



## **BROMSGROVE DISTRICT COUNCIL**

### **MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 8TH OCTOBER 2007, AT 2.00 PM**

**COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE**

**MEMBERS:** Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman), 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. To receive apologies for absence
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 10th September 2007 (Pages 1 - 8)
4. B/2007/0691-DI - Erection of agricultural storage building for machinery and fodder (retrospective) - Belcote Farm, Mearse Lane, Belbroughton - Mr. M. Turan (Pages 9 - 12)
5. B/2007/0751-DI - Erection of concrete base and timber stables - Field no. 0151, adj. to Pool House Farm, Belbroughton - A. Morris and T. Rees (Pages 13 - 16)
6. B/2007/0823-DMB - Removal of Condition 16 attached to B/2006/1333 - Heath Farm, Alcester Road, Wythall - A. E. Beckett & Sons (Developments) Ltd. (Pages 17 - 22)

7. B/2007/0835-CE - Conversion of ten room hostel to six self contained affordable flats and two 2-storey side extensions - 166 and 168 New Road, Rubery - Bromsgrove District Housing Trust (Pages 23 - 28)
8. B/2007/0837-VN - Conversion of 7 room hostel into 4 self contained flats - Holly Lodge, 102 Broad Street, Bromsgrove - Bromsgrove District Housing Trust (Pages 29 - 34)
9. B/2007/0866-DI - One office to be used as a booking office for taxis - 406A Birmingham Road, Marlbrook, Bromsgrove - David Woodhouse (Pages 35 - 38)
10. B/2007/0886-SMcN - Formation of new terrace at 39 - 41 Worcester Road, Bromsgrove - 3D Entertainment Group Ltd. (Pages 39 - 44)
11. B/2007/0907-DI - Three stables and tack shed (concrete bases), mobile field shelter, grazing for horses - resubmission of B/2007/0394 - Plot 2, Field No. 0006, Hockley Brook Lane, Belbroughton - Mr. Nicklin (Pages 45 - 50)
12. B/2007/0911-DI - Erection of stable block comprising two stables and one tack shed on a hardcore standing, change of use from agricultural to equine (resubmission of B/2007/0777) - part field no. 1530, adj. Poolhouse Farm, Hockley Brook Lane, Belbroughton - Mr. P. Brookes (Pages 51 - 54)
13. B/2007/0918-DI - Erection of four wooden stables, small hay barn and feed room on concrete base and permission for field shelter - for personal recreational use (resubmission of B/2007/0698) - Field No. 1530 adj. Pool House Farm, Hockley Brook Lane, Belbroughton - Mr. Randle (Pages 55 - 58)
14. B/2007/0940-CE - First floor extension over existing garage, rear kitchen extension, addition of pitched roof to existing ground floor rear extension and other alterations - 31 Hanbury Road, Stoke Heath, Bromsgrove - J. Whittall (Pages 59 - 62)
15. B/2007/0966-RL - Erection of boundary wall and gates to front of property - New House Adjacent to Fourways, Brake Lane, Hagley - Mr. and Mrs. J. Hadlington (Pages 63 - 64)
16. B/2007/0968-DI - Use of existing caravan as ancillary staff accommodation (up to 3 staff) in association with Foresters Nursing Home for two years - Foresters Nursing Home, Walton Pool, Clent - Redwood Care Homes Ltd. (Pages 65 - 68)
17. B/2007/1035-RL - Hurrans Garden Centre, Kidderminster Road, Hagley - Additional use of land for mobile temporary health facilities (2 year temporary permission) - Mercury Health (Pages 69 - 84)

18. B/2007/1036-DI - Bromsgrove Hotel Car Park, Kidderminster Road, Bromsgrove - Additional use of land for mobile temporary health facilities (2 year temporary permission) - Mercury Health (Pages 85 - 88)
19. B/2007/1037-VN - Stoke Prior Sports and Social Club, Stoke Prior, Bromsgrove - Mobile Temporary Health Units (Pages 89 - 94)
20. Appeal Decisions (Pages 95 - 96)
21. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

27th September 2007

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## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE PLANNING COMMITTEE

MONDAY, 10TH SEPTEMBER 2007, AT 2.00 P.M.

PRESENT: Councillors E. C. Tibby (Chairman), Mrs. J. M. Boswell,  
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 and C. J. K. Wilson

Observers: Councillor Mrs. R. L. Dent, Councillor R. Hollingworth and  
Councillor P. M. McDonald

Officers: Mrs. D. Warren, Mr. D. M. Birch, Mrs. S. Willetts and  
Mr. A. C. Stephens

#### 61/07 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor G. N. Denaro.

#### 62/07 DECLARATIONS OF INTEREST

No declarations of interest were received.

#### 63/07 MINUTES

The minutes of the meeting of the Planning Committee held on 13th August 2007 were submitted.

**RESOLVED** that, with the inclusion of Councillor D. L. Pardoe (substituting for Councillor Mrs. J. D. Luck) in the list of Members present at the meeting, the minutes be approved as a correct record.

#### 64/07 B/2007/0306-SW - SUSTAINABLE AFFORDABLE HOUSING (OUTLINE) - LAND AT HINTON FIELDS (OFF DALE CLOSE) CATSHILL, BROMSGROVE - BROMFORD HOUSING GROUP

The Head of Planning and Environment Services drew Members' attention to the Article 3 Direction whereby the matters requested in detail were scale, layout and appearance. He stated that the details received were not indicative, but represented the proposed detailed scheme for consideration.

The receipt of a further objection was also reported.

At the invitation of the Chairman, Mr. D. B. Balsom addressed the Committee and spoke in opposition to the application, whilst Mr. M. Bridge, on behalf of the applicant, spoke in favour of the application.

**RESOLVED** that permission be refused for the following reasons:-

1. The application site falls within Green Belt as designated within the Bromsgrove District Local Plan. The scheme for 19 affordable dwellings represents inappropriate development in the Green Belt that would harm the openness of the Green Belt and prejudice the purposes of Green Belt policy. The very special circumstances submitted to justify the setting aside of inappropriate development in the Green Belt do not outweigh the harm caused. As such, the proposal is contrary to policy QE1 of the West Midlands Spatial Strategy, policies D.8, D.12, D.39 and SD.7 of the Worcestershire County Structure Plan, policies DS2, DS13, S9 and S16 of the Bromsgrove District Local Plan, and the provisions of PPG2 and PPS3.
2. The layout and scale of the development responds poorly to both the local context of the area or having a positive impact on its character. The land contours of the site are not appreciated in the submission, leading to an inaccurate portrayal of the elevations and layout of the scheme. The proposal is contrary to policy QE3 of the Regional Spatial Strategy (RSS), policies CTC.1 and CTC.5 of the Worcester County Structure Plan, policy DS13 of the Bromsgrove District Local Plan, the guidance in Supplementary Guidance Note 1 and national policy guidance contained in PPS1 'Delivering Sustainable Development' and PPS3 'Housing'.

65/07 **B/2007/0482-LD - RETROSPECTIVE FENCED CAR PARK AREA - WINDMILL HOUSE, WEATHEROAK HILL, ALVECHURCH - BETEL OF BRITAIN**

The Head of Planning and Environment Services reported that the application for planning permission had been withdrawn.

**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 referred to in the report.

66/07 **B/2007/0495-DMB - ERECTION OF 20 AFFORDABLE DWELLINGS - LAND OFF ASH LANE AND SMEDLEY CROOKE PLACE, HOPWOOD, ALVECHURCH - BROMSGROVE DISTRICT HOUSING TRUST**

The Head of Planning and Environment Services reported the receipt of comments from the Environment Agency, the Housing Standards Officer, the Strategic Planning Manager and Alvechurch Parish Council, together with the receipt of additional correspondence from the applicant's Agent. He also stated that an additional letter had been received in relation to wildlife issues, as detailed under the Ecological and Biodiversity Issues section of the report.

Consideration was given to this application which had been recommended for refusal by the Director of Planning Services.

On the matter being put to the vote it was decided that permission be granted because Members considered that the need and requirement for affordable

housing in Hopwood constituted very special circumstances which outweighed the harm that would be caused to the openness of the Green Belt and the purposes of including land within the Green Belt, and other harm.

**RESOLVED:**

- (a) that permission be granted subject to appropriate conditions and notes which are considered necessary by the Head of Planning and Environment Services and the applicant entering into a suitable legal mechanism in relation to monetary contributions in respect of highway improvement works; and
- (b) that the application be referred to the Government Office for the West Midlands under the "departure" procedure.

67/07 **B/2007/0594-SMCN - PAVEMENT BARRIERS, 2 SETS OF LETTERS, 2 POSTER CASES AND 1 RETRACTABLE AWNING (ADVERTISEMENT CONSENT) - 126-130 HIGH STREET, BROMSGROVE - THE LAUREL PUB COMPANY**

The Head of Planning and Environment Services reported that the application had been brought before the Committee for consideration at the request of Councillor Mrs. R. L. Dent.

Consideration was then given to the application which had been recommended for approval by the Head of Planning and Environment Services.

However, Members considered that some aspects of the proposal, namely the pavement barriers and retractable awning, would be detrimental to the visual amenities of the locality and the character and appearance of the Conservation Area. Members felt that this part of the proposal would also have a significant and detrimental impact on the special historic and architectural significance of the Listed Building.

**RESOLVED:**

- (a) that advertisement consent be granted for the two sets of letters and two poster cases subject to the following conditions, and the notes set out on pages 56 and 57 of the report:
  - 1. The underside of any projection or sign hereby approved shall be positioned not less than 2.4 metres above the level of the adjoining footway / verge; and
  - 2. No light source shall be visible from outside the extremities of the application site or produce more than 2 Lux horizontal or vertical illuminance at any adjacent property boundary. (Note: 1 Lux if property is residential and has windows at boundary).
- (b) that advertisement consent be refused for the pavement barriers and retractable awning for the following reason:
  - 1. The pavement barriers and retractable awning are considered to be detrimental to the visual amenities of the locality and the

character and appearance of the Conservation Area, contrary to policy S27b and criteria (a) of policy S35a of the Bromsgrove District Local Plan. This proposal would have a significant and detrimental impact on the special historic and architectural significance of the Listed Building, contrary to policy S39 of the Bromsgrove District Local Plan, policies CTC.19 and CTC.20 of the Worcestershire County Structure Plan, the guidance contained in SPG2 and the provisions of PPG15 and PPG19.

68/07 **B/2007/0767-SMCN - TABLES AND CHAIRS TO FRONT OF BUILDING - 126-130 HIGH STREET, BROMSGROVE - THE LAUREL PUB COMPANY**

The Head of Planning and Environment Services reported that the application had been brought before the Committee for consideration at the request of Councillor Mrs. R. L. Dent.

The comments of the West Mercia Constabulary, the Community Safety Officer and the Economic Development Officer were also reported.

Consideration was then given to the application which had been recommended for approval by the Head of Planning and Environment Services.

However, Members considered that the proposal will encourage disorderly behaviour and increase the fear of crime for those pedestrians in the High Street.

**RESOLVED** that permission be refused for the following reason:

1. The proposal will encourage disorderly behaviour and increase the fear of crime for those pedestrians in the High Street contrary to policy D.43 of the Worcestershire County Structure Plan.

69/07 **B/2007/0768-SMCN - PROVIDE NEW CANOPY TO FRONT ELEVATION OF SITE - 126-130 HIGH STREET, BROMSGROVE - LISTED BUILDING CONSENT - THE LAUREL PUB COMPANY**

The Head of Planning and Environment Services reported that the application had been brought before the Committee for consideration at the request of Councillor Mrs. R. L. Dent.

Consideration was then given to the application which had been recommended for approval by the Head of Planning and Environment Services.

However, Members considered that the proposal, by virtue of its scale and appearance, would have a significant and detrimental impact on the special historic and architectural significance of the Listed Building.

**RESOLVED** that permission be refused for the following reason:

1. The proposal, by virtue of its scale and appearance, would have a significant and detrimental impact on the special historic and architectural significance of the Listed Building, contrary to policy S39 of the Bromsgrove District Local Plan, policy CTC.19 of the Worcestershire County Structure Plan, the guidance contained in SPG2 and the provisions of PPG15 and PPG19.

70/07 **B/2007/0611-LD - TWO-STOREY SIDE EXTENSION - 6A BLAKES FIELD DRIVE, BARNT GREEN - MR. P. GROVE**

At the invitation of the Chairman, Mrs. H. Lanigan addressed the Committee and spoke in opposition to the application, whilst Mr. P. Grove, the applicant, spoke in favour.

Consideration was then given to the application which had been recommended for approval by the Head of Planning and Environment Services. However, Members considered that the proposal would be overbearing and out of balance with the current development. In addition, Members considered the scheme originally approved under Plan Ref. B/2006/0159 to represent the best scheme of development for the site.

**RESOLVED** that permission be refused for the following reason:

1. The proposal is considered to be overbearing and out of balance with the current development contrary to policies S10 and DS13 of the Bromsgrove District Local Plan, policy SD.2 of the Worcestershire County Structure Plan, the provisions of SPG1 and 'good design' as advocated by PPS1.

71/07 **B/2007/0663-DI - DEMOLITION OF EXISTING DWELLING AND ERECTION OF NEW DWELLING AND DETACHED 3 CAR GARAGE - WOODCOTE GREEN FARM, WOODCOTE LANE, UPTON WARREN, BROMSGROVE - MR. J. DALMAN**

The Head of Planning and Environment Services clarified issues concerning the residential curtilage area of, and proposed access driveway to, the application site.

Consideration was given to this application which had been recommended for refusal by the Head of Planning and Environment Services.

On the matter being put to the vote, Members considered that permission should be granted because of the increased openness of the Green Belt, through the removal of the existing buildings and the resultant less intrusive development, which constituted very special circumstances to outweigh the harm that would be caused to the openness of the Green Belt and the purposes of including land within the Green Belt.

**RESOLVED** that permission be granted subject to appropriate conditions and notes which are considered necessary by the Head of Planning and Environment Services.

72/07 **B/2007/0704-DMB - NEW INDUSTRIAL UNITS FOR B1, B2 AND B8 USE - LAND AT SUGARBROOK MILL, BUNTSFORD PARK ROAD, BROMSGROVE - D. C. LAMBE LTD.**

**RESOLVED** that permission be granted subject to the conditions and notes set out or referred to on pages 73 to 79 of the report.

73/07 **B/2007/0717-DI - REAR EXTENSION TO ENHANCE SPECIALISED DEMENTIA CARE ACCOMMODATION AND MEET LATEST CARE STANDARDS ACT REQUIREMENTS - 656 BIRMINGHAM ROAD, BROMSGROVE - WORCESTERSHIRE CARE GROUP**

The Head of Planning and Environment Services reported the receipt of additional correspondence, together with photographs showing the boundary with the adjacent property, from the applicant's Agent.

At the invitation of the Chairman, Mr. C. Butterworth addressed the Committee and spoke in opposition to the proposals, whilst Mr. S. Ewin, the applicant, spoke in favour.

Consideration was given to this application which had been recommended for refusal by the Head of Planning and Environment Services.

On the matter being put to the vote, Members considered that the need to provide care for the elderly constituted very special circumstances which outweighed the harm that would be caused to the openness of the Green Belt and the purposes of including land within the Green Belt. Furthermore, Members considered that the development would have limited harm on the residential amenities of the adjacent occupier.

**RESOLVED** that permission be granted subject to appropriate conditions and notes which are considered necessary by the Head of Planning and Environment Services.

74/07 **B/2007/0759-VN - NEW 1800 MM HIGH BOUNDARY FENCE - 47 LINTHURST ROAD, BARNT GREEN - MR. S. NASH**

The Head of Planning and Environment Services reported the receipt of a further letter of objection from Barnt Green Parish Council.

**RESOLVED** that permission be granted.

(NOTE: Under section 4, paragraph 16.7 of the Council's Constitution, Councillor C. R. Scurrell requested that it be recorded that he had voted against the resolution.)

75/07 **B/2007/0809-DMB - SINGLE STOREY REAR EXTENSION - DAVID LLOYD  
FITNESS CENTRE, SLIDESLOW DRIVE, BROMSGROVE - DAVID LLOYD  
FITNESS CENTRE**

**RESOLVED** that authority to determine the application be delegated to the Head of Planning and Environment Services upon the expiry of the publicity period on 13th September 2007, subject to appropriate conditions and notes.

76/07 **APPEAL DECISIONS**

Members considered a report which detailed the decisions of planning appeals which had been determined since the last meeting of the Committee.

**RESOLVED** that the report be noted.

The meeting closed at 5.00 pm

Chairman

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# Agenda Item 4

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>MR. M. TURAN</b> <b>'A'</b>	Erection of agricultural storage building for machinery and fodder (retrospective) - Belcote Farm, Mearse Lane, Belbroughton	GB	<b>B/2007/0691</b> 10.10.2007

## **RECOMMENDATION:**

- (a) that permission be **REFUSED**; and
- (b) that Members authorise appropriate action to secure the removal of the unauthorised structure and delegate authority to the 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.

## Consultations

Belbroughton PC	Consulted on 13.07.2007. Comment received on 08.08.2007
WCC(HP)	Consulted on 13.07.2007. No response to date.
ENG	Consulted on 13.07.2007. Comment received on 09.08.2007
Agricultural Advisor	Consulted on 13.07.2007. Objection received on 31.07.2007, concluding that the building is not reasonably required for the purposes of agriculture.
Publicity	Site notice posted on 31.08.2007 (expires on 21.09.2007).

## The site and its surroundings

The site is located off a separate access point to Belcote Farm which runs in a semi circle shape from Mearse Lane to the retrospective building. This access point is edged on both sides with a large kerb and does not form part of this application. In addition it would appear that this hard-standing track is also unauthorised with no current planning permission.

The retrospective building appears as an industrial unit and is located in a highly prominent position and is clearly visible from Mearse Lane.

## Proposal

The building in question is retrospective and measures 25.4 metres x 37 metres, with a height of 8.7 metres and a pair of roller shutter doors each measuring five metres in width.

## Relevant Policies

WMSS	QE1, QE2, QE3
WCSP	SD.2, D.38, D.39, CTC.1
BDLP	DS2, DS13, C4, C30A
Others	PPS1, PPG2, PPS7, SPG5

### Relevant Planning History (3 most recent only)

- B/2006/0332 Erection of an agricultural storage - general purpose building. Details not required: 24.04.2007
- B/2006/0148 Erection of an agricultural storage - general purpose building. Details not required: 24.04.2007. Further details required: 17.03.2006
- B/2005/0964 Change of access field for agricultural purposes. Granted 25.11.2005

### Notes

The main issues to consider with this application is whether the proposal would represent appropriate development in the Green Belt and if not whether special circumstances exist that would outweigh the harm caused.

### **Reasons for the Proposal**

According to the submitted planning statement, the Agent concerned states that the building would be required for the purpose of storing grain, machinery and straw due to insurance and security purposes and there are no other facilities within fifty acre holding.

### **Policies on New Agricultural Buildings**

Policy C30a of the Bromsgrove District Local Plan states that proposals for new agricultural buildings which are subject to planning controls will be considered favourably where the need for the building is established to the satisfaction of the District Council and complies with the following criteria:

- (a) the proposal must be in accordance with the provisions of policies C4 and C5 of the Bromsgrove District Local Plan (relating to impact on the surrounding landscape and landscape features);
- (b) the scale and design of the building should be appropriate to its intended use;
- (c) the proposal should form part of a group of buildings where practicable;
- (d) appropriate materials and dark matt colours should be employed wherever practicable.

Criteria (a) of policy C30a therefore suggests that, where possible, the proposal should form a group of buildings and refers to policy C4 of the Bromsgrove District Local Plan that resists developments that would have a materially detrimental effect on the landscape. SPG5 and PPS7 provide further guidance on the issue of siting and states that normally new buildings should form part of a group rather than stand in isolation and clearly this building would be in an isolated position.

### *Green Belt Issues*

Guidance in PPG2 "Green Belt" and policies within the Bromsgrove District Local Plan and the Worcestershire County Structure Plan state that the erection of new agricultural buildings is classified as appropriate development in the Green Belt provided there is a clear agricultural need. Policy DS2 of the Bromsgrove District Local Plan sets out the instances where development is considered appropriate in the Green Belt as stemming

from the advice given in PPG2. Criteria (a) of this Policy regards development for purposes of agriculture.

The Council's Agricultural Advisor produced a report on this application and based on the information provided and from on-site observations, it was concluded that the building was excessive for the current agricultural activities taking place on the holding and that the agricultural needs of the holding could be met by the provision of a much smaller building. Therefore substantial weight should be attached to these comments.

Given the site does not contain other buildings in the immediate vicinity, the applicant is unable to cluster the new structure with other buildings and would be located in a highly prominent position which would be visible from Mearse Lane. This would unduly harm the openness and visual appearance of the Green Belt whilst further eroding the countryside which should be avoided.

However it is acknowledge that a building of a certain size would not require planning permission for the purposes of agriculture and I make specific reference to a previous application B/2006/0332 which was for a much smaller agricultural building measuring 18 x 25 metres, with a height of 8 metres. The current proposal would be significantly larger measuring 25.4 metres x 37 metres, with a height of 8.7 metres and it is this increase in size which is going to harm the Green Belt as indicated above. Therefore given the aforementioned, it is recommend that permission be refused.

### *Conclusions*

Based on the information provided, the proposed building is considered to be excessive for the proposed activities on site and a smaller building would meet the current needs of the holding. Therefore by virtue of size, scale and position, the proposed building would represent an inappropriate form of development in the Green Belt. No very special circumstances exist or have been put forward to outweigh the harm that would be caused to the Green Belt and the purposes of including land within it and as such it is recommended that permission be refused.

### **RECOMMENDATION:**

- (a) that permission be **REFUSED**

The proposed building is not reasonably required for the purposes of agriculture and at the current time the agricultural needs of the holding could be met by a much smaller building. Therefore by virtue of size, scale and position away from other agricultural buildings, the proposal would project as a dominant and obtrusive feature which would unduly harm the openness and visual amenities of the Green Belt, leading to further unnecessary erosion of the countryside. No very special circumstance have been submitted to the Local Planning Authority to outweigh the harm caused to the Green Belt and by virtue, would be contrary to policies QE1, QE2, QE3 of the West Midlands Spatial Strategy, policies SD.2, D.38, D.39, CTC.1 of the Worcestershire County Structure Plan, policies DS2, DS13, C4, C30A of the Bromsgrove District Local Plan, PPG2 - Green Belts, PPS7 Planning and the Countryside and SPG5 Agricultural Buildings and Design.

- (b) that Members authorise appropriate action to secure the removal of the unauthorised structure and delegate authority to the 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.

# Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
<b>A. Morris and T. Rees 'A'</b>	Erection of concrete base and timber stables - Field no. 0151, adj. to Pool House Farm, Belbroughton	GB LPA	<b>B/2007/0751</b> 02.11.2007

**RECOMMENDATION:** that permission be **GRANTED**.

## Consultations

Belbroughton PC Consulted on: 07.08.2007. No response to date.  
WCC(HP) Consulted on: 07.08.2007. No objection received on: 16.08.2007.  
CEHO Consulted on: 07.08.2007. No response to date.  
Publicity 1 site notice posted on: 08.08.2007 (expires on: 29.08.2007).  
Press notice posted on: 06.09.2007 (expires on: 27.09.2007).  
No response to date.

## The site and its surroundings

This application site refers to a plot of land measuring 6.6 acres on the application form (approximately 2.67 hectares) which is located off an unauthorised access track which went to Planning Committee on 13th August 2007 (ref B/2007/0720) where it was resolved that powers are delegated to the Head of Planning and Environment Services to determine the application after the expiry period: 20.08.2007 (minded to refuse).

The site falls within a designated Green Belt and Landscape Protection Area and forms one of a number of plots of agricultural land which have been sub-divided and sold.

Members should be aware that application B/2007/0457 for the erection of 3 berth stable block, feed store and tack room was granted planning permission on: 25.07.2007 which lies adjacent to the site on the other side of the hedge line and would also be away from the current authorised track.

## Proposal

This application refers to the proposed erection of concrete base and timber stables comprising of two closed and two open stables.

## Relevant Policies

WMSS QE3  
WCSP CTC.1, D.38, D.39  
BDLP DS13, DS2, C1  
Others PPS1, PPG2, PPS7

### 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.

### **Change of use from Agricultural to 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 for which proposed stables will be assessed against. 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 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 and would be located off a track which is currently unauthorised (B/2007/0720) as indicated above. However, the stable would be located adjacent to an existing stable which has already been granted permission B/2007/0457 for the erection of 3 berth stable block, feed store and tack room on: 25.07.2007.

It is acknowledged that this application would form one of two stables beyond the line of the existing track and both of these would be located close towards the existing hedge line which would help to reduce the over all impact.

The unauthorised track clearly causes problems in terms of access to these two sites and would involve a potential walking distance of approximately sixty metres from the end of the authorised and lawful track and it is therefore considered that these two stables are possibly at the furthest point which is likely to be acceptable in terms of siting, sustainability issues and compliance with Council policy and guidance.

## 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 Council's standards and I consider that the proposal would meet the size standard requirements.

## Conclusion

In light of the aforementioned it would appear that weight should be attached to the existing permission B/2007/0457 for the erection of 3 berth stable block, feed store and tack room was granted planning permission on: 25.07.2007 and also lies away from the current authorised track.

It is also noted that at the point of that permission being granted, it may not have been fully apparent to the case officer concerned that the track was unauthorised which has now been refused planning permission and is in the process of being Enforced against.

Under normal circumstances this current application is likely to have been refused due to its positioning off the unauthorised track and the fact that it would not be in a sustainable location by virtue of poor access and being divorced from the other authorised stables.

Therefore whilst this is acknowledged, it has also become apparent of the potential limitations of developing much beyond this unauthorised track for the reasons indicated above and potential over intensification of development of the site and significant weight is attached to this prospect. Therefore in light of the aforementioned it is recommended that permission be granted.

**RECOMMENDATION:** that permission be **GRANTED**.

C099

## Notes

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

WMSS	QE3
WCSP	CTC.1, D.38, D.39
BDLP	DS13, DS2, C1, RAT16, RAT17
Others	PPS1, PPG2, PPS7

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

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# Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>A. E. Beckett &amp; Sons (Developments) Limited 'A'</b>	Removal of Condition 16 attached to B/2006/1333 - Heath Farm, Alcester Road, Wythall	GB	<b>B/2007/0823</b> 19.10.2007

**RECOMMENDATION:** that permission be **GRANTED**.

## Consultations

WCC(HP)	<p>Consulted - views received 05.09.2007:</p> <ul style="list-style-type: none"> <li>• A sign would have to be on the applicants land and would have no enforcement as there would not be a Traffic Regulation Order supporting it. On a self-enforcing basis there is no highway objection, but if you asked for a formal order to make it unlawful we would not support it.</li> <li>• Worcestershire County Council does not support the introduction of orders to serve private accesses, therefore such a proposal would fail. The applicant could install a sign on their land, but the police would be unable to prosecute if some one ignored.</li> </ul>
Highways Agency	<p>Consulted 10.09.2007: views received 24.09.2007:</p> <ul style="list-style-type: none"> <li>• The proposal is located north of M42 Junction 3 and is therefore located on a de-trunked section of the A435. Consequently the A435 south of the motorway junction (which is still trunk road, though due for de-trunking next year) is unlikely to be affected by this proposal.</li> <li>• The Highways Agency therefore offers no comment on the removal of condition 16 from the planning consent.</li> </ul>
Wythall Residents Association	<p>Views received 07.08.2007:</p> <ul style="list-style-type: none"> <li>• We understand that this refers to the installation of an automatic ground barrier to prohibit exit from the Chapel Lane entry / exit from the site.</li> <li>• If permission is granted we suggest that a No Right Turn sign be erected at the approach to the exist so that traffic should only turn left onto Chapel Lane, if exit cannot be prohibited altogether.</li> <li>• We understand there have been accidents from traffic turning right there, whereas turning left seems to be safer.</li> </ul>
Wythall PC	<p>Consulted - views received 22.08.2007:</p> <ul style="list-style-type: none"> <li>• Strongly objects.</li> <li>• When development took place on this site several years ago it understood, at that time, that the opening on the Middle Lane boundary was for "in only" and was never intended to act as an exist.</li> <li>• The Parish Council queried why it was being used for both "in" and "out" and was eventually told that a Section 106 had never been</li> </ul>

completed and the situation appeared not to have been remedied.

- Despite the statement made in the Design and Access Statement supporting the application my Council are aware of many "near misses" at this location and would strongly object to the use of the opening onto Middle Lane for both "in" and "out" bearing in mind that when leaving the site to go round Wythall Island or the By-Pass you have to cross over the lane leading from the Island where motorists are entering Middle Lane at speeds of around 70 mph.
- It is also difficult crossing where vehicles are entering the site from the opposite side of Middle Lane travelling from the Chapel Lane direction and the writer has personally almost been struck broadside whilst waiting on Middle Lane in traffic by vehicles coming out of the site and crossing to the "refuge" to gain access to the Island.
- Having read the supporting documentation and the statistics provided comparing accident rates on the A435 and Middle Lane, there does not appear any serious accidents, particularly on the A435 involving the main entrance / exit to the site, indeed those details on the A435 appear to have taken place at the roundabout (seven) rather than the access / exit point into Becketts and we would, therefore, dispute that the Middle Lane "exit" is necessary.
- Should the Committee decide to allow the removal of the Condition then my Council would like to suggest that the exit onto Middle Lane be for a left turn only and vehicles not allowed to cross Middle Lane at this point to gain access to Wythall Island or the By-Pass.

#### Publicity

1 site notice posted 02.08.2007: no response received (expires 23.08.2007).

1 press notice published 10.08.2007: no response received (expires 31.08.2007).

#### The site and its surroundings

The application site is located on the western side of Alcester Road, with Middle Lane running to the northern boundary. The established complex at Heath Farm contains a wide variety of uses including an existing shop and restaurant, office building with food processing on the ground floor, staff house, industrial / warehouse units including tyre / exhaust centre and cash-and-carry warehouse and a golf driving range. Works to extend the main existing shop and restaurant building approved under B/2006/1333 are currently in progress. The site is served by a large car-park which is accessed from the northbound carriageway of Alcester Road and Middle Lane. The site is located within recognised Green Belt.

#### Proposal

This application is seeking to delete Condition 16 attached to B/2006/1333 relating to the installation of a traffic management system to prevent vehicles exiting out of the site onto Middle Lane.

Condition 16 on B/2006/1333 states:

*Prior to the commencement of development, a one-way raised plate mechanism to prevent vehicles exiting out of the site onto Middle Lane shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management mechanism shall be implemented prior to the occupation of the building and maintained as such thereafter.*

The reason for the Condition is stated as:

*To provide effective traffic management and contribute to highway safety in accordance with Policy T.1 of the Worcestershire County Structure Plan and Policy TR11 of the Bromsgrove District Local Plan.*

A highways statement has accompanied the application and is available in the planning file should Members wish to view it.

### Relevant Policies

WMSS    QE1, QE3  
WCSP    D.38, SD.2, T.1  
BDLP    DS2, DS13, TR11  
Others   PPS1, PPG2, PPS7, PPG13

### Relevant Planning History

B/2006/1333    Erection of extension to existing shop to provide ground floor restaurant and shop extension and first floor offices. Approved 07.03.2007

B/2005/1129    Demolition of existing industrial buildings, and alterations and extensions to motel permitted under planning permission reference B/2000/0786 to provide an additional 17 bedrooms. Approved 07.06.2006

B/2002/0578    Removal of existing vertical timber cladding and replacement with corrugated box profile steel sheeting. Approved 09.07.2002

B/2001/1148    Demolition of existing poultry buildings and erection of motel with associated leisure facilities - resubmission of B/1999/0516. Withdrawn 31.10.2005

B/2001/1147    Agricultural store - Notification: Details not required 06.11.2001

B/2000/0786    Conversion of office / food processing building to motel accommodation. Approved 16.10.2000

B/2000/0505    Use of existing approved recreational land as golf driving range and erection of driving range building. Approved 17.12.2001

B/1999/0517    Change of use to classes B1(c), B2 and B8. Approved 24.01.2000

B/1999/0516    Demolition of existing poultry buildings and erection of motel, golf driving range building, animal farm extension and garden centre. Withdrawn 10.10.2001

B/1999/0086    Agricultural storage barn - Notification: Planning permission required 01.03.1999

B/1995/0106    Shop / restaurant and flat. Approved 15.11.1996

B/1993/0628    Location of bottle banks / recycling centre. Approved 13.09.1993

## Notes

The main issue relating to this application relate to whether the deletion of Condition 16 on B/2006/1333 is acceptable given the implications for highway safety and egress.

Circular 11/95 sets out a number of 'tests' which Conditions are required to comply with as part of their use in planning legislation. These are that Conditions must be:

1. Necessary
2. Relevant to planning
3. Relevant to the development permitted
4. Enforceable
5. Precise
6. And reasonable in all other aspects

With respect to the current application, Paragraph 15 of this Circular states that in dealing with an application to remove a condition, that a condition should not be retained, unless there are sound and clear cut reasons for doing so.

Highway safety is detailed in policy TR11 of the Bromsgrove District Local Plan. This policy requires that all development incorporates safe means of access and egress appropriate to the nature of the local highway network.

The applicant's agent has pointed out that the site has functioned for many years with vehicles using the two-way access onto Middle Lane. No restriction was imposed in respect of other developments within this the Heath Farm complex, including the conversion of buildings to B1/B2/B8 use (currently occupied by Sima Discount Warehouse and Wythall Tyres), the construction of a golf driving range, and the permission to extend and convert the existing office building on site to a 33 bedroom motel (yet to be completed and brought into use).

The submitted highways statement recommends that the existing road layout is retained to safeguard the operation and safety of the road network. In paragraph 2.4.4 of this statement, it is stated that prohibiting movements onto Middle Lane necessitates all traffic to use the A435 northbound. Paragraph 2.4.5 states that the introduction of the planning condition implies that the manoeuvre to the A435 is safer than movements from Middle Lane and goes on to state that speeds are higher on the A435, and traffic flows are also significantly higher and the current statistics indicate evidence of a poor accident record attributed largely to approach speeds.

Although I note the views of the Wythall Residents' Association and the Parish Council, the WCC(HP) has raised no objection to the scheme. I would be concerned that the enforcing of any traffic regulation detailed in any signage erected on the site to prevent traffic turning right out of the site would not meet the key tests advocated by the Condition Circular 11/95. Members will also note the views of the WCC(HP) and the Highways Agency on this issue.

Given the views of the WCC(HP) and the contents of paragraph 15 attached to Circular 11/95, I consider the deletion of Condition 16 attached to B/2006/1333 to be reasonable.

**RECOMMENDATION:** that permission be **GRANTED**.

No Conditions required.

### **Notes**

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, QE3
WCSP	D.38, SD.2, T.1
BDLP	DS2, DS13, TR11
Others	PPS1, PPG2, PPS7, PPG13

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

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# Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Bromsgrove District Housing Trust 'A'</b>	Conversion of ten room hostel to six self contained affordable flats and two 2-storey side extensions - 166 and 168 New Road, Rubery	RES	<b>B/2007/0835</b> 19.09.2007

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

## Consultations

WCC(HP)	Consulted - view received 06.09.2007 <ul style="list-style-type: none"><li>• Recommends that the permission be refused in the interest of Highway Safety.</li><li>• The application proposes 6 flats that will be privately owned, despite being supported by a recognised social landlord. Each unit should be provided with 1 car parking space, the application site proposes 3 spaces, 1 of which is allocated for disabled persons. There is a short fall of car parking for the development which will result in cars being displaced onto nearby roads and this will result in obstruction or the abuse of the limited waiting bays.</li><li>• It is therefore recommended that the application be refused due to inadequate car parking provision compared to the number of units proposed, which will result in displacement onto the Publicly Maintained Highway.</li></ul>
Planning Policy	Consulted - view received 21.08.2007 <ul style="list-style-type: none"><li>• The application site is situated within an area identified as residential within the Bromsgrove Local Plan.</li><li>• The proposal is for affordable housing, which is one of the exception criteria of SPG10.</li><li>• Policies S6 Special Needs Housing, together with SPG1 Residential Design Guidelines are of relevance to this application.</li><li>• It is suggested that if the application is approved, a condition should be imposed to ensure that the self contained flats are not subsequently sold on the open market.</li><li>• It is noted that there will be an intensification of the property. The submitted Design and Access Statement states that the property is located in close proximity to Rubery shopping centre and access to public transport. The views of the Highway Engineer should be sought and Local Plan policies TR11 Access and Off-street parking and DS13 Sustainable Development are of relevance to this application.</li></ul>
Drainage Engineer	Consulted - view received 14.08.2007 <ul style="list-style-type: none"><li>• Existing domestic drains, both storm and foul, which serve this property, will accommodate the proposed internal alterations and usage of the building.</li><li>• No floor risk assessment is required</li></ul>

- It is important that any new connections are checked that they have the correct outfall; that is, foul to foul, storm to storm.
- Tree Officer      Consulted. Recommends the use of Conditions C13 to C19 to ensure the protection of the site's oak trees and existing hedge.
- Publicity          3 letters sent 26.07.2007 (expired 16.08.2007).  
10 letters sent 07.08.2007 (expired 28.08.2007).  
1 site notice posted 07.08.2007 (expired 28.08.2007).  
No response received.

### The site and its surroundings

This application relates to a 10 room hostel currently managed by Bromsgrove District Housing Trust (BDHT). The property is located to the south side of New Road to the rear of the Police Station and within the town centre of Rubery. The hostel is a 2-storey building originally built as a pair of semi-detached houses. To the left-hand-side is a small single storey extension. To the south east corner of the site are four small prefabricated stores and to the western boundary is a brick built air raid shelter. The site is accessed by a driveway, which runs along the eastern boundary of the Police Station. The site has parking spaces for 4 cars. To the east of the site is a row of shops with flats to the first floor. To the rear of this is a public car park. The application site is located approximately 0.8m above the level of the car park. To the west of the site are St. Chad's Church and the vicarage (160A New Road.) To the rear of the site is a public recreation ground. The site is substantially screened from the recreation ground by an ivy covered fence and oak trees.

### Proposal

This proposal relates to the conversion of the existing hostel into self contained flats and the erection of 2-storey extensions to either side of the building. The two extensions will extend out past the rear of the existing building.

The proposed flats are to comprise of:

- 1 no. one bedroom one person flat
- 1 no. one bedroom two person flat
- 4 no. two bedroom three person flats

The applicant's agent has stated that the flats will be for the general needs allocation in line with BDHT and Bromsgrove District Council's allocation Policy. The Trust expects that the flats will be let to lone parent families. The 2 no. one bedroom flats will be used as temporary accommodation for homeless people when required in line with Bromsgrove District Council's Homeless Policy.

The proposed scheme also includes the demolition of the existing stores and air raid shelter and the provision of cycle and bin stores. The existing driveway will be extended and three car parking spaces provided including one space to be allocated for disabled persons.

## Relevant Policies

WMSS	CF5, CF6, QE1, QE3, T1
WCSP	CTC.1, D.1, D.3, D.4, D.5, D.9, D.11, SD.2, SD.3, SD.4, SD.4, SD.5, SD.6, SD.7, T.1
BDLP	DS3, DS13, S6, S7, S15, C17, TR1, TR11
Others	PPS1, PPS3, PPG13, SPG1, SPG10

## Relevant Planning History

B18500	Statement of intent under Regulation 4 of the Town and Country Planning Regulations 1976. Conversion of two former Police Authority Houses into short stay hostel for homeless persons: submitted 1989.
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## Notes

The main issues of this application relate to the provision of additional residential units in the district and the impact of the development on the surrounding area. Policy S7 of the Bromsgrove District Local Plan states that proposals involving development of new dwellings outside the Green Belt will be considered favourably and sets out the criteria against which such proposals should be assessed.

The application site is located in a residential area and falls within the definition of previously development land as defined in Appendix B of PPS3. As such, the use of the site for residential development is acceptable in principle.

## **SPG10 and Affordable Housing Provision**

The proposed development comprises of 100% affordable housing and is to be managed by BDHT. As such, the proposal falls under exception criterion (ii) of SPG10. Local Plan Policy S15, which relates to affordable housing in urban areas, requires satisfactory arrangements to be made to ensure that that the units are maintained within the definition of affordable housing. As the Council is involved (via BDHT), a legal agreement is not required. However, a suitably worded condition will be added to overcome any potential concerns.

## **Density**

The proposed development would result in a housing density of some 66.6 dwellings per hectare. This figure is well in excess of the 30 dwellings per hectare minimum standard as set out in PPS3. Policy D.9 of the WCSP states that low densities should be avoided and recommends that sites within urban areas should be developed at densities of between 30 and 50 dwellings per hectare. Higher densities are advocated in Town Centres or where there is good public transport.

The proposed scheme would result in a density on the site which is well above the minimum figures and also above the general advice guideline figures set out in policy D.9. This is perhaps largely explained through the scheme relating to the sole provision of flats. The site is located within Rubery town centre.. The majority of residential units in the immediate locality are in the form of flats above shops or in separate buildings. I am

therefore of the view that the density of the proposed development would not be out of keeping with the character of surrounding area.

### **Street scene**

The majority of the application site is screened from the New Road by the Police Station, which lies directly to the front. However, the site will be clearly visible from the public car park from which it occupies an elevated position. The extensions to the building have been designed to reflect the existing form of the building with the use of hip-ended roofs and a bay window to the rear elevation. I note the extensions will not appear visually subordinate to the existing building. However, the exiting front elevation is broken by a step in the building line and this repeated with regard to the left-hand-side extension. I am therefore of the opinion that the extensions will not harm the appearance of the existing property or the amenity of the surrounding area.

### **Tree issues**

To the rear boundary of the site are 4 oak trees of varying sizes and to the east and west boundaries are a number of ash trees. The Tree Officer has raised no objection the proposed extensions subject to the use of appropriate conditions to ensure the trees and the boundary hedges are retained and protected.

### **Amenities of neighbouring properties**

The application site is neighboured by two residential properties, to the north east is number 170A, which is a flat above a shop, and to the south west is number 160A (the vicarage). The rear elevation to 170A is angled away from the application site. Taking account the difference in levels between the two properties, I am of the opinion that the proposed left-hand-side extension will not cause loss of light to the rear windows of this property or result in a loss of privacy.

To the common boundary with number 160A is a hawthorn and holly hedge approximately 3 metres in height. The windows to number 160A are located away from the application site and I am therefore of the opinion that the right-hand-side extension will not harm the level of light received by this property. The west facing elevation of the extension will be located just 1.2 metres from the common boundary with the church and number 160A. To this elevation will be a ground floor bedroom window and first floor shower room window. These openings will look out onto the driveway to number 160A and an unused space to the rear of the church. I do not consider these areas can be classed as private and therefore do not consider that the side windows will cause a loss of privacy to the occupiers of number 160A.

### **Amenity space**

Paragraph 9.2 of SPG1 sets out a minimum requirement of 30 square metres of private and amenity space to be provided for each unit in a development. It is proposed to retain the grassed area to the rear of the building, which has an area of approximately 160 square metres. This falls approximately 20 square metres below the required amount. However, I am of the view that this shortfall is not to an extent that would warrant the refusal of the application.

## Highway safety

Criterion (h) of policy S7 states that new dwellings must not have an unacceptable traffic implication or perpetuate a traffic hazard. The Highways Engineer has objected to the proposed scheme on grounds of insufficient parking spaces. It is considered that the shortfall of 3 spaces will result in the displacement of cars onto nearby roads thereby causing an obstruction or the abuse of limited waiting bays. Due to the site's town centre location, the flats will be in easy access to local bus routes and a variety of shops. Whilst I acknowledge the views of the Highway Engineer, I am of the opinion that given the sites town centre location, the three proposed car parking spaces would provide adequate parking for the flats.

## Conclusion

Therefore, I find no reason to refuse permission and recommend approval.

**RECOMMENDATION:** that planning permission be **GRANTED**

1. C99
2. C38
3. Prior to the commencement of the development full details of the occupancy criteria which are to be used to select occupants of the dwellings shall be submitted to the Local Planning Authority for approval. Subsequently the occupation of these units shall only be taken up by persons meeting the approved occupancy criteria, unless otherwise agreed by the Local Planning Authority.
4. Notwithstanding the approved plans, full details of the proposed cycle store and bin store shown on Drawing Number D10 including scaled elevations shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the approved development.
5. Prior to the commencement of the development hereby approved, a fence or wall of a design and height to be agreed in writing with the Local Planning Authority shall be erected along the western boundary of the site in place of the existing brick built structure to the satisfaction of the local planning authority.
6. H12F - modified to 3 spaces
7. H13
8. C13
9. C14
10. C15
11. C16
12. C17
13. C18
14. C19

## Reasons

3. To ensure the proposed dwellings are provided at an affordable level and to meet local housing need in accordance with policy S15 of the Bromsgrove District Local Plan.
4. To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.

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

### Notes

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

WMSS	CF5, CF6, QE1, QE3, T1
WCSP	CTC.1, D.1, D.3, D.4, D.5, D.9, D.11, SD.2, SD.3, SD.4, SD.4, SD.5, SD.6, SD.7, T.1
BDLP	DS3, DS13, S6, S7, S15, C17, TR1, TR11
Others	PPS1, PPS3, PPG13, SPG1, SPG10

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

# Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
<b>Bromsgrove District Housing Trust 'A'</b>	Conversion of 7 room hostel into 4 self contained flats - Holly Lodge, 102 Broad Street, Bromsgrove	RES	<b>B/2007/0837</b> 17.09.2007

**RECOMMENDATION:** that permission be **GRANTED**.

## Consultations

Highways Partnership	Consulted 24.07.2007, views awaited.
Drainage Engineers	Existing domestic drains, both storm and foul, which serve this property, will accommodate the proposed internal alterations and usage of the building. No flood risk assessment required. 14.08.2007
Planning Policy	<p>The above site is identified as residential within the adopted Bromsgrove District Local plan (BDLP), adopted January 2004. I note that the applicant is BDHT and I understand that supporting information has been received which confirms that it is the intention that the flats will continue to be used to cater for the needs of homeless people.</p> <p>Policy S6 Special Needs Housing of the BDLP, together with SPG1: Residential Design Guidelines are of relevance to this application.</p> <p>I would recommend that if you are minded to approve this application in accordance with the provisions made in SPG10 Managing Housing Supply, a condition should be imposed to ensure that the self contained flats are no subsequently sold on the open market.</p> <p>I note that there will be some intensification of the property as the number of bedrooms provided will increase from 7 to 12. I also note that sustainability issues have been considered and that the Design and Access Statement states that the property is located close to Bromsgrove Town Centre and access to public transport. The views of the Highway Engineer should be sought and policies TR11 Access and Off Street Parking and DS13 Sustainable Development of the BDLP are of relevance to the application, as is the intended user group. 17.08.2007</p>
Publicity	<p>One neighbour notification letter sent 26.07.2007 - returned to sender. One neighbour notification letter sent 08.08.2007 (expires 29.08.2007) Petition containing 54 signatures received, objecting to the proposal for the following reasons:</p> <ul style="list-style-type: none"> <li>• Bewell Court Social Club have used downstairs of Holly Lodge for their Social Club Community Centre for over twenty years.</li> <li>• If the whole of the building in converted into flats, this facility will be greatly missed by tenants and their friends.</li> </ul>

### The site and its surroundings

This application relates to a seven room hostel currently managed by Bromsgrove District Housing Trust. The property is a two storey detached building located on the corner of Broad Street and Holly Road in an identified residential area. The property has an open area for parking at the front, and some grassed areas to the side, with hedging running along the front boundary and some fencing, partly in poor repair, along the Holly Road boundary.

### Proposal

This is a full application proposing to convert the seven rooms of the hostel into four self contained flats. Each flat would have two bedrooms and will be for general needs allocation in line with Bromsgrove District Housing Trust and Bromsgrove District Council's allocation policy. The BDHT expects that the flats will be let to lone parent families.

### Relevant Policies

WMSS	CF5, CF6, QE1, QE3, T1
WCSP	CTC.1, D.1, D.3, D.4, D.5, D.9, D.11, SD.2, SD.3, SD.4, SD.4, SD.5, SD.6, SD.7, T.1
BDLP	DS3, DS13, S7, S15, C17, TR1, TR11
Others	PPS1, PPS3, PPG13, SPG1, SPG10

### Relevant Planning History

B11650            Conversion of former police houses into aged person community centre and short stay hostel. Approved 20.02.1984.

### Notes

The main issues of this application relate to the provision of additional residential units in the district and the impact of the development on the surrounding area. Policy S6 of the Bromsgrove District Local Plan states that proposals involving new dwellings or the conversion or redevelopment of existing stock, the District Council will take account of the changing housing needs of the population, particularly the trend towards smaller households and for the special needs of particular groups.

The proposed conversion of the building would involve some alterations to the external appearance - a single storey flat roof structure at the front would be demolished, to allow a communal access area to be created, with a canopy roof running across the front. A first floor infill extension is proposed to be added at the rear of the property to replace a single storey flat roofed area. There would be changes to some door and window openings, but overall the proposed changes are relatively minor. The proposal also includes the provision of four parking spaces, including one space for a disabled driver, and the erection of a small bin store structure at the southern edge of the site.

The application site is located in a residential area and falls within the definition of previously development land as defined in Appendix B of PPS3. As such, the use of the site for residential development is acceptable in principle.

### **SPG10 and Affordable Housing Provision**

The proposed development comprises of 100% affordable housing and is to be managed by BDHT. As such, the proposal falls under exception criterion (ii) of SPG10. Local Plan policy S15, which relates to affordable housing in urban areas, requires satisfactory arrangements to be made to ensure that that the units are maintained within the definition of affordable housing. As the Council is involved (via BDHT), a legal agreement is not required. However, a suitably worded condition will be added to overcome any potential concerns.

### **Density**

The proposed development would result in a housing density of approximately 57 dwellings per hectare. This figure is well in excess of the 30 dwellings per hectare minimum standard as set out in PPS3. Policy D.9 of the WCSP states that low densities should be avoided and recommends that sites within urban areas should be developed at densities of between 30 and 50 dwellings per hectare. Higher densities are advocated in Town Centres or where there is good public transport.

The proposed scheme would result in a density on the site which is well above the minimum figures and also above the general advice guideline figures set out in policy D.9. This is perhaps largely explained through the scheme relating to the sole provision of flats. The site is located within the residential area close to Bromsgrove town centre. I am therefore of the view that the density of the proposed development would not be out of keeping with the character of surrounding area.

### **Street scene**

The proposals would be visible in the street scene, as the property occupies a corner plot. However, the proposed extensions and alterations appear subservient to the main building, which complies with the guidance in SPG1, and I am of the opinion that the proposals would improve the current appearance of the property, which is slightly run down

### **Amenities of neighbouring properties**

The property is adjoined by one residential property, to the east of the site, at 1a Holly Road. The proposal would provide one additional window at first floor level in the rear elevation of Holly Lodge, which could potentially cause overlooking. However as there are five existing windows in the rear elevation, I am not unduly concerns that the proposed alterations would impact upon the amenities of the neighbouring occupiers.

Overall, I am of the opinion that the proposed changes to Holly Lodge would have little or no impact upon the amenities of the neighbouring occupiers.

## **Amenity space**

Paragraph 9.2 of SPG1 sets out a minimum requirement of 30 square metres of private and amenity space to be provided for each unit in a development. There are existing grassed areas located to the front, side and rear of the property that are proposed to remain. These areas constitute approximately 310 square metres, which is more than adequate for four residential units.

## **Highway safety**

Four car parking spaces have been proposed within the curtilage of the property - which equates to one space per flat. The Highways Partnership has been consulted and their views are awaited.

## **Conclusion**

Overall, I find no reason to refuse permission and therefore recommend approval.

**RECOMMENDATION:** that, subject to the receipt of satisfactory comments from the Highways Partnership, permission be **GRANTED**.

1. C099
2. C038
3. Prior to the commencement of the development full details of the occupancy criteria which are to be used to select occupants of the dwellings shall be submitted to the Local Planning Authority for approval. Subsequently the occupation of these units shall only be taken up by persons meeting the approved occupancy criteria, unless otherwise agreed by the Local Planning Authority.
4. Notwithstanding the approved plans, full details of the proposed bin store shown on Drawing Number D21 revision B10 including scaled elevations shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the approved development.

## **Reasons**

1. Standard
2. Standard
3. To ensure the proposed dwellings are provided at an affordable level and to meet local housing need in accordance with policy S15 of the Bromsgrove District Local Plan.
4. To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.

## **Notes**

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

WMSS CF5, CF6, QE1, QE3, T1  
WCSP CTC.1, D.1, D.3, D.4, D.5, D.9, D.11, SD.2, SD.3, SD.4, SD.4, SD.5, SD.6,  
SD.7, T.1  
BDLP DS3, DS13, S7, S15, C17, TR1, TR11  
Others PPS1, PPS3, PPG13, SPG1, SPG10

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

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# Agenda Item 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
David Woodhouse 'A'	One office to be used as a booking office for taxis - 406A Birmingham Road, Marlbrook, Bromsgrove	RES	<b>B/2007/0866</b> 03.10.2007

**RECOMMENDATION:** that permission **GRANTED**.

Requested to be considered by Planning Committee by Councillor A. N. Blagg on 9th September 2007.

## Consultations

WCC(HP)	Consulted on 09.08.2007. No response to date.
CEHO	Consulted on 09.08.2007. No objection received on 16.08.2007, subject to a condition being implemented:- No licensed taxis or private hire vehicles shall be parked on or remain at the site in order to protect the amenities of the neighbourhood.
LP	Consulted on 09.08.2007. No response to date.
EDO	Consulted on 09.08.2007. No objection received on: 20.08.2007.
Publicity	3 letters posted on 10.08.2007 (expires on 31.08.2007). Site notice posted on 21.08.2007 (expires on 11.09.2007). 28 objections received including a petition of 17 residents from Marlgrove Court, briefly summarised as follows. Concerned about: - <ul style="list-style-type: none"><li>- Operation of taxi rank and taxi office.</li><li>- Noise and nuisance from taxis going to and from the site through out the day and night.</li><li>- Pedestrian and public safety regarding access to the site.</li><li>- People will be 'hanging' around waiting for cabs.</li><li>- TV interference from radio signals.</li><li>- Loss of current enjoyment to our property and for the residents of Marlgrove Court.</li><li>- Additional noise, litter.</li><li>- Lack of current parking provision.</li><li>- Litter, pollution.</li></ul>

**Officers response:** Please note that this application refers to the change of use of one room only to form an office only to take taxi bookings only. No taxis will be parked on site and the building will not be open to members of the public. It will be a phone line only.

## The site and its surroundings

The application site refers to the existing 'Abbey' vehicle rental business which is located in a designated Residential Area. To the right of the site lies a vehicle repair garage and to the left of the site lies a fairly new housing development known as Marlbrook Court.

## Proposal

The application refers to a proposed change of use for one office to be used as a booking office for taxis. The current use for vehicle rental is sui generis and the change of use of one room to take telephone calls for taxis is defined in the Land Use Gazetteer as sui generis. Within the definition of a sui generis use there is no possible change and planning permission would therefore be required. This change of use of the room only would not be visited by members of the public. The hours of operation which have been submitted though an additional supporting statement will be from 06:00 hours - midnight, 7 days per week and would be operated by one staff at any one time.

## Relevant Policies

WMSS PA1  
WCSP CTC.1, D.26, SD.3, SD4, SD.6, SD.8  
BDLP DS13, DS3, S19, TR11  
Others PPS1, PPG4, PPG13, PA1, RR3

## Relevant Planning History

B/2001/0375 Internally illuminated anodized aluminium box sign. Advertisement Consent. Granted: 11.05.2001.  
B/1997/0872 Leasing, contract hire, hire purchase and vehicle sale. Granted: 11.05.1998.  
B/1996/0250 To change the building from residential to office use. Granted: 25.06.1996.

## Notes

Policy S19 of the Bromsgrove District Local Plan states that in areas where residential uses predominate the District Council will not allow employment or other land uses which would adversely affect residential amenity whether through noise, smell, safety, traffic or health reasons.

In this instance the site is used for vehicle rental and car sales and these vehicles are located on the front of the site. There is also an existing building and it is the applicants intention to use one of the rooms as an office to take bookings only for taxis which would be located around the Bromsgrove District in their designated taxi ranks.

The current use of the site is sui generis and the proposal would involve a part change of use of the building to B1. This proposal would not involve the parking of taxis on or nearby to the site and would not be available for public access. This change of use would allow for the taking of telephone calls for the purposes of booking taxis.

It is my view therefore that the proposal would not unduly harm the amenities of neighbouring occupiers or the street scene to any greater extent than the existing use on site and neighbouring occupiers and for the following reasons, I recommend that permission be granted.

## Highways Partnership

I have consulted the Highways Partnership on this matter and await a formal response. However given the fact that this is not a proposed taxi rank and would not be used for the storage of taxis or would be accessed by member of the public for the purposes of booking taxis, I consider that the proposal would not prejudice highway safety to any greater extent than the existing use.

Planning legislation cannot stop vehicles from parking outside the application site and this could involve vehicles potentially parking on the highway or pavement. Historically there has been incidents of vehicles parking on the grass verge opposite the site but this grass verge area has now been subject to the implementation of a small wooden fence which now alleviates potential parking problems on that strip of land. However this proposal relates to a telephone facility only and there would not be taxis or members of the public visiting the site in any instance.

I note that this proposal would not stop vehicles parking on the highway where they would come and go on a regular basis as this would be incidental to the use of the highway as a public thoroughfare. However there could be the possibility of taking action under other legislation such as the Anti Social Behaviour Act 2003 if this is considered necessary.

## Conclusion

I am mindful to consider that the proposed change of use would be acceptable in principle for the reasons indicated above and for the following reasons, I recommend that permission be granted.

**RECOMMENDATION:** that permission **GRANTED**.

1. C099
2. Notwithstanding the granting of this permission, the parking and / or use of taxi vehicles will be strictly prohibited from the site at all times and will remain so in perpetuity.

## Reason

2. To safeguard the amenity of neighbouring occupiers and to ensure that the operations on site do not prejudice highway safety.

## Notes

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

WMSS PA1.

WCSP: CTC.1, D.26, SD3, SD4, SD6, SD8.

BDLP2004: DS13, DS3, S19, TR11.

Others: PPS1, PPG4, PPG13, PA1, RR3.

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

# Agenda Item 10

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>3D Entertainment Group Ltd. 'A'</b>	Formation of new terrace at 39 - 41 Worcester Road, Bromsgrove	SSS CA TCZ	<b>B/2007/0886</b> 12.10.2007

Councillor E. C. Tibby has requested that this application be considered by Planning Committee rather than being determined under delegated powers.

**RECOMMENDATION:** that permission be **GRANTED**.

## Consultations

WCC(HP) Consulted - no objections - views received 17.08.2007  
WMC Consulted - views received as follows:-

"I ask that my comments to be made available to **ALL** Planning Committee Members for them to consider their responsibilities under Section 17 Crime and Disorder Act 1998.

1. I ask that the following conditions apply to this application.
  - a. that no alcohol be served in this area.
  - b. that the area in the application be covered by CCTV approved by a police representative.
  - c. that door staff be present in this area when the club is open.
  - d. no music to be played in this area.

The police could provide any supporting evidence of breaches of these conditions.

2. Consideration should be given to the design of the balustrade. In order to prevent the passing of controlled substances there should be a fence with no gaps and is 1.8m high.

Tree Officer Consulted - views received verbally 18.09.2007 - no objections subject to a construction methodology statement submitted prior to the commencement of any works.

CO Consulted - no objections - view received 13.08.2007

EH Consulted - view received 18.09.2007

"Based on the information provided there are two main noise sources that may have an impact on residents in the area; noise from music escaping from the premises from the new side entrance / exit; and noise from people using the new external terrace. I therefore would recommend that the following conditions be attached to minimise any impact that may be caused by the proposed development:

- Both the internal and external doors shall be of an appropriate

acoustic specification to be agreed by the Local Planning Authority and shall be fitted with self closing devices.

- The lobby area between the two doors shall be lined with a suitably acoustically absorbent material. The specification shall be submitted and agreed by the Local Planning Authority prior to the use of the area.
- The terrace area and lobby shall be appropriately supervised while in use to ensure any noise impact is minimised and to ensure doors, as far as practicable, are kept closed.
- No seating (permanent or temporary) shall be provided in the external terrace area.
- No food or drink shall be permitted to be taken into the lobby or external terrace area."

#### Publicity

5 x Site notices posted 23.08.2007 - expired 13.09.2007

Press Advert 17.08.2007 - expired 08.09.2007

Neighbour notification letters sent to numbers 41 and 43 Worcester Road, Bromsgrove.

7 Objections received, highlighting the following points:

- Increased level of music noise from the premises.
- Further noise disturbance from nightclub customers.
- Possible hazard of broken glass near site.
- Criminal damage to nearby properties from nightclub users.
- Possible fire hazard.
- Concerns the noise abatement measures will not be effective.
- Anti social behaviour of nightclub customers.

#### The site and its surroundings

This application relates to a plot of land, situated adjacent to the building 39 - 41 Worcester Road in Bromsgrove Town Centre. The application site is currently derelict waste land, which is overgrown.

The adjacent building, to which the application also relates to, is the premises known as 39 - 41 Worcester Road, which is currently used as a nightclub.

The building fronts onto part of the Worcester Road, known locally as the one way street. Although the site is within Bromsgrove Town Centre, this particular road is classed as a Secondary Shopping Street, as designated within the Bromsgrove District local Plan. The BDLP states that Secondary Shopping Streets may have a more varied mix of uses than Primary Shopping Streets, and there is clearly a wider variety of uses along this particular road within the Town centre.

In addition, the site falls within the designated Town Centre Conservation Area.

## Proposal

This application relates to the formation of a new external terrace area which will run adjacent to the one side elevation of the nightclub. In association with this new terrace, the applicant proposes new fencing, the placement of dividing planters and shrubs. It is also proposed timber decking will cover the whole of the terrace area, to match the ground floor height to that of the internal floor.

The terrace area measures 9 metres in length, running along the side of the nightclub and 2.45 metres in depth, protruding out from the side of the nightclub, towards the neighbouring buildings. This gives the proposed terrace an area of 22.05 square metres. There will then be balustrade style fencing enclosing this area, at a height of 1.5 metres.

The terrace area is to be accessed via an existing door on the side elevation of the nightclub, which is not currently in use. This door will not directly access the terrace; instead a porch area will separate the internal nightclub and the proposed new external terrace area.

## Relevant Policies

WMSS	QE1
WCSP	CTC.19 CTC.20
BDLP	S35a, S39, BROM22
Others	PPS6, PPG15, PPG24

## Relevant Planning History

B/1999/0649	Non-projecting illuminated sign and notice boards; granted 11.10.1999
B/1999/0648	Alterations to frontage; granted 11.01.1999
B/1993/0023	Demolition of building; granted 30.06.1993
B11757	Change of Use to Private Members Snooker Hall; granted 24.02.1984

## Notes

There are no policies within the Bromsgrove District Local Plan or the Worcestershire County Council Structure Plan that specifically relate to the provision of an outdoor terrace area, as proposed in this instance.

However, guidance contained within Planning Policy Statement 6 states that we must seek to encourage vitality of town centres and this is supported by guidance within the WCSP to enhance the quality of the County's town centres. To encourage the vitality of town centres includes supporting the needs of the whole variety of businesses within the town centre.

## **Conservation Issues**

The proposed new terrace will not be a public viewpoint for the Town Centre Conservation Area. It will therefore not cause any harm to the special character of the Conservation Area, and the proposal therefore complies with policies S35a of the

Bromsgrove District Local Plan and CTC.20 of the Worcestershire County Council Structure Plan, which emphasise the importance of preserving and enhancing the quality of the appearance within Conservation Area.

### **Residential Amenity Issues**

The neighbouring properties in the immediate area are currently commercial businesses, which open during the day only, so the proposal will have minimal impact on them. No objections have been received from the immediate occupiers.

However, there are residential properties within the surrounding locality. There are residential properties 50 metres to the rear of the nightclub, on Guild Road and there have been objections from some of the owners and / or occupiers of these properties. There are also residential properties nearby on Hill Lane, from where there have also letters of objections received.

I am aware that there is history to the site with regard to unacceptable noise and that a Noise Abatement Notice was therefore served on the premises under the Environmental Health Act 1990, which required the applicant to abate and prohibit a recurrence of noise amounting to a statutory nuisance from the playing of amplified music, and this notice is still in force.

As well as the issue of noise from music from the nightclub, objection letters include concerns over the noise caused by users of the nightclub and, should it be allowed, any increase in this disruption from the external terrace area.

The Environmental Health Officer has not objected to this application but has suggested several conditions be attached to the planning permission, to ensure this proposed new terrace does not lead to further problems with regards to noise nuisance. Unfortunately some of these suggested conditions are unenforceable.

Several issues raised by nearby residents relate to the anti social behaviour of customers from the nightclub on their way home, to include vandalism of property. While I wholly sympathise with the concerns of these residents, I do not feel that to allow this external terrace will contribute further to this problem, which will not be solely caused by users of the nightclub but also the many public houses within the town centre.

### **Conclusions**

Although I note the concerns raised in the letters of objections received, I am of the view that by attaching the appropriate conditions to the planning permission, and ensuring the new terrace proposed is supervised by staff sufficiently, then it will not cause a nuisance to the near by residents. My view is supported by Environmental Health and West Mercia Constabulary, who have not objected to the application.

In addition, the proposal will not harm the setting of the Conservation Area and the Conservation Officer has also not objected to the proposal.

For all the reasons outlined above

**RECOMMENDATION:** that permission be **GRANTED**.

1. C099
2. Prior to the commencement on site of any works which are the subject of this consent, a full construction methodology statement, shall be submitted to and approved in writing by the Local Planning Authority.
3. Prior to the commencement on site of any works which are the subject of this consent, a full landscaping scheme, including further details of the balustrade, to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:-
  - a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
  - b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.  
The approved scheme shall be implemented within 12 months from the date when (the terrace is first used). Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.
4. Prior to the commencement on site of any works which are the subject of this consent, details of the acoustically absorbent material to line the lobby area, must be submitted to and approved in writing by the Local Planning Authority.
5. Prior to the commencement on site of any works which are the subject of this consent, details of both the internal and external doors, which shall be of an appropriate acoustic specification, must be submitted to and approved in writing by the Local Planning Authority.

**Reasons**

1. Required
2. - 3. To protect the Trees on site in accordance with policy C17 of the Bromsgrove District Local Plan
4. - 5. To protect amenities of adjacent occupiers in accordance with

**Notes**

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

WMSS	QE1
WCSP	CTC.19 CTC.20
BDLP	S35a, S39, BROM22, C17, S19
Others	PPS1, PPS6, PPG24

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 justified reasons to refuse planning permission.

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# Agenda Item 11

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. Nicklin 'A'	Three stables and tack shed (concrete bases), field shelter, grazing for horses - resubmission of B/2007/0394 (as amended by plans received on 21.08.2007 and description by email on: 19.09.2007) - Plot 2, Field No. 0006, Hockley Brook Lane, Belbroughton	GB LPA	<b>B/2007/0907</b> 15.11.2007

**RECOMMENDATION:** that permission be **GRANTED**.

## Consultations

Belbroughton PC	Consulted on 17.08.2007. No response to date.
WCC(HP)	Consulted on 17.08.2007. Comment received on 06.09.2007, recommending that condition H5 be implemented.
ENG	Consulted on 17.08.2007. Comment received on 10.09.2007 recommending that a condition and notes be implemented.
PROW	Consulted on 17.08.2007. No response to date.
RA	Consulted on 17.08.2007. No response to date.
Publicity	Site notice posted on 21.08.2007 (expires on 11.09.2007) Press notice posted on 06.09.2007 No response received to date.

## The site and its surroundings

The application site refers to a plot of land which is located in a designated Green Belt and Landscape Protection Area and is accessed via an existing farm gate which leads directly from Hockley Brook Lane to the application site, with suitable off road parking directly in front of the gates.

## Proposal

The application refers to a proposal for three stables and tack shed (concrete bases), mobile field shelter, grazing for horses - resubmission of B/2007/0394 (as amended by plans received on: 21.08.2007). The stables and tack shed would measure approximately 14.4 x 4.6 metres, with an approximate height of 3 metres. The field shelter would measure approximately 3.5 x 3.5 metres, with an approximate height of 2.9 metres. The site area is 1.64 hectares.

## Relevant Policies

WMSS	QE3
WCSP	CTC.1, D.38, D.39
BDLP	DS2, DS13, RAT2, RAT16, RAT17, C1, C4
Others	PPS1, PPG2, PPS7

## Relevant Planning History

None.

## Notes

This application would involve three main points:

1. A change of use of the land from agricultural to equestrian.
2. A proposed stable and tack room as one unit and;
3. A field shelter.

## **Green Belt**

The main issue to take into consideration is whether the proposals 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.

Policy D.38 of the Worcestershire County Structure Plan (WCSP) highlights that there is a general presumption against allowing inappropriate development in the Green Belt as described in national planning guidance currently PPG2 - Green Belts. Where proposals constitute inappropriate development in terms of this guidance development will only be allowed where very special circumstances exist which outweigh the harm to the Green Belt.

## **Change of use**

The proposed change of use of the land would be acceptable in principle in accordance with Green Belt policy as it would be for equestrian pursuits and as such, no concern is raised with this aspect of the proposal.

## **Proposed stables and field shelter**

Para 3.4 of PPG2 - Green Belts states that the construction of new buildings inside a Green Belt is inappropriate unless it falls within one of the defined categories for appropriate development. One of these categories refers to essential facilities for outdoor sport and outdoor recreation and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it. Equestrian activities are considered to be an appropriate form of development in the Green Belt and therefore the principle of such works would be acceptable.

The proposed stable would be located along a hedge line and would be easily accessible from Hockley Brook Lane through an existing farm gate. This would mean that the stable would be reasonably well screened from the main road and there would also be sufficient parking provision in front of the gates to ensure that no additional hard standing would be required. Therefore by virtue of positioning, it is considered that the proposal would be

located in a sustainable position and would ensure that minimal impact is caused to the openness / visual amenity of the Green Belt.

### **Equestrian activities**

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.

### **Design**

Policy RAT17 also 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. In terms of design it is considered that the proposed stables and field shelter would comprise of buildings that would be reasonably suitable for the housing and keeping of horses and as such, no concern is raised with this aspect of the proposal.

This policy also states that new stabling should be large enough for the safety and comfort of the horse and meet the Councils standards. With this in mind, it is considered that the stables would meet this requirement.

### **Landscape Protection Areas**

Policy C1 of the Bromsgrove District Local Plan identifies Landscape Protection Areas as local designations of areas where it is considered that the character of the countryside and the quality of the landscape merits special protection. It is noted that policy C4 identifies specific criteria for assessing development proposals within Landscape Protection Areas by stating that any proposed development should not have a materially detrimental effect on the landscape and special attention should be given to prominent slopes or major ridge lines.

By virtue of positioning behind and adjacent to an existing large hedge, it is considered that the proposal would not be located on a major prominent ridge line and would not entail a materially detrimental effect on the surrounding landscape to such an extent as to warrant the refusal of the application.

## Harm to amenity

It is considered that the proposal would not unduly harm the amenities of neighbouring occupiers, the openness / visual amenity of the Green Belt or would entail a materially detrimental effect on the Landscape Protection Area.

## Conclusion

By virtue of size, scale, siting and use, the proposals would not unduly harm the openness / visual amenity of the Green Belt or would materially harm the Landscape Protection Area and would comply with Council policy and guidance and for the following reasons, it is recommended that permission be granted.

**RECOMMENDATION:** that permission be **GRANTED**.

1. C099
2. C037
3. H5
4. The disposal of storm water shall be to the existing drain connection out to the mains located within the highway.

## Reason

4. In order to secure the satisfactory drainage conditions in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.

## Notes

The construction of the stable block is to take into account any existing drainage infrastructure. New soakaways will be required to serve the proposed structure along with any hardstanding areas (water butts could be combined with this drainage system). No direct discharge to any ditch line is permissible.

No Flood Risk Assessment is required.

Hedgerows are to be protected from damage by livestock.

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

WMSS	QE3
WCSP	CTC.1, D.38, D.39
BDLP	DS2, DS13, RAT2, RAT16, RAT17, C1, C4
Others	PPS1, PPG2, PPS7

**B/2007/0907-DI** - Three stables and tack shed (concrete bases), mobile field shelter, grazing for horses - resubmission of B/2007/0394 - Plot 2, Field No. 0006, Hockley Brook Lane, Belbroughton - Mr. Nicklin

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

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# Agenda Item 12

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Philip Brookes 'A'	Erection of stable block comprising two stables and one tack shed on a hardcore standing, change of use from agricultural to equine (Resubmission of B/2007/0777). Part field no. 1530 Adj Poolhouse Far, Hockley Brook Lane, Belbroughton.	Green Belt Landscape Protection Area	B/2007/0911 12/11/2007

**RECOMMENDATION:** that permission be **GRANTED**.

## Consultations

Belbroughton PC Consulted on: 14/08/2007 No response.  
WCC (HP) Consulted on: 14/08/2007 No response.  
ENG Consulted on: 14/08/2007 Comment received on: 04/09/2007.  
Publicity Site notice posted on: 17/08/2007 (expires on: 07/09/2007).  
Press notice posted on: 23/08/2007 (expires on: 13/09/2007).

## 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. The site area is 1.4 hectares.

## Proposal

This application refers to the proposed erection of stable block comprising two stables and one tack shed on a hardcore standing, change of use from agricultural to equine (Resubmission of B/2007/0777) which was formally withdrawn on 7<sup>th</sup> August 2007. This amended scheme refers to differs from the previous application by the removal of the previous shed/tack room which was a separate entity to the stables and the removal of the hard standing area around the stables.

The stables would measure approximately 9.76 metres in length by 3.6 metres in width, with a height of 3 metres, with a concrete foundation.

## Relevant Policies

WMSS QE3.  
WCSP CTC1, D38, D39.  
BDLP DS2, DS13, RAT2, RAT16, RAT17, C1, C4.  
Others PPS1, PPG2, PPS7.

## Relevant Planning History

B/2007/0777 Erection of a stable block, tack shed. Change of use from agricultural to equine recreational (as augmented by plans received on: 26/07/2007). Withdrawn: 07/08/2007.

## 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.

## 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 para 3.12 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

Policy RAT17 of the Bromsgrove District Local Plan (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 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.

Para 3.5 of PPG2 refers to essential out door 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 para 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 and 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 and for the following reasons, I recommend that permission be granted.

**RECOMMENDATION:** that permission be **GRANTED:**

**B/2007/0911-DI** - Erection of stable block comprising two stables and one tack shed on a hardcore standing, change of use from agricultural to equine (resubmission of B/2007/0777) - part field no. 1530, adj. Poolhouse Farm, Hockley Brook Lane, Belbroughton - Mr. P. Brookes

1. C099.
2. C037
3. The disposal of storm water shall be by means submitted to and approved in writing by the Local Planning Authority and be operational before building works commence.

### Reason

3. In order to secure the satisfactory drainage conditions in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy (Regional Planning Guidance Note 11), Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS: QE3.

WCSP: CTC1, D38, D39.

BDLP2004: DS2, DS13, RAT2, RAT16, RAT17, C1, C4.

Others: PPS1, PPG2, PPS7.

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

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# Agenda Item 13

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mr Randle 'A'	Erection of four wooden stables, small hay barn and feed room on concrete base and permission for field shelter. All for personal recreational use (resubmission of B/2007/0698). Field no. 1530 Adj Poolhouse Far, Hockley Brook Lane, Belbroughton.	Green Belt Landscape Protection Area	B/2007/0918/DI 13/11/2007.

**RECOMMENDATION:** that permission be **GRANTED**

## Consultations

Belbroughton PC	Consulted on: 14/08/2007. No response.
WCC (HP)	Consulted on: 14/08/2007. No response.
ENG	Consulted on: 17/08/2007. Comment received on: 09/08/2007 recommending that a condition be implemented.
Publicity	Site notice posted on: 17/08/2007 (expires on: 07/09/2007). Press notice posted on: 31/08/2007 (expires on: 21/09/2007).

## The site and its surroundings

This application site refers to a plot of land which is located off an existing authorised access track in a designated Green Belt and Landscape Protection Area. The site area is 1.2 hectares.

## Proposal

This is a resubmission of application B/2007/0698 which referred to the proposed erection of 4 wooden stables, feed room and hay barn, on concrete base (for personal recreational use) which was formally withdrawn on 17<sup>th</sup> August 2007. This amended scheme refers to the erection of four wooden stables, small hay barn and feed room on concrete base and permission for field shelter and would be relocated off the current authorised track as opposed to the previous application which was off the unauthorised track.

The stable and field shelter would be located along existing hedging and the field shelter would be located approximately fifteen metres away from the proposed stables.

## Relevant Policies

WMSS	QE3.
WCSP	CTC1, D38, D39.
BDLP	DS2, DS13, RAT2, RAT16, RAT17, C1, C4.
Others	PPS1, PPG2, PPS7.

## Relevant Planning History

B/2007/0698	proposed erection of 4 wooden stables, feed room and hay barn, on concrete base (for personal recreational use). Withdrawn: 17/08/2007.
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## 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.

### Proposed change of use and 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 and I am of the opinion that the proposed location along the existing hedge lie would ensure that it would not unduly harm the visual appearance of the existing Green Belt.

### 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 am satisfied that this would be the case in this instance.

### Conclusion

It is considered that the proposed stables and field shelter which would be located adjacent to the existing hedge, would ensure that no significant visual harm would be caused to the Green Belt. In addition the site would be easily accessed off the current authorised access track, with no further requirement for any proposed additional hard standing and for the reasons indicated, it is recommended that permission be granted.

**RECOMMENDATION:** that permission be **GRANTED:**

1. C099
2. The disposal of storm and foul water shall be by means submitted to and approved in writing by the Local Planning Authority and be operational before building works commence.

## Reason

2. In order to secure the satisfactory drainage conditions in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.

## Notes

The construction of the stable block is to take into account any existing land drainage infrastructure.

No Flood Risk Assessment is required.

Hedgerows and trees are to be protected from damage by livestock.

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy (Regional Planning Guidance Note 11), Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS: QE3.

WCSP: CTC1, D38, D39.

BDLP2004: DS2, DS13, RAT2, RAT16, RAT17, C1, C4.

Others: PPS1, PPG2, PPS7.

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

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# Agenda Item 14

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
J. Whittall 'A'	First floor extension over existing garage, rear kitchen extension, addition of pitched roof to existing ground floor rear extension and other alterations - 31 Hanbury Road, Stoke Heath, Bromsgrove	RES	B/2007/0940 15.10.2007

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

Councillor D. W. P. Booth has requested that this application be considered by the Planning Committee, rather than being determined under delegated powers.

## Consultations

WCC(HP)	Consulted - view received 03.09.2007 - No objection
Stoke PC	Consulted - No objection. A useful enhancement to the property.
Publicity	5 letters sent 21.08.2007 (expired 11.09.2007) 1 letter of objection received by the occupiers of 29A Hanbury Road - It is considered that the extension, by reason of its proximity to number 29A, would be intrusive and intimidating.

## The site and its surroundings

This application relates to a detached property located to the east side of Hanbury Road close to the junction with the A38. The property is accessed by a service road which runs along the main highway. The property is set back from the road with a substantial front boundary hedge. To the left hand-side a driveway leads up to an attached garage. The garage is set back from the front of the house and extends out into the rear garden. To the rear elevation the main roof drops down below the main eaves level and has a half dormer window. The property has a single storey rear extension. The site is located in a recognised residential area.

## Proposal

This application relates to a first floor extension above the existing garage. The existing rear extension will be extended next to the garage to remove an existing step in its rear building line. The main roof will be extended down over the existing flat roof of the extension and a new dormer window will replace the existing in a more forward position. The proposal will increase the number of bedrooms to the property from 3 to 4.

## Relevant Policies

WMSS	QE3
WCSP	SD.2, CTC.1, T.1
BDLP	DS3, DS13, S10
Others	PPS1, SPG1

## Relevant Planning History

B/2007/0687 Part ground and first floor side extension; withdrawn 17.08.2007

## Notes

The main considerations are whether the proposal complies with policy S10 of the Bromsgrove District Local Plan and SPG1 and the effect the proposal will have on the amenity of the neighbouring properties and the surrounding area.

## Street scene issues

Policy S10 of the BDLP relates to extensions to dwellings outside the Green Belt. This policy states that extensions should be in scale with and well related to the original building and should not have a detrimental affect on the street scene or locality. Further guidance on domestic extensions is provided in Supplementary Planning Guidance Note 1: Residential Design Guide. SPG1 suggests that first floor side extensions should be set down from the height of the roof of the original dwelling, set back from the front wall and set at least 1.0 metre off the common boundary.

**Set down:** The ridgeline to the proposed first floor side extension will be set 0.4m down from that of the existing dwelling.

**Set back:** The first floor side extension will be set 4.4m back from the front of the existing dwelling.

I am therefore satisfied the extension will appear visually subordinate to the main house.

**Set off:** The proposed first floor side extension will be set 0.7m off the boundary with number 29A at the front. Due to the tapered nature of the side boundary, this distance will reduce to 0.5m at the rear of the extension.

The submitted plans show the existing garage set off the boundary with number 29A. On site there is no boundary treatment between the two buildings. However, the agent has confirmed that the applicant does own a strip land down the side of the garage. I will therefore consider the application on this basis.

The properties to the south of the application site follow the road as it bends round into the A38. These properties are detached and are generally set off the boundary at first floor level though the extent of gaps between the houses does vary. To the north are more modern houses. These are also detached though the level of spacing is less generous. To the side of the proposed extension, a gap of approximately 2.3 metres would remain between numbers 29A and 31. I am of the opinion that the reduced gap at first floor level would not be of harm to the pattern of development to this section of Hanbury Road. In being set 0.7m to 0.5m off the common boundary the proposed extension fails to comply with the provisions of SPG1. However, it would appear unlikely that it would be possible to add an extension to the approximately 1.5 metre wide gap to the side of number 29A. As such, I am satisfied that the extension will not create an over-cramping or terracing effect in the street scene.

The roof to the proposed side extension will not form a continuation of the existing roof. However, it is of a form, which reflects the existing roof and I do not consider that it will be of harm to the appearance of the property.

The proposed alterations to the existing rear extension will not be visible from the road. The addition of a pitched roof to the existing rear extension, in my opinion, will bring a visual improvement to the building. The increased footprint of the extension and the new dormer window will have a neutral impact on the property's appearance.

### Amenity issues

Number 29A to the north is set back from the front of number 31. The proposed first floor side extension will be positioned to the side of this property. Number 29A has two small ground floor windows to its side elevation. These windows are both secondary sources of light to habitable rooms. I acknowledge the concerns raised by the occupants of number 29A and consider that the extension will cause loss of light to these windows and would dominate their views. However, given the secondary nature of the windows, I am of the opinion that extension's impact on the windows would not harm the amenities of the occupants to an extent that would justify the refusal of the application. SPG1 notes that the 45-degree code only applies where the nearest side of the extension is perpendicular to the window; that is, it is not valid for windows which directly face the extension. It is therefore not appropriate to use the 45-degree code to assess the impact of the extension on these side windows. The extension will be so positioned to not affect the front windows to number 29A.

Number 33 lies to the south east and faces in towards the rear garden of the application site. The proposed dormer window complies with the 45-degree code. Whilst the first floor extension over the garage will not apply with the 45-degree code it will be set approximately 12m from the nearest window to number 33. By reason of this distance and the position of number 29A, I am satisfied that the extension will not cause loss of light to this window.

The proposed plans show the insertion of a ground floor door and window in the original side elevation of the dwelling facing number 33 and a first floor window in the side elevation facing number 29A. These windows and door can be inserted under the property's permitted development rights given under Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. A condition will be used to prevent the insertion of windows in the north facing side elevation of the proposed first floor side extension as such windows would significantly affect the privacy to the occupiers of number 29A.

### Conclusion

Given all material considerations, I am of the view that the proposal is acceptable in planning terms.

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

1. C38

2. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modifications), no at first floor level or above to the north facing elevation of the first floor side extension hereby approved shall be inserted without the prior written consent of the Local Planning Authority.

Reason: R030

# Agenda Item 15

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Mr. and Mrs. J. Hadlington 'A'</b>	Erection of boundary wall and gates to front of property - New House Adjacent to Fourways, Brake Lane, Hagley	Res	<b>B/2007/0966</b> 24.10.2007

## **RECOMMENDATION:**

- (a) that the determination of the application be **delegated** to the Head of Planning and Environment Services upon the expiry of the publicity period on 15.10.2007 (minded to refuse); and
- (b) that members authorise appropriate action to secure the removal of the unauthorised structure and delegate authority to the 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.

## Consultations

Hagley PC	Consulted 30.8.07. Cars parking along Brake Lane and Sweetpool Lane causing visibility issues. Double yellow lines required.
WCC (HP)	Consulted 31.8.07: Recommends condition H5-any new access gates / doors shall be set back 5 metres from the adjoining carriageway edge and shall be made to open inwards. (This is not the case with this development as they are located only 3.75 metres from the edge of the road).
Publicity	1 neighbour notification letter sent 31.08.2007 (expires 21.09.2007) Site notice posted 10.09.2007 (expires 01.10.2007) No comments received to date.

## The site and its surroundings

This application relates to a detached house recently constructed in the grounds of 'Fourways' located on the corner of Sweetpool Lane and Brake Lane, Hagley. The house is located within the 'Residential' allocation within the BDLP 2004 and also sited opposite Green Belt.

## Proposal

The applicants are applying for retrospective planning permission for the retention of the boundary wall / fencing and gates. The development stretches around the front of the premises, consisting of a boundary wall / wrought iron fencing of maximum height 1.6 metres with the gates and associated pillars being a maximum of 2.2 metres. A visibility splay has been shown on the plans measured from the central point of the junction at Sweetpool Lane but positioning of the wall / fence and gates still conflicts with advice from the Highways Engineer in the fact that there are not 5 metres between this and the edge of the highway.

## Relevant Policies

WMSS    QE3  
WCSP    CTC.1

BDLP DS13, S10  
Others SPG1, PPS1, PPG2

### Relevant Planning History

B/2003/0827 Erection of one detached dwelling: Approved 15.10.2003  
B/2003/0828 Erection of one detached dwelling: Approved 16.10.2003  
B/2003/1059 Removal of side bay window: Approved 17.10.2003  
B/2004/0009 Amendment: Approved 24.02.2004

### Notes

Along the south boundary of Brake Lane, as far as the eye can see there is hedging or entrances to house frontages are open. No other properties have gates / wall and fence as has been erected at this property. I therefore consider that the proposed boundary treatment has introduced an alien and urbanised feature into the street scene that has had a detrimental impact on the rural character of the locality. Although the application site is located within the 'Residential' allocation, it is however directly opposite the Green Belt and therefore conspicuous from this. 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. I am of the opinion that because the gates and wall / fence are urbanised in appearance and are located opposite the Green Belt, they are visually detrimental by reason of this and their siting, materials and design and are therefore considered unacceptable.

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

- (a) that the determination of the application be delegated to the Head of Planning and Environment Services upon the expiry of the publicity period on 15.10.2007 (minded to refuse); and
- (b) that members authorise appropriate action to secure the removal of the unauthorised structure and delegate authority to the 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.

# Agenda Item 16

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
<u>Redwood Care Homes Ltd.</u> 'A'	Use of existing caravan as ancillary staff accommodation (up to 3 staff) in association with Foresters Nursing Home for two years. FORESTERS NURSING HOME, WALTON POOL, CLENT	GB LPA AGLV	<b>B/2007/0968</b> 30/10/2007

**RECOMMENDATION** that permission be **GRANTED**.

Councillor Margaret Sherrey requested this application be taken to Committee.

## Consultations

Clent PC	Consulted on: 06/09/2007. No response to date.
WCC(HP)	Consulted on: 28/04/2007. No response to date.
Drainage	Consulted on: 10/09/2007. No response to date.
Ramblers Association	Consulted on: 10/09/2007. No response to date.
WCC Public Rights of Way	Consulted on: 10/09/2007. No response to date.
Local Plans (Policy)	Consulted on: 10/09/2007. No response to date.
SAA Publicity	Consulted on: 06/09/2007. No response to date. 1 letter posted on: 06/09/2007 (expires on: 27/09/2007) Site notices posted on: 07/09/2007 (expires on: 28/09/2007). No responses to date.

## The site and its surroundings

The Foresters Nursing Home is situated on the northern side of Walton Pool, Clent, to the north of the A491 Bromsgrove to Stourbridge Road.

The nursing home has been extended many times and is situated at the northern end of the site. At the southern end of the site are converted stables used as the nursing home's HQ. There is a centrally located wide access onto the very narrow Highfield Lane. To the north west of the HQ is the caravan, the subject of this application.

The caravan measures approximately 3.0m x 10.5m, with decking to the front. It is situated approximately 22m to the north west of the HQ building. It currently appears lived in.

The immediate surroundings consist of dwellings to the north east, and open fields in other directions.

Although the caravan is screened from Highfield Lane by the HQ building and trees, a public footpath exists in full view of the caravan, approximately 20m to the east.

## **Proposal**

This is an application proposing the use of the caravan as ancillary staff accommodation (up to 3 staff) in association with the nursing home. This is in effect a resubmission of B/2006/0210 which expired on 15<sup>th</sup> August 2007.

## **Relevant policies**

WMSS	QE3, PA14
WCSP	CTC.1, CTC4, SD.2, SD.4, D.17, D.29, D.38, D39
BDLP	DS1, DS2, S17, C4, C25, C26, E9.
OTHERS	<b>SPG 1, SPG10, PPG 2, PPS 1, PPS7</b>

## **Relevant planning history**

B/2006/0210	Use of existing caravan as ancillary staff accommodation (up to 3 staff) in association with Foresters Nursing Home.	Granted August 2007.
B/2005/0869	Amendment to B/2005/0394 to include retention of existing greenhouse/store to rear. As amended by plans and statement received 23/01/2006	Granted February 2006
B/2005/0394	Change of use from stable to ancillary use of nursing home. As amended by plans and bat survey	Granted July 2005
B/1997/0633	Two storey first floor and single storey extensions	Granted February 1998
B/1996/0838	Extensions and alterations	Refused December 1996
B12717	Change of use to rest home	Granted May 1985

## **Notes**

I consider the main issues with this application to be whether the proposal is an appropriate development in the Green Belt, Particularly taking into account the provisions of Policy S17 of the BDLP and Policy D.17 of the WCSP, and whether the proposed development comes under the auspices of SPG10. The proposals must also be considered in terms of its affect on the amenity of the location and the surrounding area.

## **Green Belt Issues**

Policy DS2 of the Bromsgrove District Local Plan and Policy D.39 of the Worcester County Structure Plan is in general accordance with PPG2 in stating that inappropriate development in the Green Belt will only be allowed if very special circumstances exist to outweigh the harm caused to the openness of the area and the purposes of Green Belt Policy. The site also lies within an Area of Great Landscape Value and a Landscape Protection Area, and as such, policy CTC4 of the WCSP and C4 of the BDLP apply which restrict development where it would have a materially detrimental effect on these areas.

Policy S17 of the BDLP states that sites in the Green Belt will not be acceptable for caravans or mobile homes, except in cases which fall within Policies C25 and C26, which the proposed development does not.

This proposed caravan for ancillary staff accommodation would not entail any greater impact on the openness and character of the Green Belt over and above that of the use of the caravan for storage purposes. It is also noted that this application now presents a situation whereby, for whatever purpose the caravan is used – storage or residential and it is considered that the proposed use would have no greater material impact than the previous application in accordance with the supporting statement which was submitted with this application.

### **Housing Supply – SPG10**

The agent has confirmed that the accommodation within the caravan will be provided solely for members of staff working at the nursing home. The agent has confirmed the applicant relies heavily on staff from Asia and Eastern Europe who, generally, do not have access to a car and cannot afford local high cost housing. Nurses furthermore need to live on site or within easy walking distance to provide the level of care necessary. He went on to confirm that there is no room for additional accommodation in the main house.

Although the accommodation is the staff members' main place of residence, that situation only exists while they work for the nursing home.

Providing the caravan remains ancillary to the nursing home and only used as accommodation by those employed by the nursing home, (which I propose to condition), I consider the proposal is not contrary to the provisions contained within SPG10. If the caravan was not connected in any way to the nursing home then its use would be shared residential accommodation, so being contrary to SPG10.

### **Effect on Amenity**

The caravan is situated well away from other residential properties. The proposal will not therefore be contrary to the provisions of SPG1.

However, it could be that general activity generated by the 3 nurses living in the caravan, particularly bearing in mind the possibility of working unsociable hours, may have a detrimental effect upon the amenity of this quiet area. I therefore propose to impose a temporary condition in order to keep the matter under review.

### **Traffic Implications**

The proposed development will generate negligible traffic, as the staff will be accommodated on site requiring no journeys to work to be made.

I therefore find the scheme to be acceptable in this respect.

### **RECOMMENDATION that permission be GRANTED**

1. The premises shall be used for staff accommodation for no more than 3 people employed at the Foresters Nursing Home, and for no other purpose, (including any other purpose in Class A3 of the schedule to the Town and Country Planning (Use Classes) Order (as amended).
2. The building, the subject of this permission, shall be used only for purposes ancillary to the Foresters Nursing Home only.
3. C23 – temporary period of 2 year – land reinstated

### Reasons

1. In order to protect the amenities of the area in accordance with Policies DS2 and E9 of the Bromsgrove District Local Plan January 2004.
2. In order to protect the amenities of the area in accordance with Policies DS2 and E9 of the Bromsgrove District Local Plan January 2004
3. In order to control the development, in the interests of the amenities of the area in accordance with Policies DS2 and E9 of the Bromsgrove District Local Plan January 2004.

### Notes

Foul drainage shall discharge directly to the sewerage plant/tank. This and its associated soakaway shall be checked to ensure their functionality and capability of taking extra work load.

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy (formerly Regional Planning Guidance Note 11), Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS	QE3, PA14
WCSP	CTC.1, SD.2, SD.4, D.17, D.29, D.38, D39
BDLP	DS1, DS2, S17, C25, C26, E9.
OTHERS	<b>SPG 1, SPG10, PPG 2, PPS 1, PPS 7</b>

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

# Agenda Item 17

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
<b>Mercury Health 'B'</b>	Hurrans Garden Centre, Kidderminster Road, Hagley - Additional use of land for mobile temporary health facilities (2 year temporary permission)	GB	<b>B/2007/1035</b> 08.11.2007

Members should note that two other application for similar proposals are being considered at this Meeting - B/2007/1036: The Bromsgrove Hotel, Kidderminster Road, Bromsgrove; and B/2007/1037: Stoke Prior Sports and Country Club, Weston Hall Road, Stoke Prior.

**RECOMMENDATION:** that the determination of the application be **DELEGATED** to the Head of Planning and Environment Services upon the expiry of the publicity period on 15.10.2007 (minded to refuse).

## Consultations

Clent PC	Consulted on 14.09.2007. No response to date.
WCC(HP) Policy	Consulted on 14.09.2007. No response to date.
CEHO	Consulted on 14.09.2007. No objection received 24.09.2007, subject to condition mitigating potential noise to neighbouring residents.
Publicity	2 Site notices posted 24.09.2007 (expires 15.10.2007)

## The site and its surroundings

This application is a resubmission of the previously withdrawn submission under plan reference B/2007/0834 and relates to a garden centre car park on the south-east side of Kidderminster Road, Hagley which is located within the Green Belt.

## Proposal

This is a full application proposing the siting of temporary mobile health facilities on the existing car park of Hurrans Garden Centre, Hagley. Each unit, in the form of lorry with trailer, would be located on site between 1 and 3 continuous days per week, which equates to a total of between 52 and 156 days per year. There would be a maximum of 4 trailers on site at any one time. The units would be located within the red edge area shown on the submitted location plan, with the remainder of the car park still available for normal use by the garden centre. The applicants are seeking a temporary permission for two years (unlike the previous proposal for seven years).

## Relevant Policies

WMSS	QE3, QE6
WCSP	SD.2, SD.3, SD.4, SD.5, SD.7, SD.8, CTC.1, D.38, D.39, T.1
BDLP	DS1, DS2, DS13
Others	PPS1, PPG2, PPS7

## Relevant Planning History

B/2007/0834 Additional use of land for mobile temporary health facilities (7 year temporary). Withdrawn: 11.09.2007

## Notes

The main issue to consider for this application is whether the proposal constitutes inappropriate development in the Green Belt, and whether any very special circumstances exist that may outweigh the harm caused.

## Green Belt

Policies within BDLP are in general accordance with the provisions of WCSP and PPG2 in stating that inappropriate development should not be allowed in the Green Belt unless very special circumstances exist which clearly outweigh the harm caused.

The applicants' agents have submitted supporting documents (see appendix 1) that state a maximum of four trailers would be on site at any time. Each trailer can measure 6.2 metres wide by 13.3 metres long, and therefore occupies approximately 16 conventional car spaces. These trailers would be used for 1-3 days per week, remaining on site overnight if required on consecutive days. By definition, the proposal is considered inappropriate development within the Green Belt and the agents have made the following comments in response:

<b><u>Green Belt Policy</u></b>	<b><u>Response from Tribal (agents)</u></b>
<b>Purposes of including land within Green Belts include:</b> 1. To check the unrestricted sprawl of large built-up areas	Existing developed car park, temporary use for 2 years but site used only 3 days per week, no additional urban sprawl as use required on an existing car park.
2. To prevent neighbouring towns from merging in together.	No permanent development being proposed.
3. To assist in safeguarding the countryside from encroachment.	The parking of vehicles on the existing car park is unrestricted. A vehicle of similar size could park there for an unrestricted amount of time. No further encroachment into the Green Belt would occur as use is on an existing car park.
4. To preserve the setting and special character of historic towns.	The proposed intensity of the units on the site will result in there being negligible affect upon the special character of the area.

<b><u>Green Belt Policy</u></b>	<b><u>Response from Tribal (agents)</u></b>
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.	A number of sites have been considered, however due to the complex requirements of the units, a number of sites have been discounted. The proposed site is the only available site which was found within the defined area by the Department of Health.
<b>PPG2 states that 'inappropriate development is, by definition, harmful to the Green Belt'.</b>	As demonstrated above, the development is not considered to be harmful to the Green Belt when considered in relation to national policy.

The most important point to consider when assessing this proposal is the fact that it is considered inappropriate development within the Green Belt and would therefore cause harm to this. Due to the fact that the health facilities proposed are temporary, this still does not result in the proposal being any less harmful to the Green Belt or the fact that they would not be in place for more than 3 days per week. Other sites may have been considered and I am aware that there are two other applications being considered at this meeting, however these sites are also within the Green Belt and I do not believe that satisfactory VSC's have been demonstrated to mitigate the potential harm to the Green Belt. The bulk and massing of the trailers in themselves would have a detrimental affect on the visual amenity of the Green Belt.

Within the supporting documents there appears to be some inaccuracies. It is stated that the proposal site is located close to the Ryemarket Shopping Centre which is wholly untrue as this centre is in Stourbridge. Large vehicles cannot be parked on the site without the express consent of the landlord as confirmed during the case officer's site visit. Even though the vehicles would be parked on an existing car park, it does not alter the fact that the area is allocated within the Green Belt and would always be considered as inappropriate development when considering national and local planning policy. The area outlined in red on the location plan would not be large enough to accommodate up to four trailers as specified within the application and therefore this is considered misleading.

The purpose of the units is to provide rapid treatment on behalf of the NHS, and carry out tests such as MRI scans, CT scans, X-rays, endoscopy and the fitting of hearing aids. These facilities are intended to be in addition to existing facilities, and to provide local community health facilities. However, it is understood that the proposed facilities are intended to serve the residents of the Bromsgrove Primary Care Trust area. The applicants' agent states that the proposed development would not impact upon the openness of the Green Belt, by being mobile and temporary in nature.

Policy SD.7 of the WCSP describes the sequential approach that should be taken for the location of new development. The preferred location is within existing town centres, but if this is not available then edge-of centre sites, a district or local centre and finally out-of-centre locations that are accessible by a choice of means of transport. This site does not fall within any of those locations, and therefore I find this proposal contrary to SD.7. I do not consider that sufficient very special circumstances have been provided that would overcome the harm to, and the loss of openness within this Green Belt location.

### Sustainability and reducing the need to travel by car

Paragraph 6 of PPS7: Sustainable Development in Rural Areas states that Local Authorities should facilitate and plan for providing a range of services and facilities to meet community needs, particularly where they would benefit those rural residents who would find it difficult to use more distant service centres. However, it then goes on to emphasise that these local facilities should be located within or adjacent to existing villages and settlements where access can be gained by walking, cycling and (where available) public transport.

This is reinforced by Policy PA1 of the West Midlands Spatial Strategy, which states that wherever possible, economic growth should be focused on the Major Urban Areas (MUA's). 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. Policy T.1 of the WCSP, which seeks to reduce the need to travel, particularly by private car, supports this.

Policies SD4 and T1 of the WCSP both state that proposals for development will normally only be allowed where they are located so as to minimize the need for travel, particularly travel by private car. However, policy D.29 states that proposals, which are likely to result in a significant increase in numbers and length of journeys to work by car, are unlikely to be acceptable since they would conflict with the aim of moving towards a more sustainable pattern of development.

### Conclusions

The proposed siting of the commercial vehicles and opening trailers would involve a material change of use of the land and would entail greater harm on the openness / visual amenity of the Green Belt in relation to the current use as a customer car park for the garden centre. Circumstances have been put forward to the Local Planning Authority but it is not considered that these would constitute 'very special circumstances' which would clearly outweigh the harm caused to the openness / visual amenity of the Green Belt. The proposals would also reduce the amount of available parking provision for the customers of the Hurrans Garden Centre which would be to the detriment of the existing establishment.

Concern has also been raised regarding the lack of sustainable means of transport to the site which is located away from the main town centre, with limited means of sustainable transport to and from the site. However a 'Green Travel Plan' has also been submitted in conjunction with this application to encourage staff and patients to use sustainable modes of transport for their journeys to and from the site. Unquestionably the promotion of sustainable means of transport should be encouraged but there is no guarantee that patients and staff will adhere to such initiatives and given the limited current public transport available, the most likely option will be reliance on the car as the primary mode of transport to access the site. Therefore it is concluded that the proposed use of the site would not be in a sustainable location and would cause greater harm than its existing use.

**RECOMMENDATION:** that the determination of the application be DELEGATED to the Head of Planning and Environment Services upon the expiry of the publicity period on 15.10.2007 (minded to refuse).

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## **Green Travel Plan Produced on behalf of Mercury Health Ltd**

**Site at Hurrans Garden Centre, Kidderminster Road, Hagley, Nr Stourbridge, DY9 0JB**

### **Introduction**

This Green Travel Plan (GTP) supports the planning application by Mercury Health Ltd for the additional use of land (in part) for Mobile Temporary Health Facilities (Temporary 7 year Permission) at Hurrans Garden Centre, Kidderminster Road, Hagley, Nr Stourbridge, DY0 0JB.

The aim of the GTP is to provide the framework for understanding and managing the transport requirements of the temporary mobile facility.

The Objectives of the GTP are to help:

- all staff, patients and visitors to easily access the facility by a range of transport modes; and
- reduce the dependency on the private car, other than by those who have no other means of travel;

The GTP has been prepared by Tribal MJP on behalf of Mercury Health Ltd.

### **Purpose & Content of the Green Travel Plan**

The purpose of the GTP is to encourage staff and patients (where practicable) to use sustainable modes of travel on their journeys to and from the proposed mobile diagnostic facility.

The objectives will be achieved through a range of measures and strategies that Mercury Health Ltd will support.

### **Site Location**

The subject site is located at the southern end of Kidderminster Road, within the South-West part of Hagley. The site lies in close proximity to the A456 which connects to both nearby Kidderminster and central Hagley / Stourbridge (via A491). These 'A' road connections are well connected to local roads feeding the smaller villages and towns in the vicinity.

Numerous bus services run near to the site including the 192 which travels from Kidderminster Road South to the centre of Hagley, Hagley Village and Blakedown. From these locations, interconnecting bus services exist.

Hagley rail station is located a short distance (0.90 miles) away from the site.

From Hagley rail station, there are connections to Stourbridge Junction and Great Malvern, Kidderminster and Birmingham Snow Hill/New Street. Connections can be made to destinations further afield from Birmingham New Street.

### **Travel Patterns**

The facility is likely to be visited by approximately 29 patients each day that it is located on site. Due to the intrinsic nature of the facility, being mobile and therefore located within the community for which it is intended to serve, it is likely that travel distances will be kept to a minimum. With minimal distances to travel it is expected more likely that those patients who can adopt alternatives methods of travel will do so.

The facility will employ 10 members of staff. The staff being employed on the site are likely to be residing together in a communal residence whilst working with the mobile facility. Car sharing and the use of Public Transport will be promoted amongst staff.

### **Forward Strategy**

The mobile nature of the facility means that it will be moving from site to site on a regular basis. Therefore, it is not practical to display site specific travel information within the unit. As an alternative Mercury Health Ltd will provide local travel details to its staff when they are first employed.

Due to the nature of the mobile diagnostics facility it is unlikely that patients will be making repeat of frequent visits to the facility. Therefore, the display of information relating to public transport within the unit, whilst being impractical on a mobile facility, is likely to be of little help to patients whom would only be exposed to the information once at the facility. Therefore, it is proposed that such information will be provided to patients at the time of their appointment being booked in order that they may make informed choices regarding their mode of transport to and from the facility (where practicable).

A Member of the staff team (whom travel from site to site with the facility) will be appointed as a 'Green Travel Plan Coordinator' and will be available to provide appropriate information regarding alternative modes of transport to both staff and patients as necessary.

Due to the mobile nature of the unit specific cycle parking is unable to be provided. However, the cycle parking facilities that already exist on the site will be available for use by both patients and staff.

**Conclusion**

The very nature of this facility encourages the use of alternative means of transport, being taken to the very community for which it is intended to serve. However, information regarding public transport and alternatives to the private car will be provided to both patients and staff in order to encourage the use of sustainable modes of transport.

**Tribal MJP**  
**August 2007**

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Our Ref: 2068/BDC05/JTH  
11<sup>th</sup> September 2007

Bromsgrove District Council  
The Council House  
Burcot Lane  
Bromsgrove  
B60 1AA



Dear Sir/Madam

**Re: Planning Application on behalf of Mercury Health Ltd for Additional Use of Land (in part) for Mobile Temporary Health Facilities (Temporary 7 year Permission) by Mercury Health Ltd at Hurrans Garden Centre, Kidderminster Road, South West Hagley, Nr Stourbridge, DY9 0JB**

### **Introduction**

Please find enclosed, on behalf of our client, Mercury Health Ltd, a planning application for the additional use of land to permit the parking of a temporary mobile diagnostic health facility. Please note that this application does not seek to remove the principal underlying use of this site for leisure purposes but rather will be in addition to the main use of the site.

The following paragraphs outline the details of the proposal;

### **Mercury Health**

The proposed mobile temporary diagnostic facility will form part of the NHS initiative for independent sector diagnostic facilities. The proposal has been approved by Worcestershire Primary Care Trust and affords opportunities for the delivery of high quality, patient-focused health services to the people of Stourbridge and the surrounding areas directly, thus providing healthcare facilities within the heart of the Community.

The White Paper "Our health, our care, our say: a new direction for community services" was published in January 2006 and sets a new direction for the whole health and social care system. It proposes a radical and sustained shift in the way in which services are delivered – ensuring that they are more personalised and that they fit into people's busy lives.

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- It aims to achieve four main goals:
- Better prevention and earlier intervention
- More choice and a louder voice for patients
- Tackling inequalities and improving access to community services
- More support for people with long term needs

A statement from Mercury Health Ltd outlining the focus and Government vision behind these facilities is included as part of this application.

### **The Proposals – Operational Overview**

#### **Mobile Diagnostic Facilities**

The subject site will form one of some 52 sites across the West Midlands from which essential additional mobile diagnostic facilities will operate. This application seeks temporary planning permission on a 7 year basis. A fleet of mobile diagnostic units will rotate continually around the selected sites, staying at each location for varying periods, based upon need and pre-determined appointment arrangements (the length of stay at each site will vary based on this rotating schedule of need).

Due to the mobile nature of these facilities it may not be possible for the units to be positioned in the same location within the site on every visit. Therefore, it has not been possible to provide location plans for the proposed units. However, on every visit to the site the units will be located in an area which lies within the red line application boundary shown on the site location plan submitted with this application. The hatched area shown on the red line plan indicates an approximate area of mobile unit coverage on the site.

These mobile facilities will be provided on specialist, purpose built vehicles (see details enclosed) creating modern, hygienic facilities in comfortable surroundings. Once on site the Endoscopy unit has a 'pop-out' facility which expands the floor area of the unit. It contracts again when leaving the site in order to aid manoeuvrability and to fall within the UK legal limit for road going vehicles.

#### **Siting and Programming**

There will be a maximum of 4 trailers on the site at any one time. When the mobile units are not on site the area which is occupied will be available for the normal day to day functioning of the existing use. Great care has been taken to ensure that the programming of the units on the site does not interfere with the underlying use of the site. The scheduling of the units on the site has been undertaken in consideration of the diagnostic health requirements of the local community and with the agreement of the Centre to ensure that its usual running is not inhibited by the presence of the mobile units on the site.

No on site works are proposed with the unit/s being positioned on the existing site surface. In order not to damage the existing surface it is usual practice for spreader plates to be used on the base of the unit stabilisers which prevent indentation of the surface by the stabilisers.

## Staffing

The facility will be staffed by 6 no clinical staff (Endoscopy) and 4 No. clinical staff (MRI) – 10 clinical staff in total as is the case at a fixed health facility.

Staff will be allocated to a particular unit and follow that unit to its various locations across the West Midlands utilising car sharing where possible (please see attached Green Travel Plan).

## Parking

Due to the nature of the facility it is likely that some patients will be unable to travel on public transport and will therefore rely on the private car. In order to accommodate the private cars of both patients and staff, the facility will have the use of the substantial car parking area surrounding the site during its stay.

## Staff/Patient Facilities

Patient visits are likely to be short term lasting between 30 minutes and 2 hours. Therefore, it has not been necessary to provide any canteen/café facility for patients. However, water will be provided in the waiting area for use by patients, relatives/chaperones and also staff. Staff will be provided with a microwave oven and kitchenette facilities within the staff room.

## Utilities & Servicing

The facility will incorporate internal power and water supplies and waste water storage facilities. The waste water storage facilities will be emptied at least once a day by a 'dirty' service vehicle which will also remove dirty laundry, utensils and general waste from the facility. Clean laundry, utensils and other supplies will be delivered on a separate 'clean' service vehicle once per day.

No substantive maintenance or repairs of the units will be undertaken on site. Should a unit require any emergency repairs or planned maintenance this will be undertaken by a contractor off site.

## Security

When the unit is required to be on site on consecutive days the facility will remain on site overnight only being removed from the site at the end of its stay when it is due to move to the next location. To supplement facilities on site the units will utilise their own on board external CCTV surveillance cameras and external lighting in order to ensure the safety and security of both staff and patients.

The nature of the use of some units requires basic drugs to be stored on the units. However, in order to increase the security of the facility these drugs will be stored in a locked cabinet out of sight of the general public. No money will be kept on the units at any time during their presence on site.

## Clinical Safety

With any clinical service there is always a risk of an emergency situation developing requiring more complex intervention. The risk in a mobile situation is no different to any other clinical environment where it is not located on a main hospital site. Local transfer policies are in place to transfer patients to a pre-agreed local NHS health facility.

## Hours of Operation & Procedures

The facility will be open from 7.30am until 8.30 pm on the relevant days (No Sundays or Bank Holidays). The proposed facility will deal with diagnostic procedures only. All procedures at the units will require patients to attend for a pre-arranged appointment of up to two hours in duration and will not involve any overnight stays or drop-in facilities. Should a patient unexpectedly fall ill or require overnight care at the post procedure stage then the patient will be transferred to a NHS general hospital. However, it is anticipated that this action would rarely be necessary, although necessary contingencies have been put into place.

## Town Planning

### The Need for Planning Permission

No alterations are proposed to the existing hard surfacing (no engineering operations) and the proposal does not constitute development as it is not fixed, but the proposal is subject to planning permission as it does not fall within the exemptions afforded by the General Permitted Development Order. The facility proposed for the subject site will consist of CT and MRI facilities and are proposed to be present on site for between 1-3 continuous days per week which equates to a total of between 52 and 156 days per year. Consequently, although the facility is a mobile temporary facility, being on site for a total of between 52 and 156 days per year, it falls outside the remit of a '28 day' temporary use as stipulated by Town & Country Planning (General Permitted Development) Order 1995, Part 4, Class B), hence, the need for the subject planning application.

### Planning Policy

The subject site falls within the Green Belt. PPG2 "*Green Belts*" states that "***the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open***" and continues to state that:

There are five purposes of including land in Green Belts:

- i) to check the unrestricted sprawl of large built-up areas;
- ii) to prevent neighbouring towns from merging into one another;
- iii) to assist in safeguarding the countryside from encroachment;
- iv) to preserve the setting and special character of historic towns ; and
- v) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

I will take each of the above points in turn:

- i) Not only is the proposed development mobile and temporary in its nature but it is located on a site which is already developed on. As the units are mobile in nature the likelihood is that an individual unit would only be for no more than 2 days in a week. The supporting information already refers to the fact that the use is required for 3 days a week or 156 days in a calendar year with no permanent development being proposed on the site. No additional urban sprawl will result in the application, as the proposals are entirely contained within an existing car park.

- ii) As no permanent development is being proposed and that the application site is located on an existing care park where there is no risk of neighbouring towns from merging into one another.
- iii) The application site is located on a car park, upon which as it currently stands, vehicles are able to park without restriction other than at the discretion of the landlord. There is nothing which would restrict a similar type of vehicle to be able to park on the site for an unrestricted length of time. No further encroachment upon the green belt will result from the proposed development as it is entirely restricted to the existing carpark.
- iv) The proposed intensity of use of the units on the site will result in there being negligible effect upon the special character of the area. As stated at point iii) the existing use of the site is a car park which could be used unrestricted by similar vehicles.
- v) A number of sites have been considered when assessing where would be the best site for the units, however due to the complex requirements of the units to enable them to be used a number of sites have been discounted. The major requirements for the units to be able to function correctly are access, space for the units to be sited, a flat/level site and one which doesn't interfere with the day to day running of the existing site. The proposed site is the only available site which was found within the defined area (defined by the Department of Health), hence making this a very important and strategic site. If other urban sites were available then these sites which fulfil these requirements then an application would have been submitted on those sites.

PPG 2 states that ***"Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted."*** As has been demonstrated within the previous paragraphs the development is not considered to be ***"harmful to the Green Belt"*** when considered in relation to national policy.

Policy DS1 of the adopted local plan gives regard to green belt designations in accordance with Structure Plan Policy. The post-text of the policy continues to state that:

The relevance of the Green Belt to Bromsgrove District is threefold:

- to prevent the further growth of the West Midlands conurbation into the countryside;
- to limit the expansion of built-up areas in the Green Belt area in order that neighbouring towns and villages will not merge with one another;
- to safeguard the open countryside having regard for the interests of agriculture and for the informal recreation needs of people who wish to visit the countryside.

As previously discussed within this letter due to the mobile and temporary nature of the proposed units, it is considered that the use does not contradict the above mentioned points.

## TRIBAL

Policy DS2 gives regard to Green Belt Development Criteria. The proposed development does not fall into any of the development criteria due to the unusual nature of the proposals. However as previously stated it is considered that the mobile nature of the units being onsite for a maximum of 3 days a week and then moving to another site, would not compromise the sites green belt designation.

These new, additional facilities are designed to carry out thousands of diagnostic tests over the next five years. This contract has been drawn up with the full participation of the Department of Health, West Midlands Strategic Health Authority, Local Primary Care Trusts and local NHS trusts to ensure that safe provision of diagnostic health care can be provided as locally as possible within each community.

The success of this project will ensure that patients are rapidly diagnosed and offered rapid treatment through the NHS within the local community. Such tests will include MRI, CT scans, X-ray, endoscopy and the fitting of hearing aids for these essential additional healthcare services to commence across the West Midlands, to the benefit of the members of the local community.

It is therefore, considered that the subject proposals, being temporary and completely mobile in nature will have a very limited impact upon the Green Belt and they represent very special circumstances and should therefore be allowed within the Green Belt.

### Alternative Sites

The alternate sites that were considered prior to the subject site being chosen included:

1. **Bromsgrove Rovers FC** - an application was submitted but withdrawn after a full survey had been completed of the site as it was ascertained that the access to the site was unable to physically accommodate the units.
2. **Bromsgrove School** were approached, however the landlord was not interested.
3. **Worcester Youth Works** - the land was found to have to steep a gradient which would prevent the units the attaching correctly and working safely and efficiently.
4. **New College Bromsgrove** were approached, however the landlord was not interested.
5. **Catshill Social Club**, an application was submitted but due to the Officer indicating that the application was going to be refused due to the car parks close proximity to residential properties the application was duly withdrawn by the applicants.
6. **Charford Road Primary School**, the site was too small to sufficiently accommodate the units.
7. **Charford Road** – Site soon to be under development

8. **Bromsgrove RFC**, site was considered to be too remote with inadequate access not able to accommodate the units.
9. **Aston Fields Industrial Area** – No sufficiently sized area was available that would not have a detrimental impact upon the on going use of the area for industry.
10. **Ruberry Industrial Area** – No sufficiently sized area was available that would not have a detrimental impact upon the ongoing use of the area for Industry.
11. **Stoke Prior Leisure Centre**– Site Considered suitable - Planning Application currently being considered by the Council
12. **Bromsgrove Hotel** – Site considered suitable - Planning Application currently being considered by the Council

The proposed site (along with Stoke Prior Leisure Centre and Bromsgrove Hotel) is the only physically suitable and available site which was found within the defined area (defined by the Department of Health), hence making this a very important and strategic site. It is considered that the subject application is the only site that fulfils the requirements for the provision of these additional healthcare facilities to the people of Bromsgrove and surrounding area.

#### Sustainability

The subject site is located close to the Ryemarket Shopping centre on a site which is already developed. The site is well served by local public transport facilities therefore reducing the need for the use of the private car by both staff and patients. Where it is necessary for staff to utilise a private car to access the site car sharing will be actively encouraged.

The use of temporary mobile units for the provision of essential additional diagnostics procedures allows the facilities to be taken into the community to directly meet demand. This mobile solution offers patients more choice and is likely to reduce the travelling time and distance to the facility for patients making the facility more sustainable, user friendly and accessible (especially to the elderly and more vulnerable groups of patients who often form a large proportion of the patients' requiring diagnostics procedures).

#### Design and Access Statement

As a mobile facility the design of the diagnostics unit is driven by its functional purpose. The facility is to be provided within an area of existing car parking and is of low sensitivity. Due to the temporary nature of the facility and its location within an existing car park it is considered that the siting of the temporary mobile facility will have no detrimental amenity impact upon the surrounding area.

The site does not fall within a Conservation area and is not afforded any specific protection in terms of amenity. The subject facility is fit for its medical function and purpose and is fully accessible to both wheelchair users and those with restricted mobility. It incorporates a guarded tailgate lift with a protection canopy, 1 metre wide doors, assisted WCs and an induction loop system at reception.

**Summary & Conclusions**

Being a temporary, mobile facility the underlying use of the site will be able to continue largely unhindered by the subject proposals. A planning application is only necessary for the facility due to its presence on site in excess of a total of 28 days per calendar year. As a totally mobile facility, when off-site the centre will operate as at present. Great care has been taken to ensure there is no overlap between ongoing activities at the site and the presence of the facility.

The proposal forms part of the Governments National initiative for the provision of independent sector diagnostic facilities and is in accordance with the policies contained within the Bromsgrove District Local Plan.

The site is well served by public transport although adequate car parking will be available for those who have to rely upon the private car or staff who will be encouraged to car share.

The subject proposal forms part of a larger programme of mobile diagnostic facilities across the whole of the West Midlands. The facility will provide much needed diagnostic services 'to the local community within the community' making the facility convenient, accessible, user friendly and sustainable.

In support of this planning application the following documents are enclosed:

- ◆ 6 x copies of the planning application forms duly completed;
- ◆ 6 x copies of 1:1250 site location plan
- ◆ 6 x copies of unit plans
- ◆ 6 x copies of illustrative external unit details
- ◆ 6 x copies of the Mercury Health Need Statement
- ◆ 6 x copies of this covering letter (including Design & Access Statement)

I trust the details provided to you are adequate to enable the planning application to be considered in full. However, should you require any additional information or need further clarification as to the details of the proposals please do not hesitate to contact me.

Yours faithfully



**Helen Chambers**  
**Planner**

**Tribal MJP**

helen.chambers@tribalmjp.co.uk

Enc.

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# Agenda Item 18

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mercury Health 'B'	Bromsgrove Hotel Car Park, Kidderminster Road, Bromsgrove, Worcestershire Additional use of land for mobile temporary health facilities. ( 2 year temporary permission)	Green Belt	B/2007/1036/DI 08/11/2007

**RECOMMENDATION:** that powers are delegated to the Head of Planning and Environment Services to determine the application after the expiry period (minded to refuse).

## Consultations

WCC (HP) Consulted on: 17/09/2007. No response to date.  
ENG Consulted on: 17/09/2007. No response to date.  
CEHO Consulted on: 17/09/2007. No response to date.  
Publicity Site notice posted on: 19/09/2007 (expires on:

## The site and its surroundings

This application site refers to an existing car park area which serves the Bromsgrove Hotel and is located in a designated Green Belt Area.

## Proposal

This application refers to the proposed additional use of land for mobile temporary health facilities. (2 year temporary permission)

Members should note that two other application for similar proposals are being considered on this agenda – B/2007/1035 at Hurrans Garden Centre, Kidderminster Road, Hagley and B/2007/1037 at Stoke Prior Sports and Country Club, Weston Hall Road, Stoke Prior

## Relevant Policies

WMSS QE3, QE6  
WCSP SD.2, SD.3, SD.4, SD.5, SD.7, SD.8, CTC.1, D.38, D.39, T.1  
BDLP DS1, DS2, DS13  
Others PPS1, PPG2, PPS7, PPG13.

## Relevant Planning History

B/2007/0817 Additional use of land for mobile temporary health facilities (7 year temporary).  
**Withdrawn:** 07/09/2007.

## Notes

This application would involve a material change of use of the land for the storage of commercial vehicles and trailers which would be used for health care facilities. The time scale for this proposal is temporary for 2 years which has been amended since the previous application which was proposed for 7 years.

### Green Belt

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. Clearly the trailers on the site would involve a material change of use of the land and by virtue of size and relative degree of permanence over the proposed two year period, the trailers would entail significantly greater harm on the openness/ visual amenity of the Green Belt in relation to the current use as a customer car park for the hotel. Therefore the proposals would constitute an inappropriate form of development in the Green Belt which would justify the refusal of the application.

### Brief merits of the case

Supporting documents have been submitted stating that: -

- No more than 4 mobile trailer units would be used on site at any one time.
- The facility would be staffed by 6 no. clinical staff for the Endoscopy unit and 4 no. clinical staff for the MRI facility. Please note that only one of these facilities would be on site at any one time.
- Hours of operation would be 1-3 continuous days per week from 7:30 am until 8:30pm (no Sundays or bank Holidays).

### Main concerns

The proposed siting of the commercial vehicles and opening trailers would involve a material change of use of the land and would entail greater harm on the openness/ visual amenity of the Green Belt in relation to the current use as a customer car park for the hotel. Circumstances have been put forward to the Local Planning Authority but it is not considered that these would constitute 'very special circumstances' which would clearly outweigh the harm caused to the openness/ visual amenity of the Green Belt. The proposals would also reduce the amount of available parking provision for the customers of the Bromsgrove Hotel which would be to the detriment of the existing establishment.

Concern has also been raised regarding the lack of sustainable means of transport to the site which is located away from the main town centre, with limited means of sustainable transport to and from the site. However a 'Green Travel Plan' has also been submitted in conjunction with this application to encourage staff and patients to use sustainable modes of transport for their journeys to and from the site. Unquestionably the promotion of sustainable means of transport should be encouraged but there is no guarantee that patients and staff will adhere to such initiatives and given the limited current public transport available, the most likely option will be reliance on the car as the primary mode of transport to access the site. Therefore it is concluded that the proposed use of the site would not be in a sustainable location and would cause greater harm than its existing use.

### Tree issues

There is a mature tree on site and it is considered that the proposed siting of the health care facilities may unduly harm this tree by virtue of compaction or similar. The Councils Councils Tree Officer was consulted on the previous application which was identical to this scheme and no objection was raised. I therefore express no concern with this aspect of the proposal.

Harm to amenity/ neighbouring occupier

It is not considered that the proposal would unduly harm the amenities of neighbouring occupiers or the appearance of the existing street scene in this instance.

Conclusion

It is considered that the proposed change of use of the land and siting of trailers as health care facilities would represent an inappropriate form of development in the Green Belt and would also reduce the amount of available parking provision which would have a detrimental impact for the customers of the Bromsgrove Hotel and for the following reasons it is recommended that permission be refused.

**RECOMMENDATION:** that permission be **REFUSED**:

- (i) The proposed health care facilities would involve a material change of use of the land and by virtue of size and relative degree of permanence would entail significantly greater harm on the openness/ visual amenity of the Green Belt in relation to the current use as a customer car park for the hotel. No very special circumstances have been put forward to clearly outweigh the harm caused to the Green Belt which would contravene policy QE3 of the West Midlands Spatial Strategy, policies CTC1, D38, D39 of the Worcestershire County Structure Plan, policies DS13, DS2, TR11 of the Bromsgrove District Local Plan and the general provisions of PPG2 – Green Belts.
- (ii) The proposed health care facilities would reduce the amount of available parking provision which would have a detrimental impact for the customers of the Bromsgrove Hotel. In addition the health care facilities would be located in an unsustainable location which would not be served by public transport which would contravene policy DS13 of the Bromsgrove District Local Plan.

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# Agenda Item 19

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Mercury Health 'B'</b>	Additional use of land (in part) for temporary mobile health facilities (temporary 2 year permission) - Stoke Prior Sports and Country Club, Weston Hall Road, Stoke Prior, Bromsgrove	GB	<b>B/2007/1037</b> 08.11.2007

**RECOMMENDATION:** that the determination of the application be **DELEGATED** to the Head of Planning and Environment Services upon the expiry of the publicity period on 15.10.07 (minded to refuse).

## Consultations

Stoke PC	Consulted 14.09.2007, views awaited.
Highways Partnership	Consulted 14.09.2007, views awaited.
British Waterways	Consulted 14.09.2007. No objection 26.09.2007
Health & Safety Executive	Consulted 14.09.2007, views awaited.
Planning Policy	Consulted 14.09.2007, views awaited.
Publicity	Two site notices posted 24.09.2007 (expires 15.10.2007)

## The site and its surroundings

This application relates to the rough surfaced car park associated with a single storey brick built sports club, with a bowling green to the front, and playing fields to the RHS and rear. There is a driveway from the main road, leading to the car park to the RHS of the site, and there is an existing pavilion building to the rear LHS of the sports club. At the time of the site visit, there was one lorry trailer parked on the car park, and a number of mobile homes parked to the left hand end of the clubhouse. The site is located within the defined Green Belt. This application is a resubmission of the previously withdrawn submission referenced B/2007/0643.

## Proposal

This is a full application proposing the siting of temporary mobile health facilities on the existing car park of Stoke Prior Sports and Country Club. Each unit, in the form of lorry with trailer, would be located on site between 1 and 3 continuous days per week, which equates to a total of between 52 and 156 days per year. There would be a maximum of 4 trailers on site at any one time. The location plans that accompanies the planning application identifies the area within the car park that would be occupied by the units, with the remainder of the car park still available for normal use by the Stoke Prior Sports and Country Club. The applicants are seeking a temporary permission for two years.

Members should note that two other application for similar proposals are being considered on this agenda - B/2007/1035 at Hurrans Garden Centre, Kidderminster Road, Hagley, and B/2007/1036 at The Bromsgrove Hotel, Kidderminster Road, Bromsgrove.

## Relevant Policies

WMSS	QE3, QE6
WCSP	SD.2, SD.3, SD.4, SD.5, SD.7, SD.8, CTC.1, D.38, D.39, T.1
BDLP	DS1, DS2, DS13
Others	PPS1, PPG2, PPS7

## Relevant Planning History

B/1991/0696	New club premises following total loss by fire. Granted 09.09.91.
B/2005/0518	Stationing a caravan for key worker's living accommodation. Withdrawn 31.07.05
B/2005/0830	Stationing a caravan for key workers weekend rest accommodation. Refused 07.10.05. Appeal dismissed 13.02.06
B/2007/0643	Additional use of land (in part) for temporary mobile health facilities. Withdrawn 29.08.07

## Notes

The main issue to consider for this application, is whether the proposal constitutes inappropriate development in the Green Belt, and whether any very special circumstances exist that may outweigh the harm caused

## **Green Belt**

Policies within BDLP are in general accordance with the provisions of WCSP and PPG2 in stating that inappropriate development should not be allowed in the Green Belt unless very special circumstances exist which clearly outweigh the harm caused.

The applicants' agents have submitted supporting documents that state a maximum of four trailers would be on site at any time. The location plan accompanying this application identifies an area (coloured in yellow) measuring 15 metres by 15 metres within which the mobile units would be located. Each trailer can measure 6.2 metres wide by 13.3 metres long, with the Endoscopy unit measuring as much as 13.5 metres long by 6.4 metres wide. Therefore the units would occupy approximately 16 conventional car spaces. These trailers would be used for 1-3 days per week, remaining on site overnight if required on consecutive days.

The purpose of the units is to provide rapid treatment on behalf of the NHS, and carry out tests such as MRI scans, CT scans, X-rays, endoscopy and the fitting of hearing aids. These facilities are intended to be in addition to existing facilities, and to provide local community health facilities. However, it is understood that the proposed facilities are intended to serve the residents of the Bromsgrove Primary Care Trust (PCT) Area, which covers a significantly larger area than just Stoke Prior. However details of the exact boundary of the Bromsgrove PCT have not been provided.

The applicants' agent has set out a number of reasons why they consider this proposal in such a location to be suitable. I will take each of the points in turn:

<b>Reasons set out by applicants agent</b>	<b>Council response</b>
<p>Proposed development is mobile and temporary in nature and located on a previously developed site. Therefore no additional urban sprawl, as the proposals are entirely contained within an existing car park</p>	<p>Although the site is acknowledged as being 'brownfield', it is located within the Green Belt and therefore has to be tested against Green Belt policy.</p> <p>Whilst the application states that a two year consent is sought, it is noted that the supporting information mentions a 'temporary planning permission on a <b>7 year basis.</b>'</p>
<p>No permanent development is being proposed and the application site is located on an existing car park where there is no risk of neighbouring towns merging into one another</p>	<p>It is considered that the cumulative effect of up to four trailer units would have as much visual impact as a proposed building in this location. There is a general presumption against development in the Green Belt unless the proposed development falls within certain defined exceptions or unless very special circumstances have been provided that would overcome the perceived harm to the Green Belt. This proposal does not fall within any of the exceptions, and the Council is of the opinion that sufficient very special circumstances have not been provided.</p>
<p>Vehicles are currently able to park without restriction other than at the discretion of the landlord. There is nothing that would restrict a similar type of vehicle parking on this site for an unrestricted length of time. No further encroachment upon the Green Belt will result from the proposed development as it is entirely restricted to the existing car park.</p>	<p>It is acknowledged that any vehicle can currently park on the car park at the application site. However, the proposal before the Committee is for the siting of up to four large trailers that would become a destination in their own right, therefore having a negative impact upon the openness of the Green Belt, which conflicts with the provisions of PPG2, policies D.38 and D.39 of the WCSP, and DS2 of the BDLP.</p>
<p>A number of sites have been considered when assessing where would be the best sites for the units, however due to the complex requirements of the units to enable them to be used a number of sites have been discounted</p>	<p>The Council acknowledges that a number of alternative sites have been considered and dismissed. However, had the applicants and their agents asked for pre-application advice, Officers could have advised them of the Green Belt policies and that planning permission would be unlikely to be granted in this Green Belt location. The Princess of Wales Hospital site has not been considered at all in the supporting evidence sent by the applicants' agent. This site would be more suitable as it is located within the Residential area of Bromsgrove and is considered a sustainable location, as it can be reached via public transport.</p>

Policy SD.7 of the WCSP describes the sequential approach that should be taken for the location of new development. The preferred location is within existing town centres, but if this is not available then edge-of centre sites, a district or local centre and finally out-of-

centre locations that are accessible by a choice of means of transport. This site does not fall within any of those locations, and therefore I find this proposal contrary to SD.7. I do not consider that sufficient very special circumstances have been provided that would overcome the harm to, and the loss of openness within this Green Belt location.

### **Sustainability and reducing the need to travel by car**

Paragraph 6 of PPS7: Sustainable Development in Rural Areas states that Local Authorities should facilitate and plan for providing a range of services and facilities to meet community needs, particularly where they would benefit those rural residents who would find it difficult to use more distant service centres. However, it then goes on to emphasise that these local facilities should be located within or adjacent to existing villages and settlements where access can be gained by walking, cycling and (where available) public transport.

This is reinforced by Policy PA1 of the West Midlands Spatial Strategy, which states that wherever possible, economic growth should be focused on the Major Urban Areas (MUA's). 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 SD4 and T1 of the WCSP both state that proposals for development will normally only be allowed where they are located so as to minimize the need for travel, particularly travel by private car. However, policy D.29 states that proposals which are likely to result in a significant increase in numbers and length of journeys to work by car are unlikely to be acceptable since they would conflict with the aim of moving towards a more sustainable pattern of development.

Whilst it is acknowledged that the applicants have submitted a 'Green Travel Plan' in support of this application. The Travel Plan states that 'numerous bus services run near to the site', but only identifies two bus routes that run close to the site - 141 and 940, and provides no further details of the regularity or frequency of these services. The Green Travel Plan also states that the applicants will encourage staff and patients to use sustainable modes of transport for their journeys to and from the site. Unquestionably the promotion of sustainable means of transport should be encouraged but there is no guarantee that patients and staff will adhere to such initiatives, and as this proposal would create a destination in its own right, and given the limited current public transport available, the most likely option will be reliance on the car as the primary mode of transport to access the site. Therefore it is concluded that the proposed use of the site would not be in a sustainable location and would cause greater harm than its existing use.

### **Conclusions**

The proposed siting of the commercial vehicles and opening trailers would involve a material change of use of the land and would entail greater harm on the openness / visual amenity of the Green Belt in relation to the current use as a customer car park for the sports and country club. Circumstances have been put forward to the Local Planning Authority but it is not considered that these would constitute 'very special circumstances'

which would clearly outweigh the harm caused to the openness / visual amenity of the Green Belt.

There is a lack of sustainable means of transport to the site which is located away from the main town centre, with limited means of sustainable transport to and from the site. Therefore it is concluded that the proposed use of the site would not be in a sustainable location and would cause greater harm than its existing use.

An additional supporting letter was received from Worcestershire NHS Primary Care Trust on 18.09.07 which states that this application (and the two other sites being considered by this Committee) is *'Adding essential local capacity for NHS patients in Bromsgrove and district by delivering local advanced diagnostic technology that would otherwise only be accessed by a journey to an acute hospital in the county. In doing so, Mercury are enabling Bromsgrove GPs to refer patients quickly for investigations that will lead to rapid treatment if this is indicated.'*

Whilst it is acknowledged that the provision of the mobile facilities would appear to be for the benefit of the community, the Green Belt location proposed is not suitable for this type of development, and insufficient evidence has been provided to satisfy the Council as to why no suitable location exists within the Residential area of Bromsgrove, and no suitable very special circumstances have been provided that would outweigh the harm that this proposal would have upon the openness of the Green Belt.

**RECOMMENDATION:** that the determination of the application be DELEGATED to the Head of Planning and Environment Services upon the expiry of the publicity period on 15.10.2007 (minded to refuse).

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## BROMSGROVE DISTRICT COUNCIL

### PLANNING COMMITTEE

8TH OCTOBER 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

	<b>Name of Applicant</b>	<b>Plan Ref. / Proposal</b>	<b>Decision / Date</b>
3.1	Mr. & Mrs. A. Coton	B/2006/0769 - Demolish existing single storey garage, and construct garage, w.c. and laundry with games room above and conservatory link infill at 68 Pinewoods Avenue, Hagley	Appeal dismissed

#### 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 letter received from the Planning Inspectorate, dated 14th September 2007

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