the arguments put forward by the applicant amount to the very special circumstances required to outweigh the harm caused to the Green Belt. It is therefore the Council's view that, on balance, there are no justifiable reasons to refuse planning permission.

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Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. R. Pinfield 'A'	Erection of an agricultural building for free range hens - Park Farm, Kidderminster Road, Park Gate, Dodford, Bromsgrove, B61 9AL	Residential	10/0433-SC 23.08.2010

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WH	No objection subject to conditions. 17.06.2010.
Drainage Engineer	No objection subject to conditions. 17.06.2010.
Kernon Countryside Consultants	No concerns regarding the proposals from an agricultural perspective. 24.06.2010.
Environmental Health	Comments received 13.07.2010: Proposed unit should be required to comply with DEFRA Code of Good Agricultural Practice 2009.
Dodford with Grafton Parish Council	Comments received: 21.06.2010. Dodford with Grafton Parish Council have concerns this may be erected at the top of a hill and could have impact on residential properties in Fockbury Road. Suggest screening be provided. The Parish Council feel they have not been given enough information about the size and impact on conservation so are unable to consider the application fully.
Publicity	Site notice posted 15.06.2010 expires 06.07.2010 Press notice posted 10.06.2010 expires 01.07.2010

The site and its surroundings

This application relates to an existing agricultural holding located on the northern side of Kidderminster Road, Dodford. The current holding extends to 12 hectares and is serviced by a cluster of existing farm buildings located immediately to the north of Park Farm house. These existing farm buildings are currently utilised for livestock purposes. To the east of the main farm house are a number of flats contained within a converted farm building granted planning permission in 1990. The farm house and converted barns are set back some 70 metres from Kidderminster Road but are clearly visible. Two current road accesses serve the farm. The westernmost access appears to serve only the 'working' farm, whilst the access located to the east is the main entrance for the main farmhouse and converted barns.

The application site is located primarily to the rear of the existing farm complex and is within designated Green Belt surrounded by existing green fields used for livestock purposes.

Proposal

This application proposes a new agricultural building to be used for the housing of 24,000 free range laying hens, together with associated egg collection, packing facilities and feed bins. The applicant proposes a re-aligned highway access located approximately 12 metres to the north-west of the existing western most access. This new access is proposed to serve traffic generated by the proposed new poultry building to be located approximately 70 metres to the north of the existing cluster of farm buildings.

The proposed building is to be located within an existing field, within a natural depression in the topography of the land. To the south of the proposed building, the land rises steeply to a plateau of hard-standing that is currently used to store agricultural machinery. The land to the north and east also slopes upwards, with Fockbury Road located approximately 250 metres to the north and 250 metres to the west also. Existing mature trees are located approximately 10 metres to the east of the proposed building and the surrounding fields are characterised by mature field boundary hedges and tree growth.

The proposed building measures 66 metres by 30.45 metres, providing a total floor area of 2010m². The walls extend 3.35 metres to the eaves and 7.43 metres to the ridge. The building is of steel frame construction and will be clad with box profile polyester coated sheeting. Six ventilation shafts protrude from the roof on each side of the ridge, but do not exceed the maximum ridge height. Nineteen pop holes on the southern and northern elevation provide access to and from the building for the proposed flock. These pop holes are opened at 8:00 a.m. daily and closed at dusk. The western elevation is characterised by six large double doors that allow vehicular access and facilitate the cleaning out of the building. The eastern elevation has two smaller doors to provide access to a service area for egg collection and packing. Two metal cylindrical feed hoppers, maximum height 3.4 metres, are to be located at the south eastern corner of the building.

Relevant Policies

WCSP CTC1, D38, D39
BDLP DS2, DS13, C4, C30A, TR11
Others SPG5, PPS1, PPG2, PPS7

Relevant Planning History

B/20121/1990 Conversion of redundant farm building into 4 dwelling units (as amended by plan received 04.02.1991). Granted 10.12.1991
B/2002/1135 Steel portal frame hay and straw store - Notification (DTLNRQ).
B/2003/1357 Hay and straw store, resubmission of B/2003/1241 - Agricultural Notification - GRANT (DTLNRQ).
B/2007/0696 Lean-to hay and straw storage - Agricultural/Forestry Notification (DTLNRQ).

Notes

The key issues in the determination of this application are the impact of the development on the openness of the Green Belt, the character and appearance of the surrounding countryside and whether the scale of the proposal is justified by the agricultural need of

the holding. Additionally, it will also be necessary to consider the highways implications of the proposed new access. Therefore, the main policies against which the application is assessed are policies DS2, C30A, TR11 of the BDLP, national policies PPS 7, PPG2 and the Council's supplementary guidance contained within SPG5.

Policy 3.4 of PPG2 and Policy DS2 of the BDLP define agricultural development as an appropriate form of development in the Green Belt. The proposed development is therefore considered to be appropriate in principle. Policy C30A provides that agricultural buildings will be considered favourably subject to landscape, design and siting considerations.

Design, Siting and Impact on Landscape

In considering the current proposal, it is acknowledged that integrating large scale agricultural buildings into rural landscapes necessarily presents difficulties. In this instance, the applicant has clearly taken advantage of the contours of the land in siting the building approximately 70 metres to the north of existing farm buildings. In the proposed location of a natural topographical depression, with the surrounding land rising to the south, north and east, the prominence of the building in the landscape is lessened. Comments relating to siting provided by the Council's Agricultural Consultant indicate that locating 'free range' buildings away from the existing farm complex is also justified in agricultural terms by virtue of maximising the available surrounding vegetation.

The Parish Council's concerns relating to location and the impact on the residents of Fockbury Road are noted. In consideration of this, it is viewed that the combination of 250 metres separation distance to Fockbury Road in addition to the northwards uphill slope and mature field boundaries will mitigate any visual impact on residential properties located to the north. With regards to the nearby residential properties in the converted barn of Park Farm, it is noted that existing farm buildings housing livestock are located between the application site and the converted barns. The proposed building is also shielded from views from the south by virtue of the topography, mature field boundaries and existing buildings. It is recommended that the colour of the proposed cladding will be controlled by condition requiring the submission of material sample.

In terms of the design and scale of the proposal, the Council's Agricultural Advisor is of the view the building is appropriate for the size of holding and intended use. The proposed building is of a typical agricultural design and construction and it is accepted that the function and purpose of the building is clearly linked to an agricultural use of the surrounding land.

Highways

The main issue to consider with regards to the proposed realigned highways access is the potential affect on highway safety. Policy TR11 of the BDLP requires that 'all development incorporates safe means of access and egress appropriate to the nature of the local highway network.'

Kidderminster Road is a classified A road and the County Highways Officer has assessed the proposal and has raised no objection to the proposed development subject to the application of conditions. Of particular note, it is recommended that the existing

westernmost access is permanently closed prior to the commencement of use of the proposed development.

It is noted that the Agricultural Advisor suggests that the applicant's submitted traffic generation may slightly under-estimate the number of deliveries of feed required. However, even with figures adjusted according to the Agricultural Advisor's estimation, the average traffic generation for the proposed unit remains relatively low at just over 5 vehicles per week. Given the residential units at Park Farm have separate highway access and drive; it is not viewed that these increased vehicular movements will cause additional amenity or safety issues.

Residential Amenity

SPG 5, the Council's adopted 'Agricultural Buildings Design Guide' states, 'The effects of noise and smell on nearby dwellings should be taken into account in detailed site and design planning. Shared access should be avoided where this involves use of a public road.'

As noted above, the new facility will not share access with existing residential dwellings. The Council's Environmental Health department have been consulted with regards to the proposal and have raised no concerns subject to compliance with DEFRA good practice guidance.

A development of this size will inevitably have implications in terms of environmental impact. Referring to the question of noise and smell, the applicant's appointed specialist agricultural and rural planning consultant indicates that buildings of the type proposed produce negligible smell nuisance and that it will comply with "Code of Good Practice for the Protection of Air 1998 and as amended". Twice a-week, manure will be collected from the building and taken off site for disposal on arable land as fertiliser. Having regard to the existing farm operations and the separation to the nearest dwellings (80 metres to the south and 250 metres to the north), it is viewed that the amenity impact over and above the existing farm operations will not be of a sufficient level to warrant refusal.

Drainage

The Council's Drainage Engineer has been consulted and has raised no objection subject to conditions. The site lies within flood zone 1; the lowest risk zone as defined by the Environment Agency.

Conclusion

The siting of the building within a natural depression in the landscape, relatively close to the existing farm complex, would keep its harm to the openness of the Green Belt to a minimum. Additionally, the proposed realigned highway access presents no safety issues and the proposed use of the development is not viewed as creating amenity issues over and above what might reasonably be expected for a working farm. It is therefore considered that the scale, design and siting of the building would be appropriate for its intended agricultural use and, on this basis; it is considered that the proposal would be an appropriate form of development in the Green Belt.

Taking the above points into consideration, it is recommended that planning permission is granted.

RECOMMENDATION: that permission be **GRANTED**.

1. C01
2. C03
3. HC8
4. HC13
5. C007

Notes

1. HN5
2. Disposal of litter and other substances are to be in accordance with DEFRA requirements.

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan 2004 (BDLP) and other material considerations as summarised below:

WCSP	CTC1, D38, D39
BDLP	DS2, DS13, C4, C30A, TR11
Others	SPG5, PPS1, PPG2, PPS7

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance; there are no justifiable reasons to refuse planning permission.

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Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. M. Astbury 'B'	Change of use from a residential dwelling (Class C3) to Residential Assessment Centre providing overnight accommodation (Class C2) - 8 Gibb Lane, Catshill, Bromsgrove	RES	10/0455-RL 13.07.2010

RECOMMENDATION: that permission be **REFUSED**.

Councillor R. D. Smith has requested that this application be considered by the Committee, rather than being determined under delegated powers.

Consultations

Catshill and North Marlbrook PC	Consulted 21.05.2010: Views awaited.
EHM	No objection 27.05.2010. No objection received from Commercial Regulations 28.05.2010.
Bromsgrove and Redditch Health Authority	Consulted 21.05.2010: views awaited.
WCC Children's Services	Consulted 21.05.2010: views awaited.
WMC	No objection.
WH	Views received 21.06.10: Objection - The absence of appropriate parking provision and no provision made to allow staff to access the site sustainably means that the site is unacceptable and that vehicles would be displaced onto the highway creating a road safety hazard. 12 parking spaces required.
Publicity	Site notice posted 28.05.2010 (expired 18.06.2010). 3 neighbour notification letters sent 21.05.2010 (expired 11.06.2010). 12 letters of objection received. Petition received containing 50 signatures received 11.06.2010 containing the following heading: 'Petition against the application to change the use of 8 Gibb Lane from residential use to commercial use as a Residential Assessment Centre. Reference 10/0455 Bromsgrove District Council planning application'. 2 letters received from Sajid Javid MP. Objections on the following principal grounds: <ul style="list-style-type: none">▪ A precedent would be set for more business uses to open on Gibb Lane which is currently a residential street▪ Whether the residents would be drug/alcohol dependant, victims of violence, etc., who may cause risk to local residents or children▪ What control would there be over the residents▪ Parking problems▪ Increased noise at shift changes▪ The house is not large enough

- The house would be unsuitable for the proposed use in terms of facilities; e.g. toilets
- Increased traffic would cause risk to the safety of children attending local schools
- Whether there would be visitors to the house
- Influx of residents from Birmingham
- Whether the change of use would be permanent or relinquished once 'Families First' left
- Increase in crime

The site and its surroundings

This application relates to a detached residential property on the south side of Gibb Lane, Catshill which is located within the 'Residential' allocation. The property has a substantial rear garden and tarmac forecourt at the front. The property is currently being leased by the applicant on a short term basis.

Proposal

The applicant is proposing to change the use of the existing residential dwelling house to a Residential Assessment Centre providing overnight accommodation.

The residents would be referred to the centre via Social Services or the family courts that have recognised that they are vulnerable families in need of guidance with regard to their parenting skills. The maximum number of families who would reside at the centre at any one time would be 3 and this is likely to be a young single parent with a baby or toddler. Each family would have their own bedroom and meals would be eaten in the communal kitchen prepared by the residents on a rota basis.

Upon admission to the centre, an assessment would be carried out of the parent/s and child in accordance with the Department of Health guideline of assessment framework by a registered social worker. This is aimed to assess the parenting capacity of a person who needs to improve their parenting skills and incorporates such things as bonding and attachments, routines and boundary setting, healthy eating, managing toddlers behaviours and life choices that are conducive to healthy child rearing, etc.

Families First Ltd would offer a residential assessment service to support families to remain together safely. One full, comprehensive assessment that would give a clear, professional outcome of 'Good enough Parenting' and whether a parent can provide it.

The centre would aim to offer:

- A free pre-study of each family presented, considering the past and present situation, the needs of the child, the needs of the parent/s, any necessary risk assessment, management of risk and a conclusion of whether a family would be viable to succeed in our centre.
- A ten week comprehensive residential assessment working to the framework of assessment, individual circumstances and Every Child Matters legislation, this to conclude detailed, evidence based analytical report recommending whether a child/ren should return into the community with their parent/s.

- A four week continued support package whereby the family's social worker/key worker from Families First visits them in the community on a daily basis. (This in recognition of the ever increasing demands on area social workers and how they do not have the resources to visit regularly). This is to ensure the continuity of a parent's ability and commitment and to support the family in maintaining safe care for their child/ren once placed back into their own community.

Families First aim to offer a friendly and welcoming environment to the families who come to stay. There is a staff group of social workers, social work assistants/support workers, night waking officers and domestic staff, this alongside, community health visitors, g.p. services, nursery nurse, parent and toddler play and stay groups and family centre services, all of who are committed to working alongside families to enable them every opportunity to remain together.

Other services included within the parenting package are:

- Regular workshops to enable families to work together and gain insight into what constitutes abuse and neglect and how it impacts on the wellbeing of children.
- Anger management
- Family mediation
- Budgeting and financial organisation
- Debt counselling
- Crisis counselling
- Safe and supervised contact sessions between the children in residence and wider family members.
- Specialist Health services can be accessed if necessary.

The families who stay would be greeted by the staff group, introduced to their own individual key workers and provided with a starter pack of essentials to meet their immediate families' needs. They would be guided through their own individual care plan/written agreement and the expectations required of them whilst residing in the centre.

Families First will strive to give vulnerable families the chance to remain together, to grow and learn in a 24 hour supervised environment, completing a 10 week parenting assessment that will be tailored to their own specific needs and circumstances, this, enabling them every chance to offer 'Good Enough' parenting to their child/ren.

However the parents would have to abide by the rules of the centre and a curfew would be in force. If the rules are not abided by then a parent may need to be ruled out as a long term safe and positive caregiver to their child, this enabling that child to move to another environment, forming healthy attachments to an alternative caregiver in a timeframe that will allow the child to have a safe and healthy childhood, being loved and valued until adulthood. Centres such as these are therefore seen as a final chance for parents to prove they can take care of their child/ren before they are allowed to return home and therefore it is highly unlikely that any caring parent would want to jeopardise this opportunity by breaking the rules or cause nuisance to other residents in the home or their neighbours.

A risk assessment would be in place which would be carried out on each referral prior to arrival at the centre. Information would be given by Children's Services but further

information may be required by the manager in order to collate the risk assessment which would ascertain the likelihood of success by the nominated family.

An example of what would be included in the risk assessment has been submitted by the applicant and would include:

- A full background/chronology of the family composition/situation and any previous concerns raised by Children's Services.
- The consideration of any parent/child having had experience of the care system or subject of child protection planning and the impact this has had on an individual's perspective of authority.
- Has the parent/child/close family member perpetrated significant harm or experienced significant harm via abuse or persistent neglect and what the outcome following any investigation. Any person considered to be a significant risk to children would not be considered viable.
- Any separation or loss issues and how they will impact on parenting capacity.
- Any attachment issues and how they would impact on parenting capacity.
- Any history of domestic violence (either the witnessing of it or direct involvement). Any person considered to be of violent nature or with serious offences of violence against them would not be considered viable.
- Present alcohol misuse would not be considered.
- Present illicit drug misuse would not be considered.
- Any mental health considerations would be explored further and medical advice would be sought.
- Any learning difficulties would be considered and psychological testing would be requested if necessary.
- Anything further that an individual family's situation may highlight would be considered under the 'working together to safeguard children' legislation (1999) using the risk assessment tool.

An analysis would then be completed by the registered manager to conclude the viability of the family for an assessment within the Families First organisation.

Relevant Policies

WCSP	CTC.1, D.5, SD.5, T.1
BDLP	DS13, TR1, TR11, S19
Others	PPS1

Relevant Planning History

None

Notes

Policy DS13 is a general policy relating to sustainable development. Amongst other things it sets out a requirement for all development to reflect the need to safeguard and improve the quality of life of residents by ensuring social progress which recognises the needs of everyone and by protecting the area's character and environmental assets, including the character of settlements.

I note that the majority of objections raise concern that the introduction of a commercial development will be harmful to the nature and character of the residential area. I note that the use will be predominantly residential and follows Government community care policy. PPS3 actively encourages mixed communities that have a variety of housing, particularly in terms of tenure, price and a mix of different households such as families with children, single person households, older and disabled people. The residential neighbourhood will still have a solid base in single-family occupation and I am therefore content that the introduction of an alternative residential use will not have any significant impact upon the character of the area.

I also note the views arising from the publicity process whereby local residents are concerned that the introduction of a different use would set a precedent in the street for more business uses to open. Should a further application for a business use be submitted in the locality, this would be assessed on its own merits based on the usual criteria as with any application for a change of use.

I do not consider that the proposed use of the property for the assessment centre will create any significant noise or disturbance compared to a large family occupying the property. The dwelling is detached and the EHM has raised no objection on noise grounds.

Members will note the views from the publicity process relating to the fear of crime and anti-social behaviour. It has been established in the court of appeal (West Midlands Probation Committee -v- SoSE and Walsall MBC (1998)) that fear of crime is a material planning consideration. However, a more recent case (Smith v FSS and Mid Bedfordshire DC (2005)) has made it clear that, if the fear of crime is to be a material consideration, there will be a need to be some reasonable evidential basis for that fear. Section 17 of the Crime and Disorder Act 1998 states that a LPA has a duty 'to exercise its various functions with due regard to the likely affect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area'. Whilst I acknowledge the fears of the local residents with regard to this matter, they are unsupported by clear evidence and Members should also be aware that the West Mercia Constabulary Crime Risk Manager has raised no objections to the proposal.

I am mindful of the government's aim to create safe and accessible environments where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion (paragraph 36 of *Planning Policy Statement 1: Delivering Sustainable Development*). Sites for such schemes have to be found. I acknowledge that the third parties' fear of crime is very real but I am not aware of any reasonable evidential basis for that fear. In my view this issue cannot therefore be a material consideration, or a legitimate basis on which to refuse planning permission.

Given the use of the premises and its operation, I am reasonably satisfied the development would not affect the existing amenities of the adjoining occupiers. As such I consider the use would be predominantly of a residential character and therefore would not be demonstrably incompatible with the character and function of the locality.

Fall-back position

It needs to be assessed as to whether the proposed use would be similar to that which could be developed without the requirement for planning permission. In this case there would be more than six residents living together at any one time and in my opinion, they would not be living together as a family despite the fact that within the information provided, meals would be eaten together. The fact there could be up to 3 separate families residing in the house along with social workers, carers and a manager results in the premises falling into class C2 (residential institutions) rather than Class C3 (dwellings houses) (this relating to a dwelling occupied by a person or family, or by no more than six residents living together, including a household where care is provided). On this basis I am of the view that a fall-back position relying on Class C3 does not exist in this case.

Highway issues

Members will note the views of third parties relating to parking and traffic issues. It should be noted that Worcestershire Highways has raised an objection to the scheme due to a lack of space for parking and turning area within the application site. The applicant has stated that there would be 4 parking spaces provided but the Highways Officer has stated that there should be 12 spaces provided for such a development. This would include spaces for staff, residents and their visitors. I note the views of the applicant stating that the residents in this type of establishment would not be expected to have cars or visitors, that there would be a maximum of 3 staff in the day and 2 at night with the addition of one of management personnel when required. However, I raise concern that there is no certainty that residents would not have their own vehicle or visitors. Given the technical objection to the scheme arising from WH, I am of the view that the development would be unacceptable in highway terms and would lead to the displacement of vehicles onto the public highway.

Conclusions

Members will note that the residents of the new use would be strictly controlled in terms of management and supervision. The applicants have also submitted a risk assessment document which would have to be completed prior to the submission of a new resident which clearly states that there would be control over the residents admitted to the centre and control over them while they reside there via a curfew and stringent management tools. This should provide the residents with the relevant responsibility to complete the 10 week assessment and be able to return home with their child/children.

Policy S19 of the BDLP is also relevant to this application in terms of assessing whether the proposed use would be suitable in a residential area. This policy takes into consideration any adverse affect that a proposed use may have on the local residents with regard to such elements as noise, smell, safety, traffic and health. Given the lack of off-street parking provision and the lack of sufficient information to demonstrate that highway safety would not be compromised, I am of the view that the scheme is contrary to this Policy, together with Policy TR11 of the BDLP.

On this basis I consider the scheme to be unacceptable.

RECOMMENDATION: that permission be **REFUSED**

Insufficient parking provision has been provided for the volume of expected vehicles for such a development to be parked off street and clear of the public highway, thereby creating a road safety hazard contrary to policy TR11, policy S19 and policy DS13 of the Bromsgrove District Local Plan and the provisions of PPS1.

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Agenda Item 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. P. Ndoro 'B'	Use of the building for car valeting - Rear of 186 to 210 New Road, Rubery	Shopping Area Residential Area	10/0496-MT 09.08.2010

Councillor P. M. McDonald has requested that this application be considered by the Committee, rather than being determined under delegated powers.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application upon the expiry of the publicity period on 27.08.2010.

MINDED to APPROVE.

Consultations

WH	Comments received 21.06.2010: No objection.
Drainage Engineer	Verbal comments received 23.07.2010: no objections.
PROW	Comments received 08.07.2010: No objections.
Ramblers	Consulted on 28.07.2010: No comments received to date.
EHM	Comments received 07.07.2010: Operating times need to be confirmed in order to prevent undue disturbance to residential properties in the area. Noise levels expected from the power washers to be used in the hand wash area, should be stipulated and calculations provided to demonstrate the noise levels at the nearest noise sensitive properties. Measures to reduce spray drift produced by the power washers must also be put into place to prevent the spread of cleaning spray onto neighbouring land.
Publicity	Neighbour notification letters posted 18.06.2010; expire 09.07.2010 (4 letters sent). Site Notice posted 09.07.2010 expires 30.07.2010; additional site notice (Footpath Setting) posted 29.07.2010, expires 19.08.2010. Press Notice published 05.08.2010, expires 26.08.2010.

The site and its surroundings

The application site relates to a small single storey warehouse unit to the rear of the shops and services occupying 186 to 201 New Road. The unit shares the building known as the Nexus Centre with a hair salon.

The building on the site is located within Rubery's designated Shopping Area but the Parking/Waiting Area shown on the submitted Site Plan is within a Residential Area. These designations are representative of the land uses surrounding the site with the residential properties along Graham Crescent located to the south, and the shops and services along New Road to the north. There are also residential units located to the north of the site above the shops and services occupying 186 - 210 New Road.

Proposal

This application proposes to regularise the use of the premises for car valeting. It is understood that the building was last used for light industrial and warehousing purposes. Such uses would fall within Classes B1 and B8 of Town and Country Planning Use Classes Order 1987 (as amended). Car valeting would also fall within Class B1 of the Order thus no material change of use would have occurred. However, notwithstanding the description of the proposal on the application form, it is apparent that the site is actually used as a car wash; a sui generis use. The proposal has therefore involved a material change of use.

Relevant Policies

WCSP CTC.1, D.38, D.39, D.16
BDLP DS2, DS13, C27, S19
Others PPS1, PPG2, SPG1, SPG4

Relevant Planning History

B/1999/0436 Conversion of barn into dwelling - Granted 16.08.1999

Notes

As noted earlier, the site straddles the boundary between a Residential Area and Rubery's designated Shopping Area. The proposed use is not related to either of these designations thus it is important to consider the principle of the development in this location.

Despite the site's Shopping Area designation the premises was not originally constructed for retail purposes and was last used for warehousing/light industry. I am not therefore of the view that the proposal would dilute or compromise the retail offer of Rubery's Shopping Area.

Only a small part of the site is located within a designated Residential Area but nonetheless there are a number of residential properties located nearby. Policy S19 of the BDLP provides that, where residential uses predominate, the District Council will not allow employment or other land uses which would adversely affect residential amenity whether through noise, smell, traffic or health reasons. It is therefore important to consider the impact of the proposed development on the nearby residential properties.

I note the comments of the EHM in relation to noise and spray drift from the power washers used to clean vehicles and I am mindful of the potential impact these externalities could have on the amenity of the nearby occupiers.

With regard to noise, the EHM has advised that information should be provided on the noise levels resulting from the development. However, considering the circumstances of the case I do not find it necessary or reasonable to request such information. Firstly, the washing and drying areas are both contained within the building and I am of the view that this would attenuate the noise from the washers and any other cleaning equipment. To

secure this I would recommend that a condition is placed on any planning permission granted to restrict the washing and drying operations to within the building.

Secondly, it is noted that the building was last used for light industrial and warehousing purposes. Not only would this suggest that noise from machinery is not unprecedented in the area, it provides a fallback position that could have more adverse implications for residential amenity than the proposal. It is considered that the proposal could be used for any purposes within classes B1 (offices, research and development, light industry) and B8 (storage and distribution) of the Town and Country Planning Use Classes Order 1987 (as amended) without the need for planning permission. Such uses could involve noise from tools, forklift trucks and heavy goods vehicles and it is considered that this would be far more damaging to residential amenity than the current use.

Thirdly, the applicant has confirmed that the business is open between the hours of 9 and 5 on Monday to Saturday. I consider these hours to represent normal working hours during which most people would be at work and noise from activity would not cause disturbances. I recommend that a condition is placed on any planning permission granted to restrict the hours of operation to within these times.

With regard to the EHM's comments in relation to spray drift, I am of the view that this would be contained within the building and should not therefore be a nuisance to the nearby residential properties. Furthermore, there is a fence and tree planting between the premises and the residential properties to the south of the site and I am of the view that this would prevent any spray drift onto these properties.

The submitted application form indicates that the business employs 2 people on a full time basis and one person part time. The government's planning policy advice for Economic Development set out in PPS4 applies to any development that provides employment opportunities, generates wealth or produces or generates an economic output or product. The policies within PPS4 are therefore a material consideration in the determination of this application.

PPS4 requires local planning authorities to adopt a positive and constructive approach towards planning applications for economic development. Policy EC10 of PPS4 provides that planning applications that secure sustainable economic growth should be treated favourably. All planning applications for economic development should be assessed against the following impact considerations:

- a. whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- b. the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
- c. whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
- d. the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives;

e. the impact on local employment.

With regard to the first criteria of this policy, it is understood that power washers and other cleaning machinery is used at the site. This would clearly use electricity from the national grid but I am of the view that the carbon footprint of the proposal would be relatively low. It would therefore be unreasonable to require the proposal to incorporate and utilise renewable energy measures. Having regard to the comments of the Drainage Engineer it is considered that sufficient drainage provisions can be made and I am not of the view that the proposal would result in any surface water flooding issues.

With regard to the second criteria, due to the very nature of the proposal it is not necessary for customers to be able to access the site by any other means of transport than the private car. It is noted that the site is located close to the bus stops along New Road and it is considered that staff could access the site by public transport.

Criterion c does not apply to the proposal as it involves the change of use of an existing building with no external alterations. I consider the proposal to comply with criteria d and e as it would bring a vacant property back into use and create new employment in the District.

Taking the above matters into consideration I am of the view that as far as practically and reasonably possible the proposal would accord with this policy.

Members will note the absence of an objection to the scheme from the Highways Authority and I would not therefore have any concerns over access and egress.

Conclusion

The proposal would not dilute or compromise the retail function of Rubery's Shopping Area and I consider it to be appropriate to the site and its surroundings. I am not of the view that the proposed use would have an unacceptable impact on the amenity of the surrounding residential properties and it is not considered to be detrimental to highway safety. I would not have any concerns in relation to PPS4 and it is considered that the proposal would be beneficial to the local economy. Taking the above matters into consideration it is considered that the proposal would accord with the relevant policies of the adopted Development Plan and National planning policy guidance thus I recommend that planning permission is approved.

Members will note that the publicity period for this application does not expire until after the meeting of the Planning Committee on 27.08.10. It is therefore requested that Delegated Powers are granted to the Head of Planning and Regeneration to determine the application upon the expiry of this period.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the application upon the expiry of the publicity period on 27.08.10

MINDED to APPROVE.

Agenda Item 10

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. P. Johnson 'B'	Erection of building for archery training - Green Wythall House and Park, 52 Silver Street, Belt Wythall, B47 6LZ		10/0501-DK 10.08.2010

RECOMMENDATION: that permission be **REFUSED**.

Councillor S. R. Peters has requested that this application be considered by the Committee, rather than being determined under delegated powers.

Consultations

Wythall PC	Consulted: 23.06.2010. Response received: 08.07.2010. Objection - as previous comments. The Parish Council notes the reasons for the recent refusal of the previous application and can not see how this current application is any better or how it can now be allowed. None of the new proposed sites offer a better alternative. The Parish Council would prefer to see the buildings more collectively placed than out in the open and therefore options 1 or 2 would be more appropriate.
WCC (HP)	Consulted 23.06.2010. Response received 24.06.2010. No objection.
EHO (Commercial)	Consulted: 23.06.2010. Response received: 23.06.2010 as follows: This section has no objections in principle to the above application. The premises and business will be required to comply with Health and Safety legislation which is enforced by this Council. The premises will be subject to routine inspection to assess compliance. I would recommend that advice be sought on detailed compliance with this legislation from the Commercial Team at Bromsgrove District Council (telephone number 01527 881434) at the earliest opportunity.
EHO (Noise)	Consulted 23.06.2010. Response received 28.06.2010. No objection.
ENG	Consulted 23.06.2010. Response received 20.07.2010 as follows: No objection. It is assumed that the building in question is an open lean to that simply requires surface water disposal to a holding soakaway which due to the clay nature of the sub soil overflows to adjacent ditch course. This offers attenuated discharge.
Tree Officer	Consulted: 23.06.2010. Response received: 22.07.2010. The proposed development requires the removal of four existing trees - a Scots Pine (T2), 2 x Douglas Fir (T3 & T4) and a Sycamore (T6). Although these trees are of relatively poor condition and limited visibility, their removal and the failure to provide any satisfactory replacement tree planting is contrary to policy C17 and C18 of the BDLP. The footprint of the proposed building falls within the Root Protection Areas (RPA) of a number of surrounding trees. A method statement detailing how the building will be constructed within the RPA of the mature Hornbeam (T1) has been submitted. However, this method statement is insufficient in a number of areas:

- (a) it fails to take regard of the other trees being retained on the site; and
- (b) the methods proposed will cause the very damage to the root system which the method statement should seek to prevent. In particular, the method statement proposes a 175mm hand tool 'scrape' where the development footprint encroaches upon the RPA. As the majority of the fine feeder roots of trees are located within the top 300mm of the ground, such a scrape (whether hand-dug or otherwise) will cause loss and damage of these roots. Such a method is not acceptable to prevent root damage and not in accordance with British Standard 5837:2005 or the Buildings near Trees document referred to in the Design and Access Statement;
- (c) the hand dug 'trial pits' will result in unnecessary root damage and exposure;
- (d) no measures have been included to prevent ground compaction during the building works;
- (e) plan RA/Option 2 Plan shows the installation of a drainage run on the north side of the building. This route will pass through the RPA's and thus risk damage to several trees and has not been mentioned or addressed;
- (f) the plotted RPA's as shown on Drawing RA/06 are inaccurate as they fail to take account of the presence of existing buildings.

Overall, I consider that the submitted method statement is not sufficient to adequately prevent damage and loss of the trees shown retained around the proposed building and so the proposal as it currently stands is further contrary to policies C17 and C18 of the BDLP. Consequently I recommend that the application is **refused** in it's current form.

Given the nature of the site and the method of sheathed small bore pile foundations proposed, I do consider that the proposed development may be possible using 'no-dig' construction methods within the RPA of the trees. This will need to be demonstrated by the provision of a Method Statement and amended plans which address the above deficiencies and the precise form of construction as detailed in 'Buildings near Trees' to be employed. Notwithstanding my recommendation above, in the event that permission is granted, the following conditions should be attached:

Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, protective fencing shall be erected around the Root Protection Areas of the trees shown retained on and adjacent to the application site subject to the on-site approval of the Local Planning Authority. This fencing shall be constructed as illustrated by Figure 2, and at positions in accordance with Section 5.2.2 of British Standard BS5837:2005 and shall be maintained as approved by the Local Planning Authority until all development, subject of this permission, has been completed.

Prior to the commencement of any works on site, including any site clearance, demolition, excavations or import of machinery or materials, an

Arboricultural Method Statement or similar detailed schedule of works shall be submitted to and approved by the Local Planning Authority. This will describe how any works proposed or required within the Root Protection Area of any trees on or adjacent to the application site shall be carried out without causing damage to the trees.

Publicity Site Notice posted 02.07.2010, expires 23.07.2010.
2 Letters sent 07.07.2010, expired 28.07.2010.
No responses to date.

The site and its surroundings

The application site comprises a completely overgrown and neglected site to the east of Wythall House. There are a number of stores and a pavilion building to the south of the application site. The rear curtilage of Pinewood Cottage is immediately to the north. There is a disused garage and a number of attractive mature trees on the site.

Proposal

The proposal is for the erection of a building for the purposes of archery training.

Relevant Planning History

- B10857 Improvements to facilities to include crown bowling green, two hard tennis courts, pitch and putt course, car park extension, two site huts, notice board, landscaped area and car park lights Granted 23.06.1983.
- B/2001/1227 New scenery/prop store for Wythall Theatre Company: Granted 17.12.2001.
- B/2008/0653 Installation of Risky Play equipment on mounded area of Wythall Park. Granted 18.08.2008.
- B/2008/0645 Installation of one multi user games arena and teen shelter. Granted 13.08.2008.
- B/2008/0924 Redevelopment of existing 1st Tidbury Green (Wythall) Scout group headquarters including single storey extensions to the side and rear of the existing premises. Refused 18.12.2008.
- B/2009/0232 Redevelopment of existing 1st Tidbury Green (Wythall) Scout group headquarters including single storey extensions to the side and rear of the existing premises. Granted 18.05.2009.
- B/2009/0477 Erection of building for indoor recreation purposes. Refused: 14.08.2009.

Relevant Policies

- WCSP D.38, D.39, RST.1
BDLP DS2, DS13, RAT2, C17, WT5
Others PPS1, PPG2, PPG17

Notes

This is a resubmission of an application B/2009/0477 for the erection of a building for indoor recreation purposes. Members should note that the building which is the subject of this application is located in the same position as the previous application. It is proposed to be sited on an east west axis enclosed by substantial vegetation, behind the bowling club pavilion and to the north of the stores used by the Theatre Society. The current building proposal is the same in terms of scale as that previously applied for. However, the use is limited in this application to archery training where the previous application was for a variety of recreational uses including dog training. The applicant has presented options (1-5) as possible positions for the proposed building and settled on option 1 which falls within the red line and is the subject of this application. In the current application, a Tree Survey and Arborocultural Method Statement has also been provided.

Assessment

The key issues in the determination of this application are:

- (i) whether the proposal amounts to inappropriate development in the Green Belt and, if so whether there are any very special circumstances which outweigh the presumption against inappropriate development
- (ii) The effect of the proposal on the character and appearance of the site
- (iii) The effect of the proposal on trees within and around the application site

(i) Green Belt

The site is located in the Green Belt and I consider that the following policies are most relevant: D38 and D39 of the WCSP, DS2, RAT2 and WT5 of the BDLP. The policies of the West Midlands Regional Spatial Strategy are no longer relevant in the determination of the application.

Policies DS2 and D39 seek to control development within Green Belts. The proposal is for the erection of a recreation facility and can be determined against the criteria set in Policy DS2 (b) and RAT2. RAT2 states that the proposal must not include new building other than that genuinely required for essential facilities and this must relate to the primary recreation use on the site. Encouragement will be given to locating facilities in existing buildings. Public transport and car parking need to be adequate for the proposal. Members should note the clear reference within policy RAT2 for *outdoor* sport and outdoor recreation.

In terms of the current proposal, it will be carried out in the rear curtilage of what was once 50 Silver Street. The former garden is now overgrown with a derelict garage present. The proposed building will be will have an exterior finish of plastisol coated insulated profile steel cladding. The building has a ridge height of 4.2 metres and will have a floor area of 153.3m². The derelict garage has a floor area of 30m² so the proposed increase in floor area is 123.5m². In terms of the use of the proposal, it will be used for archery training.

In the context of PPG2 and the above policies of the development plan, the proposal amounts to inappropriate development in the Green Belt and very special circumstances

must be provided to justify it. I am mindful of the advice contained in paragraphs 26 to 32 of PPG17 that development in the Green Belt should be the minimum necessary and non-essential facilities (eg additional function rooms or indoor leisure) should be treated as inappropriate development.

The applicant has presented a case for very special circumstances which is summarised as follows:

- There is a need for an indoor facility to extend the period when play is possible in the winter and at times of adverse weather. This will enhance the skills of the club and engage the interest of more young people.
- Paragraph 1.6 of PPG2 states that the function of Green Belts is to provide opportunities for outdoor sports and recreation and the proposal does not conflict with any of the five purposes for including land within Green Belt. It accords with PPG17 and WYT5.
- The possible examples of essential facilities within PPG2 should be widened to include archery and the proposed shelter is essential.
- Extensive attempts have been made to access the existing indoor facilities at Wythall Park and elsewhere such as Woodrush School Leisure Hall. There are constraints here in terms of availability and space.
- The building will not intrude in the chosen position, screened by existing trees and vegetation. It is also accessible to the outdoor range.
- Archery has special requirements as they can be lethal weapons.
- The building can be used as a community facility.

The applicants have presented a form of sequential test to examine other potential locations in the park for the proposal. Three of these options are located on the tennis court or archery field to the east of the site of the proposal. These are ruled out for a variety of technical and visual reasons. It is noted that one of the options would have resulted in a building with a direct relationship between the archery field and the building with both being used in tandem.

Members should note the designation of the land in question at Wythall Park for the provision of recreation facilities. However these must be compatible with Green Belt policy. The application is improved by the absence of the dog training proposal which confused the previous application. The applicants have made reasonable efforts to look at alternative facilities and locations in the park and it is material that the building is clearly related to an outdoor sport. Whether it is an essential facility for the outdoor is more questionable particularly since the archery can take place internally on an independent basis. The proposal is otherwise identical in scale to B/2009/0477 and amounts to inappropriate development.

(ii) Character and Appearance

Members should note the proposed design and appearance of the proposal which will consist of a rectangular block with profiled metal sheeting. The previous application had an incongruent appearance which was detrimental to the character of the area. The profiled sheeting material is an improvement over this and the level of screening is noted.

(iii) Trees

The proposed development will result in the removal of a number of trees which are of amenity value to the site. In particular, one mature and one semi mature Douglas Fir (*Psuedotsuga menziesii*) would have to be removed as well as a Scot's pine. The root protection zone of a mature hornbeam (*Carpinus* sp.) and a semi mature hornbeam would be affected by the proposal. I am concerned by the loss of the Douglas Firs as they are visible from the wider area. However, Members should note the comments of the Tree Officer to the effect that replacement trees may be acceptable. Whilst the Method Statement outlined above is not adequate, an enhanced version including 'no dig' construction methods in the Root Protection Areas of the affected trees may be acceptable.

Summary

The proposal amounts to inappropriate development in the Green Belt. The applicant's have attempted to address the issues raised in the previous refusal and these points are noted above. Despite the fact that the building would be solely for archery, it has the same scale and position as the previously refused application. The issue of Green Belt harm has not been resolved. However, there are no substantive objections to the scheme in other respects in particular overall character and trees.

RECOMMENDATION that planning permission be **REFUSED** for the following reason:

1. The proposal for an indoor training facility is inappropriate development in the Green Belt and no very special circumstances have been put forward to justify it. Therefore, the proposal conflicts with policies D38 and D39 of the Worcestershire County Structure Plan, policies DS2 and RAT2 of the Bromsgrove District Local Plan and the advice of PPG2 and PPG17.

Agenda Item 11

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. R. Phipps 'A'	Re-siting of plots 6-18 inc. and the removal of the communal refuse storage area. (Previously granted Planning Permission for the erection of 23 houses under Reference 03/1034) - Former Regal Garage Site, Worcester Road, Bromsgrove, B61 7BA	RES	10/0517-SG 06.09.2010

RECOMMENDATION: that, subject to the satisfactory views of the Tree Officer and the Environment Agency, permission be **GRANTED**.

Consultations

WH	Consulted - view received 21.06.2010. No objection.
EA	Consulted - no comments received to date (expires 04.08.2010).
ENG	Consulted - view received 30.02.2010. No objection subject to conditions.
Environmental Health Policy	Consulted - view received 06.07.2010. No objection subject to conditions.
Open Space	Consulted - view received 29.06.2010. No objection.
Trees and Landscape	Consulted - No comments.
WMC	Consulted - Verbal comments received 19.07.2010. A more detailed plan is required to show the re-siting of plot 11-18 in relation to the existing trees on the north-west boundary.
Publicity	Consulted - view received 20.07.2010. No objection. 7 letters sent 21.06.2010 and 2 sent 24.06.2010 (expired 12.07.2010 and 15.07.2010). 1 site notice posted 07.07.2010 (expired 28.07.2010). 1 press notice published 07.07.2010. No objections received.

The site and its surroundings

This application relates to plots 6 - 18 on the former Regal Garage site, located on the north-west side of Worcester Road, Bromsgrove. The site has planning permission for the erection of 23 houses under reference B/2003/1034. The site is currently under construction and the houses fronting the Worcester Road (plots 1 - 4, 21 and 22) are nearing completion.

Proposal

This application relates to plots 6 - 18 located along the north and west boundaries of the site. The application seeks to reposition the arrangement and layout of plots 6 - 18 so that each house has its own rear access. This would remove the need for the communal refuse storage area, as previously approved under B/2003/1034.

Relevant Policies

WCSP	SD.2, SD.3, SD.4, CTC.5, CTC8, CTC9, D.5, T.1
BDLP	DS3, DS13, S3, S7, S15, TR11, ES1, ES2, ES4, ES6, ES7
Others	PPS1, PPS3, SPG1

Relevant Planning History

B/2003/1034	Erection of 23 houses (as amended by application forms received 20.02.2004 and plans received 12.11.2003 and 17.03.2004). Approved 12.01.2007.
B/2007/1237	Variation of planning condition 17 (timing of play area). Approved 11.02.2008.
B/2009/0887	House type substitution of Plot 23 of previously approved development ref B/2003/1034. Approved 18.01.2010.
B/2010/0325	Non material amendment for insertion of obscure glazed windows on first floor to plot 5, 10, 11 and 20. Approved 10.05.2010.

Notes

The main issues with this application are whether the plot positions are appropriate in terms of design and layout.

The existing scheme comprises a terrace block of 10 no. dwellings of 2 and 3 storeys in height, on the north-west section of the site. These properties, comprising plots 11 - 20, have a communal refuse area located in the centre of the site. The existing layout does not provide a dedicated rear access for plots 12 - 15 inc. Therefore there is no means of accessing the rear garden without passing through the property. The approved scheme also contains a terrace block of 6no. dwellings of 2 and 3 storeys in height, on the south-west part of the site. These properties comprise of plots 5 - 10 inc.

The proposed scheme proposes to separate the terrace block of 10 dwellings into 3 separate buildings. The buildings will have a separation distance of 1 metre to facilitate the provision of a rear access for each house. Separation of the block will result in the re-siting of plots 11 - 18, and in effect will shift the location of the plots a further three metres south west. The staggered form of the buildings will be retained as per the 2003 approval.

The application proposes to retain the plot sizes for plots 11 -18 as approved under planning application B/2003/1034, with the only change being to plots 13 and 15. In order to create a rear passageway for each house, the garden length to plots 13 and 15 have been shortened by 1m each. The private amenity space to plot 13 would be less than the 10.5 metres in length as recommended in Supplementary Planning Guidance Note 1 (SPG1). However, I consider the benefit of having a dedicated rear access outweighs the small loss of amenity space in this instance. I note that the resultant amenity space to plot 15 would accord with the advice provided in SPG1.

Paragraph 8.5 of SPG1 states that 'as a general guide new development with main windows overlooking existing private spaces should be set back by a distance of 5

metres per storey from the site boundary where it adjoins a private garden space'. The rear garden boundary to plots 16 (part) to 18 would run along the side boundary of the garden to No. 17 Shrubbery Road. I note that the 5 metres per storey can be achieved for the 2 storey unit on plot 18. Whilst plots 16 and 17 propose three storey units, I note that 12.5 metres can be achieved at its shallowest point, and this I consider is acceptable. Plots 11 to 16 (part) adjoin the existing garage court, which lies to the rear of Dovecote Road, and as such they do not adjoin private amenity space. I note that plots 11, 12 and 13 are two storey and that these meet the recommended distances where properties overlook private amenity spaces. Plots 14, 15 and 16 (part) are 3 storey house types and whilst the garden length would be less than 15 metres, the fact that it overlooks a garage court leads me to the conclusion that no undue loss of residential amenity would ensue.

The proposal will substitute the approved house type at plot 17 from F1 (2 storey) to house type N (3 storey), whilst plot 13 will substitute house type N (3 storey) for house type F1 (2 storey). The application therefore retains the proposed number of dwellings and equivalent mix of housing. I consider the swap in house types to be appropriate as it will allow the three buildings to be separated according to house type, and will retain symmetry in the street scene.

Plots 6 to 10 have been repositioned closer to the south west boundary where they adjoin the garden to No. 10 Highfields Road. I note that the 3 storey houses can achieve a minimum distance of 13 metres at the shallowest point and in this instance I consider it acceptable.

Trees

I acknowledge the comments of the Tree Officer in relation to the trees to the rear of plots 11 - 18. In response to these comments I have requested a more detailed drawing from the agent to show the location of the plots in relation to the existing trees. The views of the Tree Officer on this issue are currently awaited. I will update Members on this matter at the meeting of the Committee.

Contaminated land

The site was previously used as a petrol station and on the grounds of possible contamination; the Environment Agency (EA) has been re-consulted as per the original B/2003/1034 application. No comments have been received to date and I will update Members on this matter at the meeting of the Committee.

Conclusion

I am of the opinion that the re-positioning of the plots is beneficial to the overall design of the scheme as it provides each house with an individual rear access and removes the need for a communal refuse area. Whilst the shortfall is a smaller area of amenity space for some plots, I consider the design benefits outweigh any harm and therefore recommend approval of the application on this basis.

RECOMMENDATION: that permission be **GRANTED**.

1. C001
2. C003
3. The disposal of storm water shall be by means approved by the LPA. The approved system shall be operational before building works commence. There is no public surface water sewer available and no surface water will be allowed to discharge to the foul water sewer.
4. The disposal of foul sewage shall be by means submitted to and approved in writing by the Local Planning Authority.
5. Prior to the commencement of the development hereby permitted, details of all new surfacing shall be submitted to and approved by the Local Planning Authority. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (as amended), no new surfacing other than that approved by the Local Planning Authority shall be provided on the application site.
6. Prior to the commencement of the development hereby permitted, details of all boundary treatments shall be submitted to and approved by the Local Planning Authority. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995, no new boundary treatments other than that approved by the Local Planning Authority shall be provided on the application site.
7. The development of the site shall be carried in accordance with the approved Method Statement (of condition 18 from permission B/2003/1034)
8. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.
9. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reasons

2. To protect the privacy of adjoining occupiers in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.
3. In order to secure the satisfactory drainage conditions in accordance with policy S7/ES3/ES4; of the Bromsgrove District Local Plan 2004.
4. In order to secure the satisfactory drainage conditions in accordance with policy S7/ES3/ES4; of the Bromsgrove District Local Plan 2004.
5. In order to protect the amenities of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.
6. In order to protect the amenities of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.
7. To ensure that risks from land contamination to the future of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

- receptors [in accordance with policy ES7 of the adopted Local Plan (January 2004)]
8. To ensure that risks from land contamination to the future of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ES7 of the adopted Local Plan (January 2004)]
 9. To ensure that risks from land contamination to the future of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ES7 of the adopted Local Plan (January 2004)]

Notes

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan (BDLP) January 2004 and other material considerations as summarised below:

WCSP	SD.2, SD.3, SD.4, CTC.5, CTC8, CTC9, D.5, T.1
BDLP	DS3, DS13, S3, S7, S15, TR11, ES1, ES2, ES4, ES6, ES7
Others	PPS1, PPS3, SPG1

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.

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Agenda Item 12

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. and Mrs. Groves 'A'	Proposed change of use from ancillary residential use to dwelling - 2 Little Dodford Barns, Priory Road, Dodford, Bromsgrove	Green Belt	10/0573 16.08.2010

Councillor B. Lewis has requested that this application be considered by the Committee, rather than being determined under delegated powers.

RECOMMENDATION: that permission be **GRANTED**

Consultations

WH	Comments received 28.06.2010: No objection
Dodford with Grafton PC	Consulted 28.06.2010: No comments received to date
Drainage Engineer	Comments received 02.06.2010: no objections
Publicity	Neighbour notification letters posted 28.06.2010; expire 19.07.2010 (1 letter sent); 2 additional letters sent 07.07.2010 expires 28.07.2010
	Site Notice posted 09.07.2010 expires 30.07.2010
	1 objection received: reference is made to appeal decision ref. APP/P1805/A/03/1109927 which allowed a replacement building on the site for use for ancillary garaging and domestic storage in connection with the existing dwelling on the site. One of the conditions of that permission states that the permitted building shall not be occupied at any time other than for the purposes listed above. It is pointed out that the proposal would be contrary to that condition.
	Concerns are raised over the windows in the proposal overlooking the adjacent property known as The Byre, and the potential for noise given the proximity of the proposal to the boundary with this property.
	Concerns are also raised over the visual impact of the proposal on the historic character of the area, the amenities of the Green Belt and the setting of the landscape.

The site and its surroundings

The application site relates to an existing two storey detached building. The building is located within the curtilage of an existing barn conversion known as Little Dodford Barn. The building is currently used for garaging in association with the residential use of the site. The site is located in the Green Belt but outside of the boundaries of the Dodford Conservation Area.

The site adjoins Priory Road to its southern boundary and is surrounded by residential development to all other boundaries.

The use of the site has evolved over the last decade. The site originally contained an agricultural barn and open hay store until planning permission was approved to convert the barn to a dwelling in 1999 (B/1999/0436). An application to convert the hay store to an ancillary car garage was approved in 2000 under application ref. B/2000/0997. This involved infilling the open frontage of the building with brickwork and adding two sets of double doors. This permission was not implemented but instead the structure was demolished and a new building of a similar scale was erected in its place.

An application to convert this building to a new dwelling (B/2002/0380) was withdrawn in May 2002. Here it was brought to the Council's attention that the hay store had been replaced with a new building. An application to regularise this unauthorised development was refused in 2002 (B/2002/1106) as it involved the erection of an inappropriate form of development in the Green Belt and no very special circumstances were demonstrated to outweigh this harm. This application was however allowed on appeal in 2003 (APP/P1805/A/03/1109927).

An application to convert the building to ancillary accommodation was approved in 2007 (B/2007/0750). This involved the addition of two roof lights to the front elevation, two roof lights to the rear elevation, a new door in the side elevation and a new door and windows in the front elevation. From a recent inspection of the site it would appear that this permission has not been implemented.

Proposal

This application proposes to convert the building to a new two bedroom dwelling. The application is a resubmission of application ref. 10/0285 which was refused as a.) the design and detailing of the proposed dwelling would harm the rural character of the area to the detriment of the visual amenities of the Green Belt and; b.) it was considered that the proposed use of the building as an independent dwelling would cause a loss of privacy to the occupiers of the adjoining properties.

The fenestration and detailing of the proposal has been amended to address the refusal reasons set out above. The revised proposal would involve the addition of three roof lights to the front elevation of the building, two roof lights to the rear elevation, a set of French doors within the south side elevation, and an entrance door and new windows in the front elevation.

Relevant Policies

WCSP CTC.1, D.38, D.39, D.16
BDLP DS2, DS13, C27
Others PPS1, PPG2, SPG1, SPG4

Relevant Planning History

B/1999/0436 Conversion of barn into dwelling - Granted 16.08.1999
B/2000/0997 Refurbishment of approved garage and store - Granted 21.11.2000
B/2002/0380 Proposed conversion of Unit B to residential dwelling - Withdrawn

- B/2002/1106 Replacement barn to be used for garaging and residential storage in connection with adjacent barn conversion - Refused 22.11.2002 (allowed on appeal)
- B/2007/0750 Alterations to allow for laundry/utility area and home office - Granted 03.09.2007
- 10/0285 Proposed change of use from ancillary residential use to dwelling - Refused 26.05.2010

Notes

It is considered that the main issues to address in the determination of this application are those arising from Green Belt policy. It is also important to consider the impact of the proposal on the amenity of the occupiers of the surrounding dwellings, and the concerns raised by a third party in this respect. I will deal with each of these matters under separate headings below.

Green Belt

The proposal involves the conversion of an existing building thus it will fall to be considered under Policy C27 of the BDLP. This is consistent with the advice contained at paragraph 3.8 of PPG2 and essentially requires that:

- a. the resulting building(s) would not have a materially greater impact than the present use on the openness of the Green Belt;
- b. extensions to any reused building and any associated development (i.e. hardstanding, walls, fencing) will be strictly controlled, where these would conflict with the openness and visual amenities of the Green Belt;
- c. the buildings are of permanent and substantial construction and are capable of major works or complete reconstruction;
- d. the form, bulk and general design of the buildings are in keeping with their surroundings.

The proposal would not involve any extensions or structural changes and it is not considered that the resulting building would have any greater harm to the openness of the Green Belt than the existing use.

As noted earlier, the proposal would involve a number of external alterations to facilitate its use as an independent unit and it is important to consider the impact of these alterations on the visual amenities of the Green Belt.

It is considered that the site and its surroundings are of a rural character. The existing barn on the site and the barns in the adjacent site have been sympathetically converted and I am of the view that their traditional rural character has been retained. The existing building is of a very simple, utilitarian appearance and I am of the view that it respects the rural character of the area.

When considering the effect of the proposed alterations on the Green Belt regard should be had to the Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings (SPG4). This provides that the continued use of rural buildings is encouraged where their original character can be retained and their form, bulk and

general design are in keeping with their surroundings. On this basis I consider that it is of fundamental importance that the simple, utilitarian appearance of the building and the traditional, rural character of the area are retained.

It is proposed to add roof lights and French doors to the building. With regard to the roof lights, the guidance contained in SPG4 states that large unbroken roof slopes are often a characteristic feature of agricultural buildings. These should be respected especially as they are often seen at a distance and can dominate elevations. New roof openings will normally be opposed as they can bring about a significant change in the character of a farm building. Having regard to this guidance it is considered that the proposed roof lights would be an inappropriate addition to the building. I am also of the view that such domestic features would detract from the rural character of the site and its surroundings.

It is however noted that there is an extant planning permission (B/2007/0750) for 4 of the 5 roof lights proposed. It is therefore considered that there is a strong fallback position in respect of these features. Thus, whilst I am of the view that the roof lights would detract from the rural character of the area, I feel that it would be difficult to justify the refusal of the application for this reason.

With regard to the French doors, entrance door and windows proposed in the front and side elevations of the building, it is generally considered that the wooden design and small openings within these features would be more appropriate within this context. It is also noted that these features are included in extant planning permission ref. B/2007/0750.

The proposal does involve some new openings within the front elevation of the building that are not included in B/2007/0750. These are located within the existing opening to the left hand side of the front elevation which currently contains a garage door. The guidance contained in SPG4 favours the re-use of existing openings for new windows and doors so to help preserve the original character of the building. It is considered that this part of the proposal would accord with this guidance. It would also involve half glazing and wooden paneling and I am of the view that these details would help to preserve the rural setting of the area.

I am mindful of the fact that the proposal would intensify the use of the site but it should be noted there is already an existing area of hardstanding for parking purposes and I am of the view that adequate private amenity space could be provided. I am not therefore of the view that the intensification of the site would harm the Green Belt.

Residential Amenity

The scheme would involve a number of first floor windows including five new rooflights and a vertical window in each gable wall. As noted above, four of the rooflights feature in the approved 2007 scheme. It should also be noted that the gable windows are an existing feature of the building. Nonetheless, it is considered that the proposed use of the building as an independent dwelling would change the way in which these windows are used.

It is proposed to accommodate two bedrooms and a bathroom on the first floor of the building. The new and existing windows would therefore serve main habitable rooms

from which there is potential for overlooking. The windows in the front and southern side elevation of the building do not raise concerns as these would only overlook Priory Road and the vehicular turning area for the proposed dwelling. The remaining windows however would overlook the adjoining properties. The window in the north elevation would directly overlook the windows in the front of the adjacent barn, and obliquely overlook the property known as 'The Byre'. It is however noted that this window is to be fitted with obscure glazing. Whilst it is considered that this would avoid any views being gained of the adjacent properties, having regard to Circular 11/95 (The Use of Conditions in Planning Permissions) it is important to consider if it would be reasonable to secure this by condition. I would normally find it unreasonable to impose such a requirement on a window serving a bedroom (notwithstanding the applicant's willingness in this instance) but I am mindful of the fact that this room would also be served by a rooflight. It is considered that this would provide the room with adequate daylight and an opportunity for outside views to be gained. I do not therefore find such a condition to be unreasonable on this basis.

It is noted that the roof lights in the west elevation could potentially overlook the private garden of The Byre. Although it is difficult to assess the extent to which the rooflights would overlook this area in the absence of section drawings, it is considered that the shallow pitch of the roof would prevent any views being gained of this area. I do not therefore have any concerns in relation to these windows from an amenity perspective.

Third party representations

As noted above a letter of objection has been received from the occupiers of the adjoining property known as 'The Byre'. Reference is made to Condition 1 of appeal ref. APP/P1805/A/03/1109927 which allowed the retention of the replacement building on the site for use for ancillary garaging and domestic storage in connection with the existing dwelling on the site. Condition 1 of that permission states that:

"The building hereby permitted shall not be occupied at any time other than for the purposes of garaging and domestic storage ancillary to the residential use of the dwelling known as Little Dodford Barn."

The objector infers that this condition would restrict the use of the building to that purpose in perpetuity. This is however a misunderstanding. The purpose of the condition is to define the ancillary use of the building and to clarify the scope of the planning permission. An ancillary residential building would be a Class C3 Use, as would a separate dwelling. Thus, without the abovementioned condition the building could have been used as a separate dwelling without the need for planning permission, as no change of use would have occurred (i.e. a C3 use would have been changed to a C3 use). The condition does not mean that the building can never be used as a separate dwelling, it merely means that a separate application for planning permission will be required if the building is to be used for such a purpose.

It is noted that the Inspector considered the condition to be necessary as it would avoid harm being caused to the amenity of the adjoining barn (Little Dodford Barn). This proposal is however different to that assessed by the Inspector as it involves obscure glazing in the offending windows.

I note the objectors concerns over residential and visual amenity. I am not concerned over domestic noise as this is to be expected at residential developments and there are appropriate measures in place to control this under the Environmental Health system. I consider that the remaining concerns are adequately addressed in the earlier parts of the report thus I will not reiterate such assessments here.

Conclusion

The proposed re use of the building is acceptable in principle and it is considered that the bulk of the new fenestration would preserve the original character of the building and the rural setting of the area. Although I would have concerns over the addition of rooflights to the building I am mindful of the fallback position in this respect. Taking these points into consideration I am generally of the view that the proposal would be in accordance with Policy C27 of the BDLP, the guidance contained in SPG4 and the advice on the re use of rural buildings contained in PPG2.

The potential for the new windows to harm the amenity of the adjoining occupiers has been duly considered. I am of the view that the existing window in the north gable wall has the greatest potential to cause overlooking, but it is considered that this can be appropriately mitigated by the use of a condition to secure the installation of obscure glazing in this opening. I am not therefore of the view that any adverse loss of privacy would result to the adjoining occupiers.

On the above basis I am of the view that the proposal accords with the relevant policies of the adopted Development Plan and there are no other material considerations that would justify refusing planning permission. I therefore recommend that planning permission is approved subject to conditions.

RECOMMENDATION: that permission be **GRANTED**

1. C001 (time limit for implementation).
2. Prior to the commencement of the development hereby approved details of the form, colour and finish of the materials to be used for the new windows and doors, including the associated wooden panels, shall be submitted to any approved in writing by the local planning authority. The proposed development shall be carried out in accordance with the approved details.
3. Prior to the occupation of the building for the use hereby permitted, the existing first floor window in the north side elevation shall be fitted with obscure glazing and fixed shut. The said window shall remain as such in perpetuity unless otherwise agreed in writing by the local planning authority. A sample of the proposed glazing shall be submitted to and approved in writing by the local planning authority. The proposed development shall be carried out in accordance with the approved details.
4. C022 (removal of permitted development rights for all householder developments i.e. extensions, new windows and outbuildings).

Reasons:

1. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To protect the visual amenity of the area and the rural character of the Green Belt in accordance with policies CTC.1, D.16, D.38 and D.39 of the Worcestershire County Structure Plan 2001, policies DS2, DS13 and C27 of the Bromsgrove District Local Plan 2004, the guidance contained in Supplementary Planning Guidance Note 4 and the advice contained in PPG2: Green Belts.
3. To protect the amenity of the occupiers of the adjoining properties in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004 and the guidance contained in the Council's Residential Design Guide (SPG1).
4. To protect the character and openness of the Green Belt and the amenity of the adjoining occupiers in accordance with policies D.38 and D.39 of the Worcestershire County Structure Plan 2001, policies DS2 and DS13 of the Bromsgrove District Local Plan 2004, the guidance contained in Supplementary Planning Guidance Note 1 and the advice contained in PPG2: Green Belts.

Notes

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WCSP	CTC.1, D.38, D.39, D.16
BDLP	DS2, DS13, C27
Others	PPS1, PPG2, SPG1, SPG4

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.

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BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

9TH AUGUST 2010

APPEAL DECISIONS

Relevant Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Relevant Head of Service	Head of Planning and Regeneration Services
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 To note the planning appeal decisions which have been received since the last meeting of the Committee.

2. RECOMMENDATION

- 2.1 Members are requested to note the report.

3. BACKGROUND

- | | Name of Appellant | Plan Ref. / Proposal / Decision |
|-----|--------------------------|--|
| 3.1 | Mr. Gary Knight | 10/0096-RL - Proposed first floor side extension to form bedroom and en-suite bathroom - 345 Bromsgrove Road, Hunnington, B62 0JL

Refused: 29th March 2010
Appeal decision: dismissed - 14th July 2010 |
| 3.2 | Mr. Trevor Bennett | 10/0040-RL - Proposed increase in height to existing front garden wall (to 1 metre), complete with wrought iron gates at the entrance to the driveway - 430 Bromsgrove Road, Hunnington, B62 0JL

Refused: 25th March 2010
Appeal decision: dismissed - 16th July 2010 |
| 3.3 | Mr. Mark Ashton | 10/0071-MT - Proposed double storey side extension - Clent Hall Lodge, Walton Pool Lane, Clent, DY9 9PJ

Refused: 1st April 2010
Appeal decision: dismissed - 27th July 2010 |

4. KEY ISSUES

- 4.1 N/A

PLANNING COMMITTEE

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5. **FINANCIAL IMPLICATIONS**

5.1 There are no financial implications arising from this report.

6. **LEGAL IMPLICATIONS**

6.1 There are no legal implications arising from this report.

7. **POLICY IMPLICATIONS**

7.1 There are no policy implications arising from this report.

8. **COUNCIL OBJECTIVES**

8.1 This report is for information only and, therefore, does not directly relate to the Council's Objectives.

9. **RISK MANAGEMENT INCLUDING HEALTH AND SAFETY CONSIDERATIONS**

9.1 N/A

10. **CUSTOMER IMPLICATIONS**

10.1 There are no customer implications arising from this report.

11. **EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 There are no equalities or diversity implications arising from this report.

12. **VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 N/A

13. **CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 N/A

14. **HUMAN RESOURCES IMPLICATIONS**

14.1 N/A

BROMSGROVE DISTRICT COUNCIL

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15. **GOVERNANCE / PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 N/A

16. **COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

16.1 N/A

17. **HEALTH INEQUALITIES IMPLICATIONS**

17.1 N/A

18. **LESSONS LEARNT**

18.1 N/A

19. **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

19.1 N/A

20. **OTHERS CONSULTED ON THE REPORT**

20.1	Portfolio Holder	No
	Chief Executive	No
	Executive Director (S.151 Officer)	No
	Executive Director - Leisure, Cultural, Environmental and Community Services	No
	Executive Director - Planning and Regeneration, Regulatory and Housing Services	No
	Director of Policy, Performance and Partnerships	No
	Head of Planning and Regeneration Services	Yes
	Head of Resources	No
	Head of Legal, Equalities and Democratic Services	No
	Corporate Procurement Team	No

PLANNING COMMITTEE

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21. **WARDS AFFECTED**

21.1 Uffdown

22. **APPENDICES**

22.1 N/A

23. **BACKGROUND PAPERS**

23.1 Appeal decision letters received from the Planning Inspectorate, dated 14th, 16th and 27th July 2010.

24. **KEY**

24.1 N/A

AUTHOR OF REPORT

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Tel.: 01527 881410

By virtue of paragraph(s) 2, 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

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