



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 13TH AUGUST 2007, AT 2.00 PM

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman, in the Chair), Mrs. J. M. Boswell, Mrs. M. Bunker, Mrs. J. Dyer M.B.E., D. Hancox, B. Lewis F.CMI, Mrs. J. D. Luck, E. J. Murray, S. R. Peters, C. R. Scurrall, P. J. Whittaker and C. J. K. Wilson

(NOTE: Updates to the Reports of the Head of Planning and Environment 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.)

AGENDA

1. Apologies for absence
2. Minutes (Pages 1 - 8)
3. Declarations of Interest
4. B/2007/0546-HLP - Conversion of storage / warehouse into six office units - Lea End Farm, Ash Lane, Hopwood - Nigel Curtis (Pages 9 - 24)
5. B/2007/0682-HB - Siting of Environmental Incinerator - Wythall Sawmills, Alcester Road, Wythall - Mr. D. Nichols, Davies Timber Yard (Pages 25 - 28)
6. B/2007/0720-DI - Lay hardcore to improve and maintain an existing track - Land off Hockley Brook Lane, Belbroughton - Carl Beddington (Pages 29 - 32)
7. B/2007/0777-DI - Erection of stable block / tack shed; change of use from agricultural to equine recreational - Part field no. 1530 adj. Poolhouse Far, Hockley Brook Lane, Belbroughton - Philip Brookes (Pages 33 - 36)

8. B/2007/0800-DI - Erection of mobile 3 berth field shelter (retrospective) - Part Field no. 1448 adj. Poolhouse Farm, Hockley Brook Lane, Belbroughton - A. Cullen (Pages 37 - 44)
9. PI/2006/00220 - 6 Blakes Field Drive, Barnt Green (Pages 45 - 46)
10. Appeal Decisions (Pages 47 - 50)
11. B/2007/0539-DMB - Earthworks / site regrading - Part Cofton Centre, Groveley Lane, Cofton Hackett - Redman Heenan Properties Limited (Pages 51 - 56) (urgent item)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

2nd August 2007

Agenda Item 2

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 16TH JULY 2007

PRESENT: Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman), Mrs. J. M. Boswell, Mrs. M. Bunker, Mrs. J. Dyer M.B.E., B. Lewis F.CMI, E. J. Murray, S. R. Peters, C. R. Scurrall, C. J. Tidmarsh (Substitute), P. J. Whittaker and C. J. K. Wilson

Observers: Councillor Mrs. C. J. Spencer

Officers: Mr. D. Hammond, Mrs. D. Warren, Mr. M. Dunphy, Mrs. H. L. Plant, Mrs. S. Willetts, Mr. R. Sumner and Mr. A. C. Stephens

32/07 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D. Hancox and Mrs. J. D. Luck.

33/07 MINUTES

The minutes of the meeting of the Planning Committee held on 18th June 2007 were submitted.

RESOLVED that the minutes be approved as a correct record.

34/07 DECLARATION OF INTERESTS

The following interests were declared in respect of matters to be considered by the Committee:-

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor Mrs. J. M. Boswell	B/2007/0573	Personal. Knows the vendor of the property which is the subject of the application.
Councillor E. J. Murray	B/2007/0456	Prejudicial. His daughter is in the process of purchasing an area of land adjacent to, or part of the area of land including, the application site. During consideration of the application, Councillor Murray left the room.

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor C. R. Scurrall	B/2007/0456	Personal. Is a member of Belbroughton Parish Council's Planning Committee which had previously considered the matter.
Councillor C. J. Tidmarsh	B/2007/0498	Personal. The owner of the property the subject of the application is a friend.
Councillor C. J. Tidmarsh	B/2007/0573	Personal. One of the objectors to the application is a friend, and is a member of the local Conservative Association.

35/07 **B/2007/0263-LDO - KITCHEN EXTENSION, GARAGE CONVERSION TO UTILITY/WC, BEDROOM/EN-SUITE EXTENSION (RE-SUBMISSION OF B/2006/1094) - 5 SANDHILLS LANE, BARNT GREEN - MR. K. NEALE**

The Head of Planning and Environment Services reported that the applicant had written to Members of the Committee in support of the scheme. At the invitation of the Chairman, Mr. T. Neale addressed to Committee and spoke in favour of the application.

RESOLVED that permission be refused for the reasons referred to on page 9 of the report.

36/07 **B/2007/0356-DMB - INDUSTRIAL AND WAREHOUSE UNITS WITH USE CLASSES B1(A) AND (C), B2 AND B8 WITH ASSOCIATED ACCESS, PARKING, SERVICE YARDS AND LANDSCAPING: OUTLINE - PART COFTON CENTRE, GROVELEY LANE, COFTON HACKETT - REDMAN HEENAN PROPERTIES LIMITED**

The Head of Planning and Environment Services reported the receipt of comments from Birmingham City Council, Advantage West Midlands, Worcestershire County Council's Highways Partnership (Bromsgrove) and the Highways Agency.

He specifically referred to the TR110 Direction issued by the Highways Agency, requesting that the application not be granted for a period of at least six months to allow resolution of highway issues.

At the invitation of the Chairman, Mr. J. Tate, representing the applicant, addressed the Committee and spoke in favour of the proposals.

RESOLVED that, upon the expiry of the publicity period on 19th July 2007, the Head of Planning and Environment Services be authorised to refuse the application unless the TR110 Direction is withdrawn by the Highways Agency by 2nd August 2007.

(NOTE: Under section 4, paragraph 16.7 of the Council's Constitution, Councillor S. R. Peters requested that it be recorded that he had abstained from voting on this matter.)

37/07 **B/2007/0392-DMB - SINGLE STOREY LABORATORY CLASSROOM - BROMSGROVE SCHOOL, WORCESTER ROAD, BROMSGROVE - BROMSGROVE SCHOOL**

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 22 and 23 of the report.

38/07 **B/2007/0411-DMB - ERECTION OF SIX NO. COMMERCIAL UNITS FOR B1/B2/B8 USE - PLOT 8, SAXON BUSINESS PARK, HANBURY ROAD, STOKE PRIOR - MONGOOSE LIMITED**

The Head of Planning and Environment Services clarified the comments received from Worcestershire County Council's Highways Partnership (Bromsgrove), reported on page 25 of the report, relating to parking spaces, and he also reported the receipt of comments from the Conservation Officer.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on page 28 of the report.

39/07 **B/2007/0433-HLP - ERECTION OF THREE STOREY BUILDING COMPRISING RETAIL USE IN GROUND FLOOR AND 22 APARTMENTS ABOVE AND ASSOCIATED WORKS - AT LAND AT JUNCTION OF NEW ROAD/BEVERLEY ROAD, RUBERY - RUBERY DEVELOPMENT LIMITED**

RESOLVED that the Head of Planning and Environment Services be authorised to approve the application subject to the applicant entering into an appropriate legal agreement under Section 106 of the Town and Country Planning Act 1990 to cover financial contributions for the provision of educational and off-site play space facilities, as referred to in the report.

40/07 **B/2007/0454-SW - PROPOSED REDEVELOPMENT TO PROVIDE 12 X 1 BEDROOM APARTMENTS (RESUBMISSION OF B/2006/1405) - 34 AND ADJOINING LAND, ROCK HILL, BROMSGROVE - ELMSVYNE HOMES LTD.**

The Head of Planning and Environment Services drew Members' attention to a previous outline planning permission relating to the site, under Plan Ref. B/2003/1004, which was required to be revoked in order for the scheme the subject of this application to be approved. He also clarified matters under the 'Other Issues' heading on page 51 of the report.

RESOLVED:

- (a) that, subject to the applicant and/or any other appropriate person(s) undertaking not to claim compensation to which they may be entitled, an Order be made under Section 97 of the Town and Country Planning Act 1990 revoking planning permission ref. B/2003/1004, and
- (b) that the power to approve the application (B/2007/0454) be delegated to the Head of Planning and Environment Services on the taking effect of the Revocation Order, subject to the applicant entering into an appropriate legal agreement under Section 106 of the Town and

Country Planning Act 1990 to cover financial contributions towards the provision of off-site play space, as referred to in the report.

41/07 **B/2007/0456-SW - ERECTION OF 3 STABLES, FEED STORE AND 1 TACK ROOM POOL HOUSE FARM, HOCKLEY BROOK LANE, BELBROUGHTON - MR. AND MRS. HALLS**

The Head of Planning and Environment Services reported the receipt of a letter of objection in respect of the wider development of plots, together with the receipt of comments from the Drainage Engineer.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 56 and 57 of the report, together with the following additional condition:-

4. The disposal of water shall be by means approved by the Local Planning Authority. The approved systems shall be operational before building works commence. Soakaways and land drains are to be provided for the stable block. No direct outfall to any ditch or stream is permissible. Soakaways should also be provided for any hard surfacing / wash-down areas with an additional catch pit system.

42/07 **B/2007/0466-DMB - DEMOLITION OF EXISTING STRUCTURES AND ERECTION OF 51 APARTMENTS WITH ASSOCIATED ACCESS AND CAR-PARKING PROVISION: RESUBMISSION OF B/2006/1048 - LAND AT SCHOOL DRIVE, BROMSGROVE - PERSIMMON HOMES (SOUTH MIDLANDS) LIMITED**

The Head of Planning and Environment Services reported the receipt of correspondence from the applicant, together with the receipt of comments from the Strategic Housing Officer, and the findings of the Water Vole Survey.

RESOLVED that, subject to the applicant entering into an appropriate legal mechanism under Section 106 of the Town and Country Planning Act 1990 relating to monetary contributions in respect of:-

- (a) off-site play space provision;
- (b) education provision; and
- (c) highway improvement works and the securing of 29 affordable housing units -

the Director of Planning Services be authorised to approve the application subject to the conditions and notes set out or referred to on pages 77 to 83 of the report.

43/07 **B/2007/0496-DMB - CHANGE OF USE TO RESIDENTIAL CARE HOME (CLASS C2), EXTENSIONS AND ERECTION OF REPLACEMENT STRUCTURE - THE LODGE, WAST HILLS HOUSE, WAST HILLS LANE, ALVECHURCH - CASTLEBECK CARE (TEESDALE) LIMITED**

The Head of Planning and Environment Services reported that amended plans had been received showing a reduction to the proposed activity room as referred to in the report, together with correspondence from the applicant's agent.

RESOLVED that the Head of Planning and Environment Services be authorised to approve the application upon the expiry of the publicity period on 19th July 2007, and subject to any appropriate conditions and/or notes which are considered necessary.

44/07 **B/2007/0498-DI - CROSS ROADS GARAGE, KIDDERMINSTER ROAD, WOODCOTE GREEN - AMENDED APPLICATION - PROPOSED CAR SHOWROOM AND SHOP - MR. N. NAVEED**

The Head of Planning and Environment Services reported the receipt of comments from the Economic Development Officer, the Environmental Health Officer and Worcestershire County Council's Highways Partnership (Bromsgrove).

At the invitation of the Chairman, Mr. S. Vick addressed the Committee and spoke in opposition to the proposals on behalf of an objector, whilst Mr. R. D. Skidmore spoke in favour, on behalf of the applicant.

RESOLVED:

- (a) that permission be refused for the reason referred to on page 95 of the report; and
- (b) that the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, be authorised to proceed with the most appropriate course of enforcement action to remedy the breach of planning control.

(NOTE: Under section 4, paragraph 16.7 of the Council's Constitution, Councillors B. Lewis F.CMI, S. R. Peters and C. J. Tidmarsh requested that it be recorded that they had abstained from voting on this matter.)

45/07 **B/2007/0573-LDO - CHANGE OF USE FROM DWELLING TO HOME FOR PEOPLE WITH LEARNING DIFFICULTIES - 47 WELLINGTON ROAD, BROMSGROVE - MR. K. THAKQAR**

The Head of Planning and Environment Services reported the receipt of a letter of support, and two additional letters of objection, together with the receipt of comments from the Environmental Health Officer, Worcestershire County Council's Highways Partnership (Bromsgrove) and local ward Member, Councillor G. G. Selway.

At the invitation of the Chairman, Councillor Mrs. C. J. Spencer addressed the Committee and spoke on behalf of local residents against the application, whilst Mrs. P. Earles, agent for the applicant, spoke in favour.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 100 and 101 of the report.

(NOTE: Under section 4, paragraph 16.7 of the Council's Constitution, Councillor Mrs. J. M. Boswell requested that it be recorded that she had abstained from voting on this matter.)

46/07 **TREE PRESERVATION ORDER (NO.1) 2007 - 47 WILDMOOR LANE, CATSHILL, BROMSGROVE**

Consideration was given to a report relating to a temporary Tree Preservation Order which had been made in respect of a number of trees on land at 47 Wildmoor Lane, Catshill, Bromsgrove.

RESOLVED that the Bromsgrove District Council Tree Preservation Order (No. 1) 2007 be confirmed without modification.

47/07 **TREE PRESERVATION ORDER (NO. 2) 2007 - 18 AND 16A LITTLEHEATH LANE, LICKEY END, BROMSGROVE**

Consideration was given to a report relating to a temporary Tree Preservation Order which had been made in respect of a number of trees on land at 18 and 16a Littleheath Lane, Lickey End, Bromsgrove.

RESOLVED that the Bromsgrove District Council Tree Preservation Order (No. 2) 2007 be confirmed without modification.

48/07 **APPEAL DECISIONS**

The Committee considered a report which detailed the outcome of several planning appeals which had been determined since the last meeting of the Committee.

RESOLVED that the contents of the report be noted.

49/07 **PI/2007/00134 - FIELD NO. 3424, LEA END LANE, HOPWOOD, ALVECHURCH**

(The Chairman agreed to the consideration of this item as a matter of urgency because a decision was required thereon before the next meeting of the Committee).

The Head of Planning and Environment Services reported that a breach of planning control had occurred on land located to the south side of Lea End Lane, Hopwood. He stated that the breach consisted of the tipping of soil on to the land for the purposes of creating a moto-cross racing track, changing the use from that of agriculture to a mixed use.

Authority to undertake formal enforcement action was therefore sought in order to seek to remedy the breach of planning control.

RESOLVED that the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, be authorised to proceed with the most appropriate course of enforcement action to remedy the breach of planning control.

The meeting closed at 4.15 pm

Chairman

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Agenda Item 4

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Nigel Curtis 'A'	Conversion of storage / warehouse into six office units - Lea End Farm, Ash Lane, Hopwood (as amended by supporting statement received 30.07.2007)	GB FP Adj. LB	B/2007/0546 03.09.2007

RECOMMENDATION: that planning permission be **REFUSED**.

Consultations

Alvechurch PC	APC feel that this proposal is inappropriate development in Green Belt, Ash Lane has restricted access. There are no special circumstances shown by virtue of the plans which would outweigh the rules governing development in the Green Belt. 29.06.2007.
WCC(HP)	No objection, subject to conditions, notes and the requirement to enter into a Section 106 agreement to provide a financial contribution towards the provision of a new bus shelter to be provided on the A441. 17.07.2007.
CO	No response, consulted 06.07.2007.
PROW	No response, consulted 06.07.2007.
RA	No response, consulted 06.07.2007.
BC	No response, consulted 06.07.2007.
LP	Refers to relevant policy considerations which include PPG2, D39, DS2, C27 and SPG4. Sets out stance that conversion can be acceptable in the green belt subject to certain criteria. Raises concern over impact of car parking on the openness of the green belt. Refers to views of highway engineers being important in relation to sustainability and policy E9 and DS13 being of relevance. 21.06.2007.
EDO	Economic Development supports the application. 08.06.2007.
Publicity	Three neighbours consulted, expires 27.06.2007. Site notices displayed, expires 16.07.2007. Press notices displayed, expires 05.07.2007. Six responses received relating to: <ol style="list-style-type: none"> 1. Questions that the address is correct. 2. Suggest as previous application was refused this application should relate to the change of use of a grain store to offices. 3. Considers the 'existing hardstanding' was put down recently before application B/2006/1174 was submitted and large hedge had been removed. 4. Suggests application does not refer to change of use of surrounding land to car park. 5. Concerns over increase in usage of Lea End Lane, refers to condition of the road and lack of footpath. Refers to existing traffic use of Ash Lane due to sports facilities, quality of junction with Redditch Road and no right turn option. Refers to existing problems with refuse vehicles, etc., using this lane.

6. Refers to 40 parking spaces generating 800 journeys per week up and down the Lane.
7. Questions appropriateness of development in relation to green belt impact and Listed Building.
8. Refers to Policy C27.
9. Refers to other applications around Hopwood and concerns over wider impact on the Green Belt.
10. Reiterates previous objections. Objects on grounds of impact on green belt.
11. Suggest proposals will be harmful to the environment, in an area of natural beauty and supports varied wildlife, walkers and cyclists. Do not consider offices would serve the local community.

The site and its surroundings

This application relates to land to the east of Lea End House and sited at the end of Ash Lane, Hopwood. The site, which extends to 0.62 hectares, is accessed via a new dedicated access through rough pasture which links through to a group of buildings sited along the western boundary of the site with hardstanding areas in the centre of the site and to the south. The buildings appear as redundant agricultural buildings and are currently vacant. One structure has a taller form and barrel shaped roof and is abutted by single storey structures along the south-western boundary.

The site is set in an isolated location and is within recognised Green Belt. Lea End House, a Grade II Listed Building, is sited to the south west of the buildings and, located to the north and east, is Kings Norton Rugby Football Club, its access, and its grounds.

Proposal

This application is a resubmission of a previous refusal, which related to the conversion of the buildings to warehouse and storage use.

The current scheme relates to the conversion of what are effectively two buildings, into 1123m² of floor space for B1 Office use. A total of six offices will be provided, four of which have a spiral staircase and access to a more limited area of accommodation at first floor. Alterations are proposed to the external appearance of the building to incorporate areas of glazing, doorways, velux type rooflights and dedicated entrances to the individual offices.

A total of 40 Parking spaces are proposed to the south and east of the buildings. No works are proposed to the building to the east (referred to as building C in the structural survey) which exists on site as a shell only.

The application has been accompanied by:

1. A Design and Access Statement;
2. A Structural Survey;

3. A Planning Statement; and
4. A Transport Statement.

Relevant Policies

WMSS	PA1, PA14, PA15, QE3, T1, T2
WCSP	D.16, D.26, D.29, D.38, D.39, CTC.1, CTC.21, SD.2, SD.3, SD.4, SD.6, SD.7, SD.8, T.1
BDLP	C27, C27B, C30, DS2, DS13, E9, TR11
Others	PPS1, PPG2, PPG7, PPG13, PPG15, SPGN4

Relevant Planning History

B/2003/0959	Conversion of barn and outbuildings to form 5 dwellings and associated garaging. Refused 22.09.2003
B/2006/1174	Conversion of existing grain stores to warehouse / storage units (B8). Refused. 10.01.2007.

Notes

The main issues to consider for this application are:

1. Whether the proposal represents appropriate development in the green belt and, if necessary, whether very special circumstances exists to override the presumption against inappropriate development in such locations. The impact of the scheme on highway safety and traffic generation is also of relevance.
2. Issues surrounding the location of the site in terms of its sustainability.
3. Other matters, including the impact upon the Listed Building.

Appropriate nature of the development in the green belt

Policy D.39 of the WCSP and Policies DS2 and C27 of the BDLP and are in general accordance with the provisions of PPG2 in allowing the re-use of buildings in the Green Belt. DS2 states that permission for development in the Green Belt will not be given for the construction of new buildings, or the change of use of existing buildings, unless the criteria set down in policy C27 are complied with.

Policy C27 of the BDLP relates specifically to the re-use of existing rural building and lists a number of relevant criteria a) to g) which are relevant, including having no greater impact upon openness, buildings being of permanent construction and capable of conversion without major reconstruction. I consider that this application raises issues in relation to criteria a), c) and e) of Policy C27.

Criteria a) refers to reuse not having any materially greater impact than the present use on the openness of the Green Belt. The proposal includes two large areas of parking with a total of 40 spaces being created on site. This aspect of the scheme will reduce the openness of the green belt and would represent inappropriate development in the green belt. The applicant's agents highlight, however, that the existing hardstanding area could be, and indeed has been, used for the parking of farm vehicles and machinery in

connection with the previous use of the site. They consider the proposal would have no greater impact than the previous use and highlight that the office parking would be restricted to office hours only and could thus be less harmful.

I consider that this represents a fall back position and that, with control over surfacing of that area and a suitable landscaping scheme, the visual impact of this aspect of the scheme could be reduced to an acceptable level.

With respect to criteria c) Policy C27 of the BDLP is clear in requiring that buildings are of permanent and substantial construction **AND** are capable of conversion without major works or complete reconstruction (my emphasis). In the previous application (B/2006/1174 for storage), it was considered that the buildings which are of modern construction, appeared to be in good condition and could be converted to that use without major works.

However, the current proposal relates to an office use. The submitted Structural Survey identifies that there are three areas of the site defined as A, B and D. Area B, the Dutch barn, is the most substantial building with 70% of its ground floor area being concreted and concrete panels extending to approximately 2 metres in height. This building has a floor area of 252 metres squared and, considering it is proposed to also use the first floor, this building provides 505 metres squared of the total floor area on the site.

In contrast, the other buildings are largely constructed from corrugated steel sheets, supported by steel trusses and columns with vertical sheeting to the sides with part of area D being old animal pens with no ground floor construction. To facilitate an office use, considerable works would be required to buildings A and D in terms of the erection of an inner skin to the building, fire protection, suitable insulation, ventilation and roof covering and damp protection in the form of a floor. In relation to units A and D, these would relate to a total floor area of in excess of 600 metres squared. In addition some of these works would be required to facilitate the use of the upper floor of the Dutch Barn Building.

The applicant's agents have responded to this concern setting out that the conversion seems no different to that undertaken in a traditional brick and tile building. They refer to the erection of supporting partitions within the existing building which supports insulation and services and the mezzanine floor would be self-supporting on columns. Their comments are included in Appendix 1.

Whilst I note these views and I am aware that there is no clear definition of what constitutes major reconstruction, I conclude that works of this scale affecting such a large proportion of the proposed floor space, and the proportion of the buildings on the site, must represent major reconstruction and underline the fact that the buildings are not of substantial construction. I consider therefore that the proposal must, by definition, represent inappropriate development in the green belt. In such circumstances it is necessary to consider the presence of very special circumstances.

The applicant has provided additional information to accompany this application in the form of a Supporting Statement and, whilst this does not clearly identify what they consider may constitute very special circumstances, it refers to other conversion schemes and other material considerations. The other conversions relate to a variety of uses and

refer also to a mixture of building types, including stable blocks and modern agricultural buildings, but makes no specific reference to the manner in which conversions were implemented. Reference is made to the economic considerations and the fact that other conversion schemes have experienced quick take up; it is anticipated that 40 jobs would be created as a result of the development as well as providing support to local services. Whilst I note these facts, I do not consider that they represent Very Special Circumstances sufficient to outweigh the harm that would be caused to the Green Belt. In view of these circumstances, I consider the proposed development would go against the purposes of Green Belt policy in that it would not safeguard the countryside from urban encroachment, nor assist urban regeneration. The proposal would have an urbanising effect to the detriment of the character of this isolated and rural location.

With respect to criteria e) and traffic generation, Policy T1 of the WMSS states that any additional traffic generated by the proposals will need to be shown to be capable of accommodation safely on the road system without undue environmental consequences. Policy TR11 of the BDLP states that all new development must incorporate safe means of access and egress appropriate to the nature of the local highway network. The application has been accompanied by a Transport Statement which considers traffic flows, traffic generation, the impact of the development on the A441, a relevant recent appeal decision (New House Farm) and comments on PPG13 and sustainable travel.

I note that WCC(HP) do not object to the proposal, subject to a contribution relating to the provision of a bus shelter, to which the applicants are agreeable, although a legal mechanism would need to be established to secure those monies. I conclude that the application could not be refused on grounds relating to traffic generation.

Sustainability and reducing the need to travel

Policy D.26 of the WCSP describes the approach that should be taken for the location of new development within Class B2 of the Use Classes Order. The preferred location is within town centres of urban areas and Bromsgrove is listed as one of those locations. A sequential approach should then be adopted to identify suitable alternative locations and only then out of centre locations should be considered that are accessible by a choice of means of transport.

The more recently adopted West Midlands Spatial Strategy (2004) states in policy PA1, that, wherever possible, economic growth should be focused in the Major Urban Areas (MUA's). In addition, policy PA14 of the WMSS states that, even where development helps provide a sustainable rural economy, most development should be concentrated in towns and other large settlements accessible to their hinterlands. This is supported by Policy T.1 of the WCSP which seeks to reduce the need to travel, particularly by private car.

Policies SD.4 and T.1 of the WCSP both state that proposals for development will normally only be allowed where they are located so as to minimise the need for travel. In respect of the change of use of buildings in rural areas for employment purposes, policy D.29 of the WCSP states that proposals that would generate trips by heavy good vehicles on unsuitable roads would not be permitted.

With respect to the current submission, the Planning Statement refers to the sustainability of the site which it considers is well placed to be served by a choice of transport means

and cites bus stops and rail links, as well as cycling and walking as other choices. In addition, reference is made to the number of people employed in small scale businesses and the opportunities that the scheme may present for local employment.

I note these views and those of PPG13 (para 43) where LPA's are encouraged to be realistic about alternatives to the use of the car as well as advice about small scale business not being rejected where only modest increases in traffic would be expected. I note however the scale of the proposal being in excess of 1000m squared. Such a scheme could not be considered to be small in scale and the likelihood of some of the alternative means of travel being realistic options to employees must be raised. Against this background and given the sites isolated location in relation to the aims and objectives of the Regional Spatial Strategy I conclude that the proposal is contrary to this approach and should fail in relation to its location.

Other matters

PPG15 - Planning and the Historic Environment states the statutory requirement on the Local Planning Authority to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Policy CTC.19 of the Worcestershire County Structure Plan and policy S39 of the Bromsgrove District Local Plan include further guidance.

The Conservation Officer has not commented upon the scheme; however, I note the comments made on the previous application as: *'Lea End Farm is a late 18th century / early 19th century, Grade 2 listed farmhouse with extensive barns of similar date. The grain stores are modern factory units. I do not object to them being reused as a storage facility, on the basis that they are not enlarged.'* I do not consider, therefore, that the proposal raises any issues associated with the proximity of the Listed Building.

I am also aware that the BDLP includes a specific policy in the form of policy E9 that refers to criteria for new employment development. This policy is largely concerned with access to the road network, suitable site access, parking and control over open storage. In addition, criteria e) refers to the impact upon residential dwellings and the need to ensure disturbance to amenity does not ensue. I consider given the previous use of the site, the distances involved to the adjoining dwelling and the orientation of the site, and considering the nature of the proposed use, that there would be no harm to the residential unit as a result of the development, subject to conditions.

Conclusions

I conclude that the development is inappropriate in this location by virtue of relating to major reconstruction and I find no very special circumstances which are of sufficient weight as to outweigh the harm caused to the objectives of the Green Belt.

In addition, I consider the isolated location of the development, which relates to over 1,000 square metres of office space, undermines the aims and objectives of sustainable transport as embodied in the West Midlands Spatial Strategy, the Worcestershire County Structure Plan, the Bromsgrove District Local Plan, and the provisions of PPG13. I do not consider that my concerns can be overcome through the imposition of conditions and would therefore recommend the refusal of planning permission.

RECOMMENDATION that permission be **REFUSED**

1. The proposed development represents inappropriate development in the Green Belt and would not accord with Green Belt Policy and the purposes of including land within it. Very special circumstances do not exist to outweigh the harm that would be caused. As such, the proposal is contrary to policy DS2 of the Bromsgrove District Local Plan, policies D.38 and D.39 of the Worcestershire County Structure Plan and the provisions of PPG2.
2. The proposed use would be located away from any town centre or urban area in an isolated position not well related to public transport links. The proposed B2 use would not therefore be located so as to minimise the need to travel and the users of the site would be highly dependant on the private car to travel to and from the site. As such, the proposed development is contrary to policies PA1 and PA14 of the West Midlands Spatial Strategy, policies SD.4, D.26, D.29 and T.1 of the Worcestershire County Structure Plan, and policy DS13 of the Bromsgrove District Local Plan, and the provisions of PPG13.

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26 July 2007

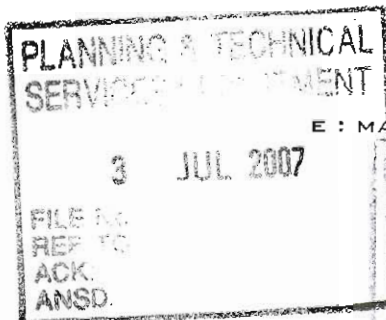
44 GEORGE ROAD
EDGBASTON
BIRMINGHAM
B15 1PL

Job No. 841

T : 0121 455 0032
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Helena Plant
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

E : MAIL@LAPWORTHPARTNERSHIP.COM



Dear Sirs

Re: Application ref: B/2007/0546
Conversion of storage / warehouse into 6 office units at
Lea End Farm, Hopwood

Further to our recent telephone conversation we were pleased to hear that your Highways Consultant has now confirmed that he will raise no objection to the current planning application to convert the existing agricultural buildings to offices. We note that he has requested a contribution of £7000 to go towards / fund bus shelter works, but we are unclear at the moment as to where and how that money will be spent. Clearly there are two existing bus shelters on both carriageways on the main A441 Redditch Road close to the junction with Ash Lane, which serves the application site. These bus stops have a concrete floor, brick walls with openings and a concrete roof. In any event I have discussed the request for this £7000 provision with our client Mr Curtis and he has confirmed that he is willing to make that contribution, subject to the grant of planning consent. You mentioned a Section 106 would be required relating to the provision of that contribution, but our client would be willing to provide the required funds directly to the Council following the Grant of Consent to save the need for a lengthy and costly Section 106 procedure with final details to be confirmed.

We were disappointed to hear that you had some concerns relating to the sustainability issues on the site which formed a reason for refusal on the previous proposals for B8 use and this might lead you to recommend refusal of this application.

When our original application was submitted to convert the buildings to B8 Storage units your colleague Vicki Neale was supportive and told us that the B8 application would have been recommended for approval had it not been for the highway objection received from your Highway officer who raised concern over HGV's using Ash Lane. We were told that the sustainability reason was added at that time to add weight to the refusal in case our client decided to take the first application to appeal. After we

received the rejection notice we had a number of pre application discussions with the Council concerning the possible uses for the buildings, which as you know had been clearly confirmed as worthy of retention in the Committee Report. We were told within pre application discussions that the re-use of the building for B1 office use would be acceptable and was fully supported by officers and this included strong support from the Councils Economic Development Officer. B1 office use was thought appropriate and followed recently approved applications of a similar type in the area. We also undertook a traffic survey and this detail was forwarded and discussed with the Councils Highways Officer and received his approval, which has now been converted in to a no objection with regard to the actual application.

Again it was disappointing to learn of your concerns regarding how the buildings could be converted without wholesale reconstruction, but as discussed we are very happy that this can be done in a way which would be no different to the conversion of traditional brick and tile roof buildings, which would also require the addition of thermal insulation, services (heating, lighting etc) and internal finishing's including plumbing etc.

Our intention is to build metal stud self supporting partitions within the existing cladded building structure and within these partitions will run services, installation, all as required. There in principle are identical to say dry lining, which would be carried out on the inside walls of traditional brick barns and will be of a similar thickness. Windows will be inserted in a similar manner to that which would be done with traditional barns and ceilings etc would also be done in a similar way including the addition of services and insulation. Again the design of the proposals with the introduction of glazing and openings had been discussed at the pre-application stage with planning officers. The mezzanine floor proposed would be self supporting with columns down to the floor and this is not uncommon with barn conversions where the existing structure or foundations cannot accommodate additional loads.

To help explain how the conversion could be undertaken I have enclosed some copies of typical metal stud free standing partitions from one of the specialists' handbooks. There are a number of manufacturers who provide these details, materials and systems and these include British Gypsum and LaFarge and this type of construction is quite commonly used for conversion work.

Finally attached to this letter is a report prepared by Pegasus Planning Consultants dealing with the sustainability issue and considering recent similar applications approved by the Council on 2005, 2006, and 2007. As can be seen most of these do not have the facilities which our application site has available and bus stops etc are not as accessible, but despite this they were still approved at Planning Committee following an officer recommendation for approval.

We have rechecked the services available to our site and for the avoidance of doubt I would like to reconfirm them as follows –

- i) The bus stop for the 146 and 982 service is accessible on foot on a public footpath without going along the whole length of Ash Lane. This walking distance to the bus service is 0.54km.
- ii) The M42 Service Station facilities are accessible via a footpath and this is 0.45 km from the site.
- iii) The petrol station, shop, public house and bus stop are available by walking or driving up Ash Lane and these facilities are within 0.6 km from the site.
- iv) The M42 Junction 2 is within 1Km of the site.
- v) The Birmingham Conurbation is within 1.7 miles or 2.7 kilometres of the site which is within acceptable cycling distance.
- vi) Barnt Green Railway Station is 1.7 miles or 2.7 kilometers from the site.

We were interested to note that in today's Birmingham Post, Bromsgrove Council had a large Advertisement Feature from which we would like to quote the following:-

"Bromsgrove District Council is playing a key role in creating a successful economy for the district, working on a variety of initiatives with partners at both regional and county level.

The Council works in partnership with Advantage West Midlands and Worcestershire's Local Area Agreement to support a broad strategy, prioritising diverse areas of activity.

The principal objective is to develop and sustain a strong and expanding economy, to which end a great deal has been achieved.

A particular priority is to secure inward investment, with major projects and partnerships, such as the new Bromsgrove Technology Park, being crucial to this.

Indigenous business development, new business start-ups, town centre management and retailing initiatives, **rural economy regeneration** and diversification in education and training have all been major contributions to Bromsgrove's buoyancy and will be ongoing to ensure success in the future."

Clearly this is a project that fits into the Councils positive thinking and should be supported.

We would ask you to consider this site against the others mentioned in the attached report prepared by Pegasus Planning Consultants. These other similar sites have recently received planning approvals from the Council. We would ask you to support an Employment use of the site by recommending approval when writing your Committee Report.

Should you have any queries, or would like to discuss the information in more detail, please do not hesitate to contact me

Yours faithfully

A handwritten signature in black ink, appearing to read 'Michael G Lapworth', with a long horizontal flourish extending to the right.

Michael G Lapworth
The Lapworth Partnership

Enc

Cc Nigel Curtis
Michelle Gallego-Simpson - Pegasus Planning Group
Nigel Vening - Banners Gate (Highways) Ltd

Introduction

Cormet Independent Wall Linings

Cormet Independent Wall Lining systems combine the features of other Cormet metal systems to give high strength and quickly assembled drylining.

They are especially suited to drylining reinforced concrete walls and steel framed walls. As they are fixed clear of the external wall they allow space for services, or for high levels of thermal and acoustic insulation within the cavity. They are also suited to renovation work where the existing wall may form an unsuitable substrate for other systems.

The system uses Cormet I Studs, together with Cormet C Studs and Cormet U Tracks as used in the Cormet Metal Stud Partition system. Mineral wool batts can be inserted into the framing to improve the thermal and acoustic performance of the system.

Performance

The selection of drylining systems, insulation and boarding will depend on the wall height and the performance required for fire resistance, thermal and sound insulation: refer to performance table 2.5.

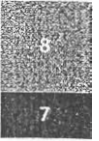
Lafarge plasterboards and components are defined as Class 0 in accordance with the National Building Regulations 1991 Approved Document B1/2/3/4/5 (Fire Safety) and Building Standards (Scotland) regulations 1990, Regulation D2 when tested to BS 476: Part 6: 1989 and Part 7: 1987.

Cormet metal sections and gypsum-based jointing compounds are non-combustible when tested in accordance with BS 476: Part 4: 1970 and Euroclass A1.

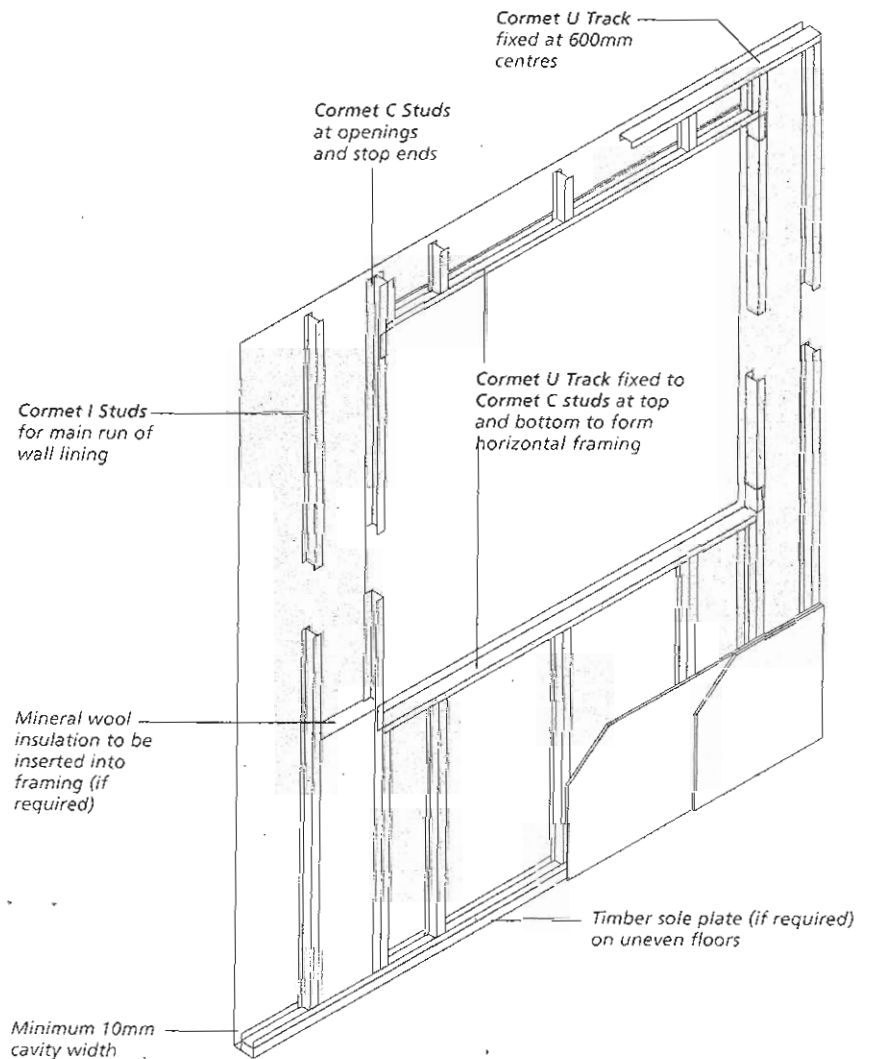
System components:

- Boards
- Compounds
- Screws
- Finishes

See section:



Cormet Independent Wall Lining



Components

Components

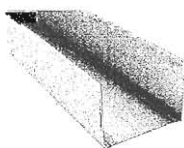
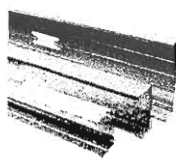
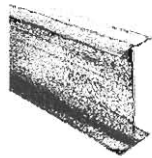
The range of Cormet metal components is shown and listed in table 2.12.

Colour coding is used to identify metal thickness:

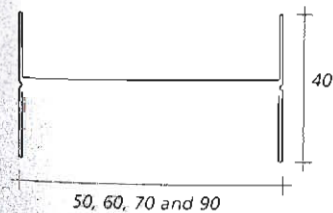
- Red (R) 0.5mm
- Blue (B) 0.7mm
- White (W) 0.9mm

Table 2.12 Cormet Independent Wall Lining Components

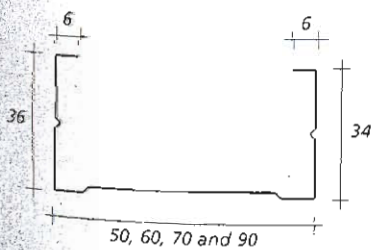
Component	Product code	Width (mm)	Lengths (mm)
I Stud	IS50/R	50	2400, 3000
	IS60/B	60	3600, 4200
	IS70/B	70	3600, 4200
	IS90/B	90	6000, 7200
C Stud	CS50/R	50	2400, 2700, 3000, 3600
	CS60/R	60	2400, 2700, 3000, 3600, 4200
	CS70/R	70	2400, 2700, 3000, 3300, 3600, 4200, 4800
	CS90/R	90	2700, 3000, 3600, 4200
	CS90/W	90	4800, 6000, 7200
	U Track	UT52/R	52
UT62/R		62	3000
UT72/R		72	3000
UT92/R		92	3000
U Track Deep Flange*	UDT52/B	52	3000
	UDT62/B	62	3000
	UDT72/B	72	3000
	UDT92/B	92	3000
Extra Deep U Track*	UXT72/B	72	3000
	UXT92/W	92	3000
Lafarge Intumescent Acoustic Sealant	ACOUSTIC (INTU)		0.9 litre cartridge
	ACO 38 (INTU)		0.38 litre cartridge
Drywall Self-tapping screws		25 to 76	



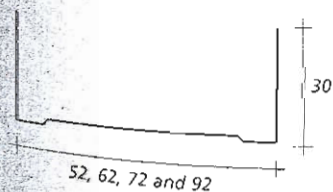
Cormet Independent Wall Lining components



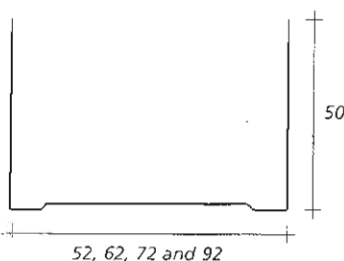
I Stud



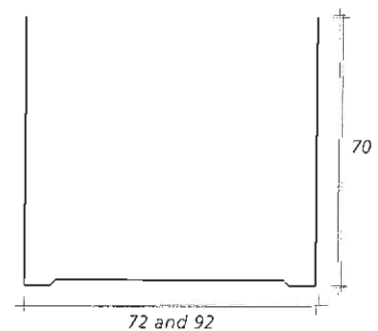
C Stud



U Track



U Track Deep Flange



Extra Deep U Track

Application details

System assembly

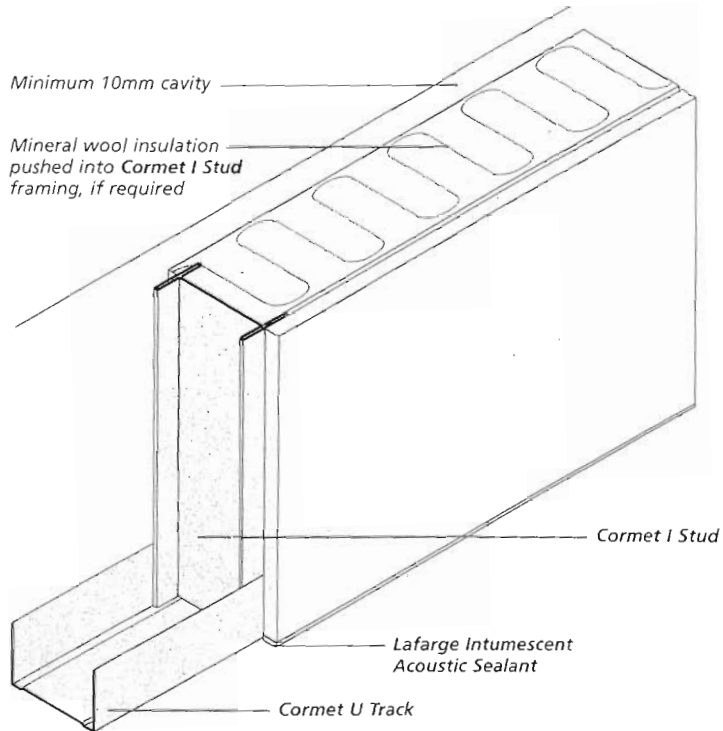
Framing

Set out the **Cormet Independent Wall Lining system**, allowing a minimum cavity width of 10mm between the external wall and the adjoining face of the drylining system, taking into account the thickness of the insulation which may be greater than the width of the framing.

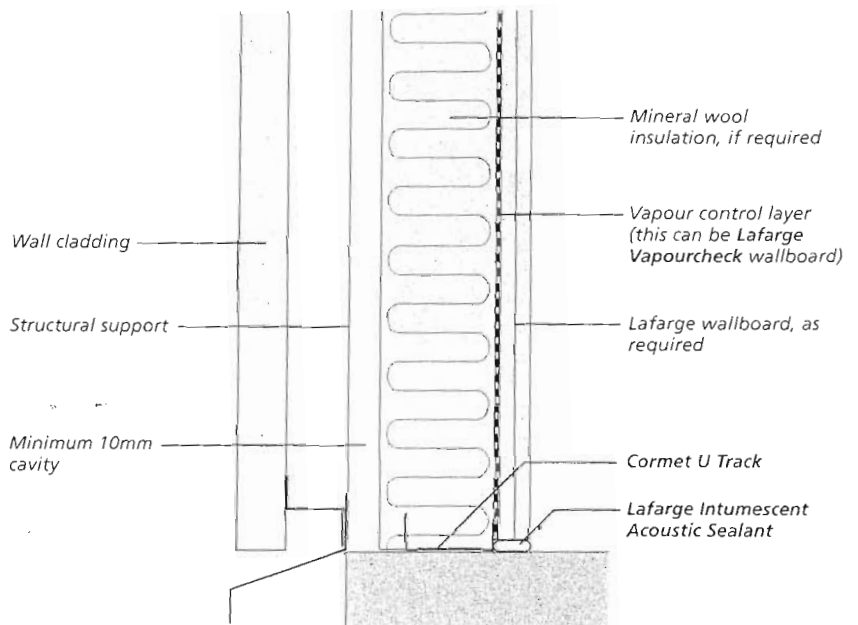
Fix **Cormet U Track** to the floor and the structural soffit at 600mm centres. If applying the floor track direct to new concrete, the concrete must be dry, and a damp proofing membrane should be used. On uneven floors a timber sole plate may be required.

Cut **Cormet Studs** 5mm shorter than the floor to soffit height to allow for floor variations. Insert the studs into the floor and head tracks and twist to lock, positioning them at up to 600mm centres. Arrange the framing so that board widths of less than 300mm are avoided. Use **Cormet I Studs** for the main run of the wall lining, with **Cormet C Studs** at abutments, openings and corners.

Detail of construction



Base detail



Application details

Insulation

Insert mineral wool insulation into the framing within the flanges of the studs and the tracks. Where insulation is thicker than stud width, ensure insulation is installed as the diagram opposite. Ensure that they are fully inserted into the framing, and that the cavity between the lining and the external wall is maintained. Where insulation is thicker than the framing width, fit the insulation with its exposed face level with the inner face of the framing, and so that the edges of the insulation is split by the flanges of the studs and tracks at the back.

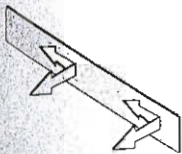
Narrower batts and all quilts should be suspended on Cormet Insulation Hold Strips 150mm from top and at 1200mm vertical centres down the lining.

Boarding

Cut plasterboard 5mm shorter than the floor-to-soffit height, butt firmly against the ceiling and fix to the framing with Lafarge Drywall Screws. Align wallboards, leaving a nominal 3mm gap between each other and centre edges of the plasterboard over the studs.

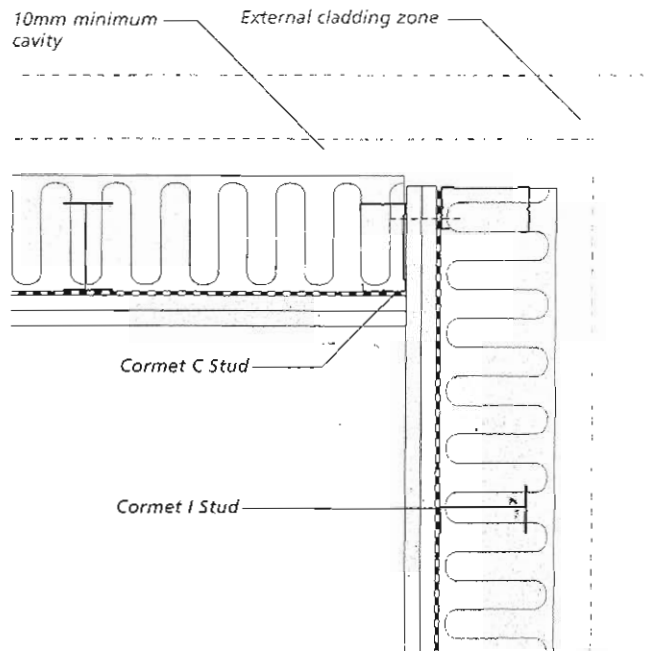
If sound insulation is required, apply a 6mm bead of Lafarge Intumescent Acoustic Sealant around the perimeter of the framing or the outer layer of wallboard.

For fixtures to linings see Section 8 Sitework, table 8.3.

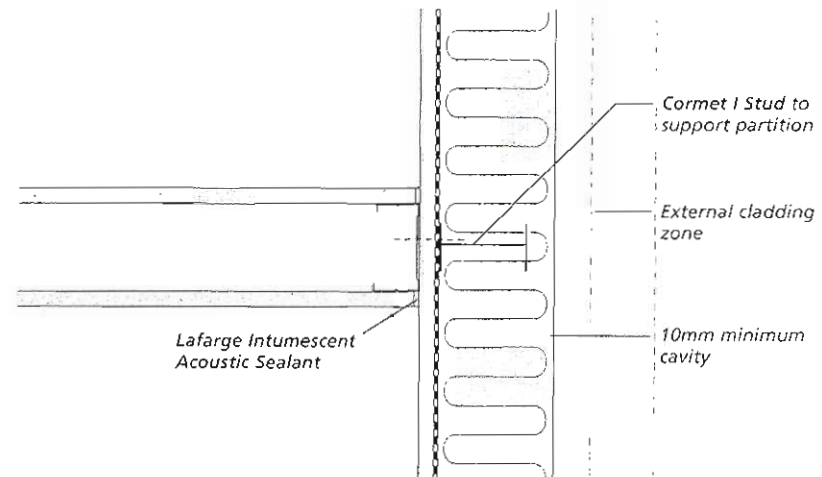


Cormet Insulation Hold Strip

Internal corner



Junction with partition



Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
MR. D NICHOLS, DAVIES TIMBER YARD 'A'	Siting of Environmental Incinerator - Wythall Sawmills, Alcester Road, Wythall	GB	B/2007/0682 21.06.2007

Councillor J. T. Duddy has requested that this application be determined by Planning Committee.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Environment Services to determine the application on expiry of the publicity period on 14th August 2007 (minded to approve).

Consultations

Wythall PC	Object - proposed siting too close to adjacent property and concerned over the type of materials that may be burnt and the times of operation - received 18.07.2007. Further comments awaited.
Wythall Residents' Association	Object to fumes and smells in this residential area. Also, concerns over possible toxic fumes from treated wood. If granted, a condition that no imported waste should be burnt to be imposed - received 23.07.2007. Further comments awaited.
WCC(HP)	No objections - received 05.07.2007.
EHO	No objections subject to conditions - received 26.07.2007.
Natural Environment Officer	Supports the application due to the recycling of waste energy on site - received 30.07.2007.
Publicity	Site notice posted 27.06.2007 (expired 17.07.2007). 2 notification letters sent out 26.06.2007 (expired 16.07.2007). 2 emails and 1 letter received objecting on the following grounds: <ul style="list-style-type: none">▪ Landscaping condition to previous application has not been implemented.▪ Unsustainable - no recycling of timber waste.▪ Possibility of imported waste.▪ Inappropriate in a residential area.▪ Will lead to the generation of smell and smoke.▪ Inappropriate siting so close to no. 323 Alcester Road.▪ Proposed height of the flue would be visually intrusive. Further comments are awaited.

The site and its surroundings

This application relates to the Wythall Saw Mills site on the east side of Alcester Road. A drive running under a canopy from Alcester Road through the timber yard site ends at a

security fence between the sawmill and a field. To the south of the site is a dwelling; to the north a public house; and open space on the opposite side of Alcester Road.

An elevational drawing has been received showing the incinerator and the height of the flue. Interested parties have therefore been reconsulted asking for comments by 14th August 2007.

Any further comments received will be reported to Members as a verbal update at the meeting.

Proposal

This is a full planning application proposing the installation of an environmental incinerator against the south elevation of the sawmill.

Currently timber waste is taken to a registered tip in skips. The proposed incinerator will negate the necessity of these transfers.

It is also intended that heat generated by the incinerator will be used to heat the sawmill.

Relevant Policies

WCSP	EN.1, EN.3, WD.1, WD.2, CTC.1, D.38, D.39
BDLP	DS1, DS2, DS13, C4, S19, E4, ES15
Others	SPG1, PPG2, PPG4, PPS7, PPS10, PPS23

Relevant Planning History

None

Notes

The main issues in the determination of this application are:-

- (a) whether the proposal represents appropriate development in the Green Belt; and, if not,
- (b) whether very special circumstances exist that clearly outweigh the harm that would be caused.

Although the site has a commercial use, the site is located in the Green Belt with open fields nearby. I consider the installation of an incinerator and flue, 8.8 metres in height, would harm the openness of the Green Belt and I therefore find the proposal represents inappropriate development in the Green Belt. It therefore follows to consider whether very special circumstances exist by considering the harm caused as well as any advantages to the proposal.

Harm Caused

PPG2 states that inappropriate development is, by definition, harmful in the Green Belt. As well as harm caused by its inappropriateness, I consider the proposal would go against the fundamental aims of Green Belt policy to preserve openness and character.

The high flue would be seen from adjoining properties and would, to my mind, harm the appearance and character of the landscape. As such, I find the proposal to be contrary to policy CTC.1 of the WCSP and policy C4 of the BDLP which seek to protect landscape from insensitive and harmful development.

I note the concerns of interested parties regarding the hours of operation and the possible import of waste material. Both these points can be conditioned to restrict use of the incinerator to Mondays to Fridays, 8.00 a.m. to 3.00 p.m. (times specified by applicant), and that no waste will be incinerated apart from that generated on site.

I also note the concerns of possible visual impact. The incinerator will be located approximately 7 metres from no. 323 Alcester Road. 2 metres of the flue will be above the roof of the sawmill building. However, the northern elevation of no. 323 has no habitable room windows and the flue will be near an existing flue to the boiler which is approximately 7.8 metres in height. I do not consider the proposal will be visually intrusive from no. 323 bearing in mind the lack of habitable room windows. The location of the proposed incinerator down the side of the sawmill will not adversely affect the street scene.

Points in support of the application

The current operation appears to generate 2 or 3 journeys per week to a registered tip to offload waste timber. Getting rid of the timber waste by incineration on site will either greatly reduce or eliminate these journeys.

Regarding possible fumes and smell, the type of incinerator proposed is specifically approved for smoke control areas (smokeless zones) - it should be noted that Wythall does not lie within a smokeless zone. The manufacturers have stated that there will only be smoke for the first 5 minutes of lighting the incinerator. The Environmental Health Section have had discussions with Birmingham City Council's Environmental Health officers as this incinerator is being used at a sawmill in Birmingham with housing nearby. Birmingham CC have commented that it has not given rise to any statutory nuisance or complaints. I do not consider the proposed development to be contrary to the provisions of PPS23 - Planning and Pollution Control.

It is intended to recycle heat generated by the incinerator to heat the sawmill. Such recycling of waste energy is one of the Key Planning Objectives in PPS10 and is further encouraged by Structure Plan policies EN.1 and EN.3.

Other Issues

Complaints have been received because the landscaping scheme for a previous application - B/2004/1389 - has not been implemented successfully. The landscaping

was wrongly carried out outside the perimeter fence and was eaten by horses. The correct scheme should be implemented in October / November this year.

The situation is being monitored by the Enforcement Section.

Conclusions

The proposal represents inappropriate development in the Green Belt. However, I consider very special circumstances exist, detailed above, that clearly outweigh the harm that may be caused.

Also, I do consider that some concerns can be adequately addressed through the imposition of conditions, such as those restricting hours of operation and the limiting of waste to be incinerated to that generated on site.

I further do not consider the incinerator and flue would compromise residential amenity or adversely affect the street scene.

The publicity period does not expire until 14th August 2007 and I therefore request that delegated powers be granted to me to determine the application on or after this date. I am mindful to grant permission for the reasons outlined above.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Environment Services to determine the application on the expiry of the publicity period on 14th August 2007.

Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
CARL BEDDINGTON 'A'	Lay hardcore to improve and maintain an existing track - Land off Hockley Brook Lane, Belbroughton	GB LPA	B/2007/0720 18.09.2007

RECOMMENDATION:

- (i) that **DELEGATED POWERS** be granted to the Head of Planning and Environment Services to determine the application on expiry of the publicity period (minded to refuse); and
- (ii) that Members authorise appropriate action to secure the removal of the unauthorised track and delegate authority to the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Diversity, to select the most appropriate course of action.

Consultations

Belbroughton Consulted on: 26.07.2007. No response.

PC

WCC (HP) Consulted on: 26.07.2007. No response.

ENG Consulted on: 26.07.2007. No response.

Publicity Site notice posted on: 30.07.2007 (expires: 20.08.2007). No response.

The site and its surroundings

This application site refers to a plot of land which is located in a designated Green Belt and Landscape Protection Area, set off Hockley Brook Lane, Belbroughton. The existing track from Hockley Brook Lane forms part of the original track and hardstanding has been in place long enough to be immune from Enforcement Action. The retrospective track lies at the end of the existing hard standing area and lies adjacent to the hedge.

Proposal

This is a retrospective application to lay a hardcore track . Its shape is 'L' shape with the shortest part of this shape measuring approximately 50 x 4 metres; and the longest part of the 'L' shape would measure approximately 170 x 4 metres.

Relevant Policies

WMSS QE3

WCSP CTC.1, D.38, D.39

BDLP DS13, DS2, C1

Others PPS1, PPG2

Relevant Planning History

(These fields have been subdivided and applications have been submitted for many of the individual sites). There is no previous history for this particular field division.

Notes and General Green Belt Policy

The main issue to take into consideration is whether the proposal would constitute inappropriate development in the Green Belt and, if so, whether any 'very special circumstances' exist to clearly outweigh the harm caused. In addition it will be necessary to establish whether the proposed development would have a materially detrimental effect on the Landscape Protection Area.

New access track and Green Belt Policy

Policy DS2 of the Bromsgrove District Local Plan sets out the instances where development is considered appropriate in the Green Belt as stemming from PPG2 and reflects paragraphs 3.1 and 3.2 of PPG2.

Paragraph 3.12 of PPG2 states that engineering operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. The purposes of including land in the Green Belt include checking unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment as set out in paragraph 1.5 of PPG2.

I acknowledge the track itself does not damage the openness of the Green Belt but I am of the opinion that the laying of the hard standing to form a permanent and established driveway would lead to further encroachment on the countryside and Green Belt by urbanising part of the existing field. By definition this would unduly harm the visual amenity of the Green Belt as defined in paragraph 3.15 of PPG2 and would conflict with the purposes and provisions of including land within the Green Belt, contrary to the advice in paragraph 1.5 of PPG2. No very special circumstances have been put forward to outweigh the harm caused and by virtue the proposal would also prejudice the purposes and provisions of including land within the designated Landscape Protection Area.

RECOMMENDATION:

- (i) that **DELEGATED POWERS** be granted to the Head of Planning and Environment Services to determine the application on expiry of the publicity period (minded to refuse); and
 - (a) The retrospective hardcore access track would lead to the urbanisation of the existing field and would result in further and unnecessary erosion of the countryside and Green Belt. Therefore the proposal would unduly harm the visual amenity of the Green Belt and would prejudice the purposes and provisions of including land within the designated Landscape Protection Area which would be contrary to policy QE3 of the West Midland Spatial Strategy, policies CTC1, D38, D39 of the Worcestershire County Structure Plan, policies C1, DS2, DS13, of the Bromsgrove District Local Plan and the general provisions of PPG2 - Green Belts.
- (ii) that Members authorise appropriate action to secure the removal of the unauthorised track and delegate authority to the Head of Planning and

Environment Services, in consultation with the Head of Legal, Equalities and Diversity, to select the most appropriate course of action.

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Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Philip Brookes 'A'	Erection of stable block / tack shed; change of use from agricultural to equine recreational (as augmented by plans received on: 26.07.2007) - Part field no. 1530 adj. Poolhouse Far, Hockley Brook Lane, Belbroughton	GB LPA	B/2007/0777 23.10.2007

RECOMMENDATION:

- (i) that **DELEGATED POWERS** be granted to the Head of Planning and Environment Services to determine the application on expiry of the publicity period (minded to refuse); and
- (ii) that Members authorise appropriate action to secure the removal of the unauthorised track and delegate authority to the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Diversity, to select the most appropriate course of action.

Consultations

Belbroughton	Consulted on: 26.07.2007. No response.
WCC (HP)	Consulted on: 26.07.2007. No response.
ENG	Consulted on: 26.07.2007. No response.
Publicity	Site notice posted on: 30.07.2007 (expires on: 20.08.2007). Press notice posted on: 31.07.2007 (expires on: 21.07.2007).

The site and its surroundings

This application site refers to a plot of land which is located in a designated Green Belt and Landscape Protection Area. The site is accessed from Hockley Brook Lane via an existing hard standing track and forms one of a number of field divisions. This site would be approximately 165 metres away from Pool House Farm.

Proposal

This is a retrospective application for the proposed erection of a stable block and tack shed, and this would involve a change of use from agricultural to equine recreational. The stable block would measure approximately 9.7 metres (length) x 3.6 metres (width) x 3 metres (height) and the tack shed would measure approximately 1.8 metres (length) x 2.4 metres (width) x 2.3 metres (height).

Relevant Policies

WMSS	QE3
WCSP	CTC.1, D.38, D.39
BDLP	DS2, DS13, RAT2, RAT16, RAT17, C1, C4
Others	PPS1, PPG2

Relevant Planning History

(These fields have been subdivided and applications have been submitted for many of the individual sites). There is no previous history for this particular field division.

Notes

The main issue to take into consideration is whether the proposal would constitute inappropriate development in the Green Belt and, if so, whether any 'very special circumstances' exist to clearly outweigh the harm caused. In addition, it will be necessary to establish whether the proposed development would have a materially detrimental effect on the Landscape Protection Area.

N.B. This application will be dealt with in four parts: the change of use, the stable, the hard standing and the shed.

Change of Use

This application would involve a material change of use of the land from agricultural to equestrian pursuits which would be acceptable development in principle as defined in paragraph 3.2 of PPG2 - Green Belts which states that a material change of use in the Green Belt is inappropriate unless it maintains the openness / visual amenity of the Green Belt. Equestrian pursuits would maintain openness in principle and would therefore be acceptable in this instance.

Proposed stable and design

The proposed stables would measure 9.76 metres (length) x 3.6 metres (width) x 3.03 metres (height) and would be of a wooden construction.

Policy RAT17 of the Bromsgrove District Local Plan (BDLP2004) highlights the criteria against which stabling and associated development will be considered. This policy states new buildings should be kept to a minimum necessary and consist only of essential facilities (for example, small stables) genuinely required for a parcel of land which preserves the openness of the Green Belt.

Policy RAT17 refers to the fact that the design, materials and landscaping treatment must be of a high standard and sensitive to its surroundings of the rural area in order to protect the visual amenity of the surrounding area and to ensure the integration of any buildings into the rural setting. This policy also states that new stabling should be large enough for the safety and comfort of the horse and meet the Councils standards, and the proposal would satisfy this criteria.

Paragraph 3.5 of PPG2 refers to essential outdoor recreational facilities such as stables and equestrian pursuits being appropriate development in the Green Belt, including small scale stables which would be the case in this instance providing that it complies with paragraph 3.12 of PPG2. This aspect of the policy states that a material change of use in the Green Belt is inappropriate unless it maintains the openness / visual amenity of the Green Belt and, given the nature of the proposal, it is considered that the proposal would be acceptable development.

In addition, the stables would be of a size, design and scale that would be suitable for this site and would comply with Council policy and guidance, as well as national planning policy under PPG2 - Green Belts. It would also be easily accessed from the existing track which is lawful and therefore no concern is expressed with this aspect of the proposal.

Proposed hard standing area

The proposed hard standing area would measure approximately 192m² which is considered to be an excessive amount. Policy DS2 of the Bromsgrove District Local Plan sets out the instances where development is considered appropriate in the Green Belt as stemming from PPG2 and reflects paragraph 3.1 and 3.2 of PPG2.

Paragraph 3.12 of PPG2 states that engineering operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. The purposes of including land in the Green Belt include checking unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment as set out in paragraph 1.5 of PPG2.

It is acknowledged that the hard standing itself does not damage the openness of the Green Belt but it is considered that the laying of the hard standing to form a permanent and established area around the stable would lead to further encroachment on the countryside and Green Belt by urbanising part of the existing field. By definition this would unduly harm the visual amenity of the Green Belt as defined in paragraph 3.15 of PPG2 and would conflict with the purposes and provisions of including land within the Green Belt, contrary to the advice in paragraph 1.5 of PPG2. No very special circumstances have been put forward to outweigh the harm caused and by virtue the proposal would also prejudice the purposes and provisions of including land within the designated Landscape Protection Area.

Proposed shed

This would measure 1.83 metres (width) x 4.44 metres (length) x 2.36 metres (height) and would be used as a tack room, independent from the main stables.

The main concern with this aspect of the proposal is that the tack room would be divorced from the main stables and would create unnecessary clutter in the field which would unduly harm the openness / visual amenity of the Green Belt. Whilst a tack room is not considered inappropriate development in principle, it should be integrated within the existing stables, rather than simply appearing as a 'shed' adjacent to the stables. Therefore it is considered that in this instance the proposed tack room would be an inappropriate form of development in the Green Belt and no very special circumstances have been put forward to outweigh the harm caused.

RECOMMENDATION:

- (i) that **DELEGATED POWERS** be granted to the Head of Planning and Environment Services to determine the application on expiry of the publicity period (minded to refuse)

- (a) The proposed tack room would be divorced from the main stables as a separate entity and would not be integrated within the existing stables. The shed would therefore constitute inappropriate development and would unduly harm the openness / visual amenity of the Green Belt and would materially harm the purposes and provisions of including land within the designated Landscape Protection Area. No very special circumstances have been submitted to the Local Planning Authority to outweigh the harm caused which would be contrary to policy QE3 of the West Midlands Spatial Strategy, policies CTC1, D38, D39 of the Worcestershire County Structure Plan, Policies DS2, DS13, C4, RAT2, RAT16 of the Bromsgrove District Local Plan and the general provisions of PPG2 - Green Belts.
 - (b) The proposed hard standing would lead to the urbanisation of the existing field resulting in unnecessary erosion of the countryside and Green Belt. This would unduly harm the visual amenity of the Green Belt and would materially harm the purposes and provisions of including land within the designated Landscape Protection Area. No very special circumstances have been submitted to the Local Planning Authority to outweigh the harm caused which would be contrary to policy QE3 of the West Midlands Spatial Strategy, policies CTC1, D38, D39 of the Worcestershire County Structure Plan, Policies DS2, DS13, C4, RAT2, RAT16 of the Bromsgrove District Local Plan and the general provisions of PPG2 - Green Belts.
- (ii) that Members authorise appropriate action to secure the removal of the unauthorised track and delegate authority to the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Diversity, to select the most appropriate course of action.

Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
A CULLEN 'A'	Part Field no. 1448 Adj Poolhouse Farm, Hockley Brook Lane, Belbroughton - Erection of mobile 3 berth field shelter (<i>retrospective</i>)	GB LPA	B/2007/0800 11.09.2007

RECOMMENDATION:

- (i) that **DELEGATED POWERS** be granted to the Head of Planning and Environment Services to determine the application on expiry of the publicity period (minded to refuse); and
- (ii) that Members authorise appropriate action to secure the removal of the unauthorised track and delegate authority to the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Diversity, to select the most appropriate course of action.

Consultations

Belbroughton PC	Consulted on: 19.07.2007. No response.
WCC (HP)	Consulted on: 19.07.2007. No response.
Publicity	Site notice posted on: 24.07.2007 (expires: 14.08.2007). No response.

The site and its surroundings

This application site refers to a plot of land which is located off an unauthorised access track in a designated Green Belt and Landscape Protection Area and forms one of a number of plots of land which have been sub-divided and sold.

Proposal

This application refers to a retrospective application for proposed stables. This would involve a material change of use of the land from agricultural to equestrian pursuits.

This site has also been subject to the implementation of a hard standing around the stables and also for a new access point from the current unauthorised track. This has not been included as part of this permission and it is part of B/2007/0720 which is also on the agenda.

Relevant Policies

WMSS	QE3
WCSP	CTC.1, D.38, D.39
BDLP	DS2, DS13, RAT2, RAT16, RAT17, C1, C4, TR11
Others	PPS1, PPG2

Relevant Planning History

(These fields have been subdivided and applications have been submitted for many of the individual sites). There is no previous history for this particular field division.

Notes

The main issue to take into consideration is whether the proposal would constitute inappropriate development in the Green Belt and, if so, whether any 'very special circumstances' exist to clearly outweigh the harm caused. In addition, it will be necessary to establish whether the proposed development would have a materially detrimental effect on the Landscape Protection Area.

Equestrian activities / stables

Policy RAT16 of the BDLP2004 highlights that proposals involving the use of agricultural land for equestrian pursuits in the Green Belt will be favourably considered in so far as the siting, materials or design of any new stabling and other associated development does not conflict with the visual amenities of the Green Belt and that the proposal conforms to the criteria contained within policy RAT17.

Policy RAT17 of the BDLP2004 highlights the criteria for which stabling and associated development will be considered against. This Policy states new buildings should be kept to a minimum necessary and consist only of essential facilities (for example, small stables) genuinely required for a parcel of land which preserves the openness of the Green Belt.

Policy RAT17 of the BDLP states a number of criteria against which proposed stables will be assessed. Part (a) of this policy states that new buildings should be kept to the minimum necessary and consist of essential facilities (for example, stables) which preserve the openness / visual amenity of the Green Belt. Save in exceptional circumstances they may be permitted where they are closely related to existing farm buildings or other groups of buildings. In this instance, the proposal would not be closely related to existing farm or other rural buildings and would be located off a track which is currently unauthorised.

Part (g) of this policy states that the impact of the proposal including the cumulative impact with other equestrian related development or development for which there is planning permission must not be such as to harm the openness of the Green Belt. Therefore, by virtue of positioning off a track which is currently unauthorised, the proposed stables would lead to further encroachment on to the countryside and Green Belt. It is therefore considered that the proposed stables would unduly harm the openness / visual amenity of the Green Belt and would also materially harm the purposes and provisions of designating the land as a Landscape Protection Area.

Design

Policy RAT17 refers to the fact that the design, materials and landscaping treatment must be of a high standard and sensitive to its surroundings of the rural area in order to protect the visual amenity of the surrounding area and to ensure the integration of any buildings into the rural setting. This policy also states that new stabling should be large enough for the safety and comfort of the horse and meet the Councils standards and I consider that the proposal would meet the size standard requirements.

RECOMMENDATION:

- (i) that **DELEGATED POWERS** be granted to the Head of Planning and Environment Services to determine the application on expiry of the publicity period (minded to refuse)
 - (a) The proposed stables would be located in a field which currently lies off an existing unauthorised access track. Therefore by virtue of positioning the proposal would not be closely related to other existing rural buildings and its comparatively isolated position would unduly harm the openness / visual amenity of the Green Belt and would undermine the purposes and provisions of designating the land as a Landscape Protection Area which would contravene policy QE3 of the West Midland Spatial Strategy, policies CTC.1, D.38, D.39 of the Worcestershire County Structure Plan, policies C1, DS2, DS13, RAT17(a) of the Bromsgrove District Local Plan and the general provisions of PPG2 - Green Belts.
- (ii) that Members authorise appropriate action to secure the removal of the unauthorised track and delegate authority to the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Diversity, to select the most appropriate course of action.

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**Bromsgrove District Council
Planning Committee**

**Committee Updates
13 August 2007**

Application Ref No	Update
B/2007/0539/DMB	<p>1 letter received from Lickey Hills Society 03.08.07:</p> <ul style="list-style-type: none"> • Concern over proximity of site to the Green Belt and the Lickey Hills Country Park • Would impose more building into this area of Great Landscape Value which would effectively increase the visual effect of the built environment. • Rather than levelling this sloping site to the highest point, it ought to be levelled to its lowest point by excavation
B/2007/0546/HLP	<p>One letter expressing no objection to the proposal, which would assist the general community of Hopwood.</p> <p>An email has been received from the agents (07.08.07) following on from conversations with BC this sets out; that all barns have to comply with Building Regulations and this would apply to brick built barns too. They suggest that the proposal must not therefore represent major reconstruction. They state it is possible to add finishes from inside and so retain existing cladding on the existing frame. Parking is to be provided on existing hardsurfacing and they conclude that the building can be converted without additional extension and without causing harm to the green belt.</p> <p>BC - Sets out that a building regulations application will be required for the proposal, foul and storm drainage will be required, Fire exits may be needed, Access statements will be required for each office unit, the proposal involves an internal metal stud system and the external skin would need to resist penetration by precipitation. As the cladding has been recently installed this issue may have already been addressed. 08.08.07.</p> <p>Furthermore, a letter has been received from Pegasus Planning on 9th August, setting out;</p> <p>The development does not propose any alterations to the</p>

	<p>existing access, that the site is not isolated by virtue of their being commercial and leisure uses in Ash Lane. Reference is also made to a recent appeal decision concerning Lower Shepley Farm. They state that the Inspector found benefits in bringing a suitable building into productive use outweighs a small increase in the need to travel by car. It goes on to state that the application site enables choices of transport methods and that the proposal is acceptable with respect to its impact on Ash Lane and the highway network. Comment is also made with respect to the issue of major reconstruction and the agents are of the view that the buildings can be converted without major reconstruction. They urge the Council to reconsider its view on this point.</p> <p>Amend reason for refusal number 2 to read B1 not B2.</p>
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<p>B/2007/0682/HB</p>	<p>Please note expiry date of the application should read 16.08.07 not the one stated in the report</p> <p>5 further objections received from local residents, expressing</p> <ul style="list-style-type: none"> ▪ Concerns of possible pollutants and health risks ▪ concerns about the health & safety of horses in the adjacent field – possibility of a spark landing on a horse’s rug may cause the horse to burn ▪ Concern that the landscaping condition to the previous application has still not been implemented. <p>The south elevational drawing is incorrect insofar as existing features ie. fire escape, tank. flue have not been shown and the roofline as shown is incorrect. Attempts have been made to contact the agent to rectify the drawing but he has been unavailable. Therefore it is now recommended to refuse the application as follows:</p> <p style="padding-left: 40px;">‘Insufficient information has been provided to show the relationship of the proposed incinerator to other features on the existing south elevation of the sawmill. Furthermore, correct information has not been provided with regard to the existing roofline. As such the proposal is contrary to Policy S19 of the Bromsgrove District Local Plan.’</p>
<p>B/2007/0720/DI</p>	<p>Belbroughton PC: Objection received on: 08/08/2007 suggesting that officers explore the nature of the “existing track.”</p> <p>One letter received from resident setting out that the improvement of the track is necessary for many reasons, including safety if people and animals, the track has been here for many years and is on old OS maps, track enables equestrian activities and protects green belt from urbanisation, the use for horses is not harmful to the landscape and the land does not have good agricultural value.</p>

B/2007/0777/DI	<p>This application was formally withdrawn on: 06/08/2007.</p> <p>Photographic evidence was taken by the Enforcement Section on: 08/08/2007 which indicates that the shed has now been removed from the site. However given that the stables remain unauthorised in the absence of an approved planning permission <u>recommend that recommendation b) remains</u> and that; Members authorise appropriate action to secure the removal of the unauthorised structures and delegate authority to the Head of Planning and Environment Services in consultation with the Head of Legal, Equalities and Diversity to select the most appropriate course of action.</p> <p>Belbroughton PC Objection received on: 08/08/2007.</p>
B/2007/0800/DI	Belbroughton PC Objection received on: 08/08/2007.
PI/2006/00220 Sec 3 report	Verbal update received from the owner of the property that he will have the bungalow demolished as soon as possible, hopefully within the month.

Enforcement Ref. Site

PI/2006/00220 6 Blakes Field Drive, Barnt Green

RECOMMENDATION: that Members authorise appropriate action to remedy the identified breach of planning control and delegate authority to Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, to select the most appropriate course of action.

Purpose of Report

To advise Members that a breach of planning control has taken place and to seek authority for Enforcement Action to bring about a cease of that breach.

Consultations

Liaison has taken place with the Head of Legal, Equalities and Democratic Services and Planning Managers.

The site and its surroundings

The site of the breach is a residential plot at the end of a cul-de-sac located in the village of Barnt Green. This is a recognised residential area. There are a total of 6 residential properties on this drive.

Human Rights

Human Rights issues have been considered as the subject of the report is a residential bungalow. However, as the property is no longer being occupied, it is considered that Human Rights are being breached.

Relevant Policies

WMSS	QE3
WCSP	SD.2, CTC.1, T.1
BDLP	DS3, DS13, S7, BG4
Others	PPS1, SPG1, SPG10

Relevant Planning History

B/2006/0159 Replacement dwelling and detached garage, demolition of existing dwelling and detached garage

Notes

Members may recall that planning permission was granted in April 2006 under permission B/2006/0159 for a replacement dwelling and detached garage to replace the existing bungalow and detached garage. Condition 3 on this permission stated:

"The existing buildings shall be demolished and all the resultant materials removed from the site before development in pursuance of this permission is commenced unless the materials of the existing house are to be used in the construction of the proposed development."

Construction of the approved dwelling commenced around June 2006. In July 2006, complaints were received by the Enforcement Section that the existing bungalow had not been demolished as required by Condition 3 of the permission. The site was inspected by a member of the Enforcement Section. That inspection revealed that a small part of the existing bungalow and the majority of the detached garage had been demolished. The owner of the premises was still residing in the remaining parts of the bungalow. Liaison with the owner and the developer took place by the Enforcement Officer and it was established that the demolished sections of the buildings had been used in the formation of the base of the new dwelling, and therefore there had been a partial compliance with Condition 3. It was their intention to demolish the rest of the bungalow and the garage once the new dwelling was occupied and to use the subsequent material for the base of the detached garage. Any remaining material would then be removed from the site.

Several complaints were received from neighbours regarding the situation. The Enforcement Section accepted that there had been a partial compliance with Condition 3 and that it was not expedient to take action at that time.

Construction reached the stage where the owner has now been able to vacate the original bungalow and move into the new dwelling. This formal occupancy took place on 1st June 2007. The owner was advised in writing of the need to fully comply with Condition 3 and remove the rest of the original buildings. In a meeting with an Enforcement Officer, the owner expressed a verbal intention of keeping the original bungalow as a separate dwelling. To date the original bungalow still remains on the site and in breach of Condition 3.

RECOMMENDATION: that Members authorise appropriate action to remedy the identified breach of planning control and delegate authority to Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, to select the most appropriate course of action.

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

13TH AUGUST 2007

APPEAL DECISIONS

Responsible Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Responsible Heads of Service	Head of Planning and Environment Services Head of Legal and Democratic Services

1. SUMMARY

- 1.1 To note the results of planning appeals 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 Applicant	Plan Ref. / Proposal	Decision / Date
3.1	Mr. and Mrs. A. Brittain	B/2006/1132 - Proposed garage with games room over at Millfield Farm, Pumphouse Lane, Webheath, Redditch, B97 5PH	Appeal allowed
3.2	Mr. C. Wright	B/2006/0794 - Change of use to B1 (Light Industrial) - Lower Shepley Farm, Littleheath Lane, Lickey End, Bromsgrove, B60 1HU	Appeal allowed
3.3	Mr. B. Higgins	B/2006/0774 - Adaptation of existing building to provide stables, tack room / feed store at Balan Farm, Packhorse Lane, Kings Norton, Birmingham, B38 0DN	Appeal allowed

4. FINANCIAL IMPLICATIONS

- 4.1 There are no financial implications directly related to this report.

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications directly related to this report.

6. **COUNCIL OBJECTIVES**

6.1 This report does not directly relate to the Council's Corporate Objectives.

7. **RISK MANAGEMENT**

7.1 There are no identifiable risk implications directly related to this report.

8. **CUSTOMER IMPLICATIONS**

8.1 There are no customer implications directly relating to this report.

9. **EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 There are no equality and/or diversity implications directly relating to this report.

10. **OTHER IMPLICATIONS**

10.1	Procurement Issues	None
	Personnel Implications	None
	Governance / Performance Management	None
	Community Safety (including Section 17 of the Crime and Disorder Act 1998)	None
	Policy	None
	Environmental	None

11. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	No
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	No
Head of Organisational Development & HR	No
Corporate Procurement Team	No

12. **APPENDICES**

12.1 None

13. **BACKGROUND PAPERS**

13.1 Appeal decision letters received from the Planning Inspectorate, dated 9th July 2007, 18th July 2007 and 30th July 2007

CONTACT OFFICER

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Agenda Item 11

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
REDMAN HEENAN PROPERTIES LIMITED 'A'	Earthworks / site regrading - Part Cofton Centre, Groveley Lane, Cofton Hackett (as amended by plans received 25.06.2007)	EMP	B/2007/0539 22.08.2007

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WCC (HP)	<p>Consulted - views received 29.05.2007:</p> <ul style="list-style-type: none"> No objection subject to Condition.
Planning Policy	<p>Consulted - views received:</p> <ul style="list-style-type: none"> The proposal is for new employment uses on land currently identified as employment land in the BDLP and as such guidance contained in PPG4 and policy PA1 of the RSS, WCSP polices on employment land are not particularly relevant to this application; particularly relevant BDLP polices are E9 and TR8. The Preferred Option Longbridge Area Action Plan is also relevant in this instance. The general principle of new employment development on this site is acceptable in terms of the existing development plan and is supported by the emerging Area Action Plan for the whole of the former MG Rover Works. The preferred options draft of the AAP is looking to reallocate this site for employment uses beyond the life span of the currently adopted planning policy. This AAP has been through extensive public consultation, and is backed up by a substantial amount of technical baseline evidence.
WCC(Waste)	<p>Consulted - views received 09.07.2007:</p> <ul style="list-style-type: none"> No objection to the proposal subject to conditions restricting the importation and / or exportation of material on or off site, unless identified as contaminated material, etc.
Network Rail	<p>Consulted - views received 05.06.2007:</p> <ul style="list-style-type: none"> No objection.
EA	<p>Consulted - views received 29.06.2007:</p> <ul style="list-style-type: none"> No objection subject to Conditions. We have reviewed the Cofton Centre, Groveley Lane, Longbridge Phase 1 & 2 Geo-Environmental Audit Dated January 2007 submitted with planning application B/2007/0356-DB. In summary, this report indicated that there appears to be no significant total soil or leachable contamination within re-worked and in-situ ground analysed from this site. Therefore, based upon this information it would appear that remedial treatment of soils is unlikely to be required, in order to protect Controlled Waters.

- Deeper groundwater contamination identified within the Triassic Sherwood Sandstone is likely to have originated from an off-site source. Work is ongoing on the Longbridge site as a whole, up gradient of the Cofton Centre, to deal with identified significant contaminant sources, which is likely to have a beneficial impact on groundwater quality down gradient.
- Therefore, based upon the information reviewed to date, re-profiling works involving re-worked and in-situ soils at the Cofton Centre is unlikely to result in any additional adverse impact from contamination.

BW Consulted - views received 12.06.2007:

- No objection.

HSE Consulted 25.05.2007: views awaited.

Ramblers Consulted 25.05.2007: views awaited.

Association

Rights of Way Consulted 25.05.2007: views awaited.

Birmingham CC Consulted 25.05.2007: views awaited.

Cofton Hackett Consulted - views received 14.06.2007:

- No objection.

PC

Publicity 4 letters sent 08.06.2007: no response received (expire 29.06.2007).
2 site notices posted 28.06.2007: no response received (expire 19.07.2007).
1 press notice published 07.06.2007 (expires 08.06.2007).

The site and its surroundings

The application relates to a plot of land some 11.8 hectares located to the south of Groveley Lane. The site forms part of the former MG Rover Works at Longbridge known as the Cofton Centre and is accessed via Groveley Lane, with this access shared with the existing buildings (storage and distribution uses) to the northern aspect of the Cofton Centre. The site is bounded to the west by the main Birmingham to Bristol railway line, beyond which is the former East Works, which is currently undergoing site clearance. To the east and south is open countryside located in designated Green Belt. To the north of the site across Groveley Lane, the site adjoins the main outer urban area of Birmingham including, to the north west across a railway bridge, other parts of the former Longbridge works site, much of which in this part of the site is occupied by the Nanjing Automotive Company.

The application proposals relate to the southern most part of the Cofton Centre which is almost entirely hard surfaced and was previously used for the storage of completed motor vehicles prior to despatch and distribution. The site is formed by two plateaus with a narrow landscaping strip of limited quality and value separating the two. Much of the site is surrounded by an existing landscaped bund.

The site is located in an employment zone.

Proposal

The application relates to a full application for proposed re-profiling earthworks to include a cut and fill exercise, to establish the formation level for future buildings, access roads and hard standing areas. The submitted drawings indicate a volume difference in cut and fill of minus 2,152 cubic metres (cut volume: 45,549 cubic metres / fill volume: 47,701 cubic metres).

This difference allows for the future construction materials associated with the development to achieve the proposed levels with an estimated construction thickness of 400 mm. This will be made up of appropriate engineered sub bases for the proposed buildings, car-parking areas and access roads, including surfacing as part of the future construction works associated with the new employment buildings. The fill area is concentrated to the southern and south-eastern boundary of the site allowing all suitable materials to be reused on site.

This application compliments the recent outline approval for the redevelopment of the site for industrial and warehouse units within use classes B1(b) and (c), B2 and B8 with associated access, parking, service yards and landscaping under planning reference B/2007/0356.

Relevant Policies

WMSS	QE1, QE2, QE3, QE6, QE7, QE9, PA1, PA5
WCSP	SD.2, CTC.1, CTC.9, CTC.10, CTC.12, CTC.13, CTC.14, CTC.19, CTC.20, T.1
BDLP	C4, C10a, C11, C17, DS13, E1, E2, E3, E4, E5, E9, ES1, ES2, ES4, ES5, ES6, ES7, ES8, ES14, ES16, TR1, TR11, TR12
Others	PPS1, PPG4, PPS9, Circular 06/05, Longbridge Area Action Plan: Issues and Options Report

Relevant Planning History

B/2007/0356	Industrial and warehouse units with use classes B1(b) and (c), B2 and B8 with associated access, parking, service yards and landscaping (outline): approved 02.08.2007
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Notes

The main issue to consider in the determination of this application is the appropriateness of the works in this location.

Policy ES16 of the Bromsgrove District Local Plan refers to development proposals involving reforming of land. This policy states that such proposals would be considered against the relative benefits and disbenefits of the proposal taking into account various factors such as the number of vehicle movements, effect upon landscape and the impact upon the amenities of local residents.

The scheme involves the re-profiling of the existing land levels with a cut and fill exercise. This forms the majority of the proposed works. The scheme also includes the limited

importation of appropriate engineering sub bases for the proposed buildings, car-parking areas and road access system as part of the future construction works of the new employment buildings (consisting typically of new aggregate / crushed rock / concrete). The works will enable the proposed use approved under B/2007/0356 to utilise the site (as detailed in the approved scheme under B/2007/0356). Members will note the views of the EA raising no objection to the scheme and the comment that the re-profiling works involving re-worked and in-situ soils at the site is unlikely to result in any additional adverse impact from contamination.

The WCC(HP) has raised no objection to the scheme, subject to a suitable condition relating to access arrangements to serve the site.

The eastern, southern and western boundaries of the site form the edge of designated Green Belt as detailed in the Bromsgrove District Local Plan. Paragraph 3.15 of PPG2 states that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design. Members will note this site is contained within a landscaped bund and this will enable the development to be softened by enhanced perimeter planting. Given this landscaping, the employment status of this site and the recent outline planning approval under B/2007/0356, I am of the view that the scheme would have limited harm to views out of the Green Belt in this location.

Given that the site is located some distance away from the nearest residential property, I find the application would not raise any issue of adverse residential amenity.

I would therefore suggest the proposal complies with policy ES16 of the BDLP. Members will also be aware that this scheme complements the recent approval for the redevelopment of the site approved under B/2007/0356.

RECOMMENDATION: that permission be GRANTED.

1. C99
2. 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 Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the Method Statement detailing how this unsuspected contamination shall be deal with.
3. The means of vehicular access to the development hereby approved shall be from Groveley Lane only.
4. Before any materials are brought on to the site or any development commenced, the developer shall erect protective tree fencing in relation to retained tree specimens as illustrated by BS 5837:2005 Fig. 2, on a line concurrent with Section 5 of BS 5837:2005. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development, the subject of this permission, has been completed.

Reasons

2. To protect controlled waters in accordance with Policy ES1 and ES7 of the Bromsgrove District Local Plan and Policy CTC.9 of the Worcestershire County Structure Plan
3. In the interests of highway safety in accordance with Policy TR11 of the Bromsgrove District Local Plan and Policy T.1 of the Worcestershire County Structure Plan.
4. In order to protect the trees which form an important part of the amenity of the site in accordance with Policy DS13/C17 of the Bromsgrove District Local Plan and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

Duty of Care Regulations 1991

Hazardous Waste (England and Wales) Regulations 2005

Waste Management Licensing Regulations 1994 (as amended)

Pollution Prevention and Control Regulations (England and Wales) 2000

Landfill (England and Wales) Regulations 2002

Only clean, uncontaminated rock, subsoil, brick, rubble and crushed concrete should be used as fill material on site.

The applicant should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid delays.

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

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

WMSS	QE1, QE2, QE3, QE6, QE7, QE9, PA1, PA5
WCSP	SD.2, CTC.1, CTC.9, CTC.10, CTC.12, CTC.13, CTC.14, CTC.19, CTC.20, T.1
BDLP	C4, C10a, C11, C17, DS13, E1, E2, E3, E4, E5, E9, ES1, ES2, ES4, ES5, ES6, ES7, ES8, ES14, ES16, TR1, TR11, TR12
Others	PPS1, PPG4, PPS9, Circular 06/05, Longbridge Area Action Plan: Issues and Options Report

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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