



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 5TH NOVEMBER 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. J. Dyer M.B.E., D. Hancox, B. Lewis F.CMI, Mrs. J. D. Luck, E. J. Murray, D. L. Pardoe (Substitute), S. R. Peters, C. R. Scurrall, C. J. Tidmarsh, 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 8th October 2007 (Pages 1 - 8)
4. B/2007/1032-HB - Amendment to the perimeter fence of the new schools and proposed footpath diversion - Meadows First and Parkside Middle Schools, Stourbridge Road, Bromsgrove - HBG Construction Midlands Ltd. (Pages 9 - 14)
5. B/2007/0691-DI - Erection of agricultural storage building for machinery and fodder (retrospective) - Belcote Farm, Mearse Lane, Belbroughton - Mr. M. Turan (Pages 15 - 26)

6. B/2007/1092-DI - Retrospective application for the creation of hard-standing yard area adjacent to building for agricultural purposes - Belcote Farm, Mearse Lane, Belbroughton - Mr. M. Turan (Pages 27 - 30)
7. B/2007/1094-DI - Retrospective application for the creation of access track for agricultural machinery - Belcote Farm, Mearse Lane, Belbroughton - Mr. M. Turan (Pages 31 - 34)
8. B/2006/0864-SW - (B/2007/0527) Revisions to previous County matter - Extension of quarry and proposed development of integrated resource recovery and recycling park and restoration of whole site to nature conservation, amenity and agricultural uses - County Matter 407669 - The Quarry, Sandy Lane, Wildmoor, Bromsgrove - Worcestershire County Council (Pages 35 - 38)

Updates to be reported at the meeting (Pages 39 - 42)

9. Appeal Decisions (Pages 43 - 44)
10. 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

25th October 2007

Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 8TH OCTOBER 2007

PRESENT: Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman), Mrs. J. Dyer M.B.E., D. Hancox, B. Lewis F.CMI, E. J. Murray, D. L. Pardoe (substituting for Mrs. J. D. Luck), S. R. Peters, C. R. Scurrall, Mrs. M. A. Sherrey (substituting for Mrs. J. M. Boswell), C. J. Tidmarsh and C. J. K. Wilson

Officers: Mr. D. Hammond, Mrs. D. Warren, Mr. D. M. Birch, Mrs. H. L. Plant and Mr. A. C. Stephens

77/07 APOLOGIES FOR ABSENCE

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

78/07 DECLARATIONS OF INTEREST

Members made the following declarations of their interests in matters due to be considered at the meeting.

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor E. J. Murray	B/2007/0751	Prejudicial. Daughter in the process of purchasing an area of land adjacent to, or part of land including, the application site. During consideration of the application, Councillor Murray left the room.
Councillor E. J. Murray	B/2007/0907	Prejudicial. Daughter in the process of purchasing an area of land adjacent to, or part of land including, the application site. During consideration of the application, Councillor Murray left the room.
Councillor E. J. Murray	B/2007/0911	Prejudicial. Daughter in the process of purchasing an area of land adjacent to, or part of land including, the application site. During consideration of the application, Councillor Murray left the room.
Councillor E. J. Murray	B/2007/0918	Prejudicial. Daughter in the process of purchasing an area of land adjacent to, or part of land including, the application site. During consideration of the application, Councillor Murray left the room.

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor C. R. Scurrall	B/2007/0691	Personal. Is a member of Belbroughton Parish Council's Planning Committee which had previously considered the matter.
Councillor C. R. Scurrall	B/2007/0751	Personal. Is a member of Belbroughton Parish Council's Planning Committee which had previously considered the matter.
Councillor C. R. Scurrall	B/2007/0907	Personal. Is a member of Belbroughton Parish Council's Planning Committee which had previously considered the matter.
Councillor C. R. Scurrall	B/2007/0911	Personal. Is a member of Belbroughton Parish Council's Planning Committee which had previously considered the matter.
Councillor C. R. Scurrall	B/2007/0918	Personal. Is a member of Belbroughton Parish Council's Planning Committee which had previously considered the matter.
Councillor Mrs. M. A. Sherrey	B/2007/0968	Personal. Is a member of Clent Parish Council which had previously considered the matter.

79/07 **MINUTES**

The minutes of the meeting of the Planning Committee held on 10th September 2007 were submitted.

RESOLVED that the minutes be approved as a correct record.

80/07 **B/2007/0691-DI - ERECTION OF AGRICULTURAL STORAGE BUILDING FOR MACHINERY AND FODDER (RETROSPECTIVE) - BELCOTE FARM, MEARSE LANE, BELBROUGHTON - MR. M. TURAN**

The Head of Planning and Environment Services reported that two further applications (B/2007/1092 and B/2007/1094) for planning permission on the site had been received. As a result of new information received, additional comments were required to be sought from the Council's Agricultural Advisor.

RESOLVED that, in order for all three applications to be reported to the next meeting of the Committee, consideration of this application be deferred.

81/07 **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**

The Head of Planning and Environment Services clarified the recent planning history in respect of the whole of the site, indicating the location of the sites to be considered at this meeting, the extent of the authorised track and the areas of development which had previously been granted planning permission.

RESOLVED that permission be granted subject to the condition and notes set out or referred to on page 15 of the report, together with the following additional two conditions:-

2. Materials
3. Drainage

82/07 **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**

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 48 and 49 of the report.

83/07 **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**

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on page 53 of the report.

84/07 **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**

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

2. Drainage
3. Materials

85/07 **B/2007/0823-DMB - REMOVAL OF CONDITION 16 ATTACHED TO B/2006/1333 - HEATH FARM, ALCESTER ROAD, WYTHALL - A. E. BECKETT & SONS (DEVELOPMENTS) LTD.**

RESOLVED

- (a) that permission be granted in accordance with the notes set out on page 21 of the report; and
- (b) that the Worcestershire County Council's Highways Partnership (Bromsgrove) be requested to undertake further investigations in respect of restricting the ability to turn right out of the site onto Middle Lane.

(NOTE: Under paragraph 16.7 of the Council Procedure Rules, Councillors S. R. Peters and C. J. K. Wilson requested that it be recorded that they had voted against the resolution.)

86/07 **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**

The Head of Planning and Environment Services reported that a number of Worcestershire County Structure Plan policies had, on 27th September 2007, been deleted; namely, policies D.1, D.3, D.4, D.9, D.11, SD.6 and SD.7. With reference to page 25 of the report, he stated that issues in respect of the density of developments - policy D.9 - would be maintained in Planning Policy Statement 3 (PPS3).

Furthermore, the Head of Planning and Environment Services referred to Supplementary Planning Guidance Note 10: Managing Housing Supply in the District of Bromsgrove (SPG10) which was also quoted on page 25 of the report. He explained that, on the 27th September 2007, SPG10 was superseded by PPS3 and policies CF2, CF3 and CF6 of the West Midlands Spatial Strategy, under which the housing moratorium within the Bromsgrove District remains. Finally, he added that the exception criteria to the housing moratorium also remain, including proposals for 100% affordable housing schemes to meet a proven local need.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 27 and 28 of the report.

87/07 **B/2007/0837-VN - CONVERSION OF 7 ROOM HOSTEL INTO 4 SELF CONTAINED FLATS - HOLLY LODGE, 102 BROAD STREET, BROMSGROVE - BROMSGROVE DISTRICT HOUSING TRUST**

The Head of Planning and Environment Services reiterated his comments in respect the planning policy issues referred to in Minute No. 86/07 above. He also reported that the applicant - Bromsgrove District Housing Trust (BDHT) - had offered alternative sites for the provision of existing Community Facilities at Holly Lodge.

At the invitation of the Chairman, Mrs. A. Hogan addressed to Committee and spoke in opposition to the proposals.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 32 and 33 of the report.

88/07 **B/2007/0866-DI - ONE OFFICE TO BE USED AS A BOOKING OFFICE FOR TAXIS - 406A BIRMINGHAM ROAD, MARLBROOK, BROMSGROVE - DAVID WOODHOUSE**

The Head of Planning and Environment Services reported that policy SD6 of the Bromsgrove District Local Plan, referred to on page 36 of the report, had

also been deleted on 27th September 2007. He also reported the receipt of an additional letter of objection and, for clarification, explained that the proposal was a private facility for the bookings of private hire vehicles over the telephone.

At the invitation of the Chairman, Mr. A. Phipps addressed the Committee and spoke in opposition to the proposals, whilst Mr. D. Lammas spoke in favour on behalf of the applicant.

RESOLVED that permission be granted for a temporary period of twelve months subject to the conditions and notes set out or referred to on pages 37 and 38 of the report.

89/07 **B/2007/0886-SMCN - FORMATION OF NEW TERRACE AT 39 - 41 WORCESTER ROAD, BROMSGROVE - 3D ENTERTAINMENT GROUP LTD.**

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

90/07 **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**

The Head of Planning and Environment Services reported that an additional letter had been received from the applicant.

RESOLVED that permission be granted subject to the conditions set out on pages 61 and 62 of the report.

91/07 **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**

At the invitation of the Chairman, Mr. J. Hadlington addressed the Committee and spoke in favour of the proposals on behalf of the applicant.

RESOLVED:

- (a) that the Head of Planning and Environment Services be authorised to refuse the application upon the expiry of the publicity period on 15th October 2007; and
- (b) that, upon the refusal of the application in (a) above, the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, be authorised to proceed with the most appropriate course of enforcement action to remedy the breach of planning control.

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

92/07 **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.**

The Head of Planning and Environment Services reported that policy CTC.4 of the Worcester County Structure Plan, together with policies C25 and C26 of the Bromsgrove District Local Plan, referred to on page 66 of the report, had been deleted on 27th September 2007.

He also reported that the comments of the Drainage Engineer had been received and summarised issues in an accompanying statement which had been received from the applicants. Furthermore, the reasons for the grant of planning permission under application ref. B/2006/0210 were reported.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 67 and 68 of the report, together with the following additional condition:-

4. The disposal of storm water shall be by means submitted to and approved in writing by the Local Planning Authority.

93/07 **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**

The Head of Planning and Environment Services reiterated the deletion of policies SD.6 and SD.7 of the Worcester County Structure Plan, referred to on page 69 of the report, having been deleted on 27th September 2007.

He also reported that the comments of both Local Plans (Policy) and Worcestershire County Council's Highways Partnership (Bromsgrove) had been received, together with further information which had been submitted by the applicant.

At the invitation of the Chairman, Ms. H. Chambers addressed the Committee and spoke in favour of the proposals.

Consideration was given to the application for which the Head of Planning and Environment Services had indicated he would be minded to recommend refusal. However, on the matter being put to the vote, Members considered that provision of such a valuable facility would constitute very special circumstances to overcome Green Belt considerations.

RESOLVED that permission be granted for a temporary period of two years subject to the stationing of the mobile health facilities on three days per week, Monday to Friday, and not on Saturday, Sunday or Bank Holidays.

94/07 **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**

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

95/07 **B/2007/1037-VN - STOKE PRIOR SPORTS AND SOCIAL CLUB, STOKE PRIOR, BROMSGROVE - MOBILE TEMPORARY HEALTH UNITS**

The Head of Planning and Environment Services repeated the policy issues stated in Minute No. 93/07 above in respect of the Worcester County Structure Plan.

He also reported that the comments of Worcestershire County Council's Highways Partnership (Bromsgrove) had been received, together with further information which had been submitted by the applicant. He added that a press notice had been published.

At the invitation of the Chairman, Ms. H. Chambers addressed the Committee and spoke in favour of the proposals.

Consideration was given to the application for which the Head of Planning and Environment Services had indicated he would be minded to recommend refusal. However, on the matter being put to the vote, Members considered that provision of such a valuable facility would constitute very special circumstances to overcome Green Belt considerations.

RESOLVED that permission be granted for a temporary period of two years subject to the stationing of the mobile health facilities on three days per week, Monday to Saturday, and not on Sunday or Bank Holidays.

96/07 **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 4.10 pm

Chairman

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Agenda Item 4

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
HBG Construction Midlands Ltd. 'B'	Amendment to the perimeter fence of the new schools and proposed footpath diversion at Meadows First and Parkside Middle Schools, Stourbridge Road, Bromsgrove	RES	B/2007/1032 08.11.2007

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WCC(HP) PROW	No objection - received 15.10.2007 The proposal is far from ideal, but the best we can expect as any improvement in the aspect of the route would involve a radical redesign of the layout of the pitches - received 16.10.2007
RA	No objections to perimeter fence. Object to the footpath diversion on the grounds that it would lead to the extinguishment of the PRow whilst preventing a reasonable alternative. As with the previous application (B/2005/1001), the footpath should run along the rear of Parkside Middle School and the rear of properties in Stourbridge Road coming out onto Santridge Lane, and also along the southern boundary of the Middle School coming out onto Market Street - received 01.10.2007
WMC	Fully support the application. The site has had 10 recorded crimes against the school since 2006, mainly criminal damage. The diversion would reduce the risk of further offences. Secured by design standards state that new schools should not accommodate footpaths through them for the protection of students, staff and buildings. PPS1 states that good design should "create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion" - received 24.09.2007
WMI	Consulted: 18.09.2007 - views awaited.
Local Plans - open space	Consulted: 18.09.2007 - views awaited.
HLS	Expressed community safety concerns with respect to the creation of a 3-metre wide footpath enclosed with fencing on both sides could create a crime alley leading to potential muggings, etc. The existing footpath is popular and accessible that provides a good safe access link to residents mainly of Sidemoor that visit Asda and the other town centre amenities - received 03.10.2007
Community Safety	Support the application - the existing footpath allows perpetrators access to the school for criminal or anti-social purposes. This will be reduced by the proposed fencing and diversion - received 03.10.2007
Publicity	Five neighbours consulted: 18.09.2007; expired 09.10.2007 Site notices displayed 18.09.2007; expired 09.10.2007 Press notice published: 28.09.2007; expired 18.10.2007 Eighteen letters of objection received, objecting to the proposed diversion on the following grounds: <ul style="list-style-type: none"> • The retention of the existing footpath is an important through-route for residents and children.

- The proposed fencing off of the entire school site would create a fortress mentality leading to further problems.
- The reason for the temporary closure of the footpath was for the movement by construction vehicles. The footpath should then be reopened.
- The existing footpath has existed for many years with no reportable incidents taking place.
- The threat to children is perceived, exaggerated by the media. Children are at greater risk from family members and family friends.
- The footpath is in an elevated position. Access from the new school to the sports field can be achieved with the introduction of an underpass.
- The existing footpath is used regularly to and from the town centre.
- The "monstrosity" (new school) should be demolished and rebuilt further away from residential properties + other objections relating to the new school rather than the fencing or footpath diversion.
- Had the footpath been diverted before the school was built, the school could have been built a reasonable distance away from dwellings in The Flats.
- Presumably all sporting sessions are supervised by members of staff which should protect the children.
- A local first school in Broad Street successfully managed a footpath between the nursery / playground and the main school building for more than 25 years without a single incident being recorded.
- Residential properties backing onto the diverted footpath would be vulnerable to anti-social behaviour - litter, alcohol and drug abuse, burglary and theft, vandalism.
- The diverted path would serve no purpose as a short cut, running parallel with the Stourbridge Road and Market Street.
- The diverted path should run alongside the southern edge of Parkside Middle School onto Market Street.

The site and its surroundings

The new school is positioned to the west of Stourbridge Road and to the north-east of Churchfields, and is surrounded on all boundaries by residential properties. Commercial uses on the northern side of Recreation Road about the southern boundary.

The site was bisected by the aforementioned Public Footpath, which joined the end of Churchfields with the Stourbridge Road. The existing footpath has been temporarily closed while construction traffic is on site building the new school.

The area either side of the path, which sits at a slightly lower level, was used for sports purposes associated with the two schools. The route of the old footpath has the new school to one side with playing fields to the other side.

Proposal

Members may recall that, at your meeting in September 2005, the construction of a new First / Middle School with associated sports areas, landscaping, car parking and access alterations was granted (Plan Ref. B/2005/0485). This planning permission incorporated the existing footpath through the middle of the school premises.

Members may further recall, in November 2005, resolving to grant planning permission for the construction of new First / Middle School with associated sports areas, landscaping, car parking and access alterations (revised scheme to relocate school and footpath) (Plan Ref. B/2005/1001).

The first scheme above is nearing completion. However, teachers and governors have expressed concern over pupil safety by the presence of a public footpath through the middle of the school, hence the submission of the current application.

The current application proposes enclosing the diverted footpath with 1.8 metre high black weld mesh fencing which will enable the diversion of the footpath that more-or-less bisects the site. The same type of fencing will also be used to close off the end of the existing footpath. The previous approval (B/2005/0485) had already given approval to make good the existing perimeter fence.

The new diverted footpath will be 3 metres wide, fenced on either side, and will have a tarmac surface. The proposed route of the diverted footpath will run from Churchfields down the side of the Intermediate Treatment Centre, along the rear of Padstone Adult Training Centre, along the rear of the existing Parkside Middle School and then between that school and no. 9 Stourbridge Road onto the Stourbridge Road. However, it should be noted that the precise route of the new footpath is not part of this application, the merits or otherwise of the route will be subject to the making of a Footpath Diversion Order in the future.

Relevant Policies

WMSS	QE4, T1, T3, T4
WCSP	SD.4, SD.5, CTC.5, D.43, T.10, RST.3, RST.4
BDLP	S31, RAT12, RAT13
Others	SPG1, PPS1, PPG13, PPG17

Relevant Planning History

The application site supports a significant number of historical applications including applications for mobiles; however, the singular most relevant application relates to:-

B/2004/0311 New main school access to public highway WCC application.

Members originally objected to this scheme on 29th March 2004 on the basis that access to these schools should be from Stourbridge Road in the interests of highway safety.

Following discussions and amendments to the scheme, and on the understanding that the access from Churchfields would be for construction purposes only, and that the pedestrian access shall be

reinstated on the conclusion of the development, and that a mini-roundabout be provided on the Stourbridge Road, and Santridge Lane be realigned following the demolition of the Meadows school, the authority withdrew its objection (07.06.2004)

B/2005/0485 Construction of First / Middle School with associated sports areas, landscaping, car parking and access alterations at Meadows - granted September 2005 (this scheme is nearing completion).

B/2005/1001 Construction of new First / Middle School with associated sports areas, landscaping, car parking and access alterations (revised scheme to relocate school and footpath) - granted November 2005

Notes

In identifying the main issues associated with this application, I am aware that the location of the site within the residential area and in a location close to the urban area in terms of the aims of locational policies and the opportunity to access sites using mixed methods.

1. The impact of the development on residential amenity.
2. The impact of the development on the users of the footpath.
3. The impact of the development on safety issues.

The impact of the development on residential amenity

The existing (albeit temporarily closed) public footpath commences at a point in Churchfields and terminates at a point in Stourbridge Road. The diverted footpath will commence at a different point in Churchfields (approximately 55 metres further south) and will terminate, again, at a different point along the Stourbridge Road (approximately 215 metres further south).

Given the location of the diverted footpath, the occupiers of no. 9 Stourbridge Road and the commercial properties on the southern boundary of the school premises may be affected.

It is considered the fencing-in of the footpath by a 1.8 metre high fence should minimise any adverse impact upon the amenity of those properties by way of disturbance or overlooking by footpath users. Regarding the impact of the fencing on visual amenity, I consider weld mesh fencing that can be seen through, rather than close boarded fencing, would have minimal impact on visual amenity.

The impact of the development on the users of the footpath

Policies in the WCSP and the BDLP as well as advice in PPG13 set out that the impact of development upon the amenity of footpath users is a material consideration.

Members will be aware that Plan Ref. B/2005/1001 effectively approved the siting of the new school and associated facilities in a position which obstructed the existing footpath and required that path to be diverted. Whilst it is unlikely that that consent will be implemented (as the developers are implementing B/2005/0485) that earlier decision

represents a material consideration that must be taken into account when considering this application.

Given that previous decision, and the ability to control the provision of an alternative route of the footpath through the Footpath Diversion Order, I do not consider that the impact of the proposal on footpath users is sufficient to warrant refusing this application.

Interested parties will be able to comment on the Footpath Diversion Order when that application is submitted. Those comments will be taken into account in determining the suitability of any proposed alternative route.

The impact of the development on safety issues

The proposed diversion has been requested by teachers / governors purely with childrens' safety in mind.

The concern expressed by Leisure Services is noted. However, the existing footpath was similarly enclosed before its temporary closure, and I am not aware of any incidents involving any personal danger.

The application is supported by the Police and Community Safety and reflects both Development Plan policies and PPS1 requiring a safe environment.

Conclusions

I do not consider the proposed development will adversely affect residential amenity, visual amenity, personal safety and will not affect users of the footpath sufficiently to warrant refusing the application.

RECOMMENDATION: that Planning Permission be **GRANTED**.

1. C099
2. Prior to the commencement of development, the existing public footpath which crosses the site from Churchfields to the Stourbridge Road (albeit temporarily closed) shall be diverted to a suitable alternative route.

Reason:

2. In order to ensure that the public right of way network is maintained in accordance with policies RAT12 and RAT13 of the Bromsgrove District Local Plan 2004 and RST3 of the Worcestershire County Structure Plan 2001.

Notes

This decision does not grant permission for lighting anywhere within the blue edge shown on drawing No. LA/PM/WS/L/90/06.

This decision has been taken having regard to the policies within the West Midlands Regional Spatial Strategy (WMRSS) June 2004, Worcestershire County Structure Plan

(WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMRSS	QE4, T1, T3, T4
WCSP	SD.4, SD.5, CTC.5, D.43, T.10, RST.3, RST.4
BDLP	S31, RAT12, RAT13
Others	SPG1, PPS1, PPG13, PPG17

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 5

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

RECOMMENDATION: that permission be **GRANTED**.

Consultations

Belbroughton PC	Consulted: 13.07.2007. Parish Council cannot comment as it needs guidance on rules governing agricultural buildings (08.08.2007)
WCC(HP)	Consulted: 13.07.2007. No response to date.
ENG	Consulted: 13.07.2007. No objections, subject to comment (09.08.2007)
Agricultural Advisor	Consulted: 13.07.2007. Objection received: 31.07.2007 (for the original scheme) concluding that the building is not reasonably required for the purposes of agriculture. A further fax was received on 08.10.2007 following the receipt of an additional supporting statement from the applicant's solicitors which stated that the land would be used for arable purposes. Advisor states that if unit is to be returned to arable production, then proposed building is reasonable.
Publicity	Site notice posted: 31.08.2007; expires: 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. The retrospective building is also 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 37.0 metres, with a height of 8.7 metres, and a pair of roller-shutter doors each measuring 5 metres in width.

Please note that this application forms one of three applications which shall be presented to this Committee. The other applications are:

1. B/2007/1092 Retrospective application for the creation of a hard-standing yard area adjacent to building for agricultural purposes.
2. B/2007/1094 Retrospective application for the creation of access track for agricultural machinery to Belcote Farm.

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

B/2007/1094 Retrospective application for the creation of access track for agricultural machinery to Belcote Farm. Pending.
B/2007/1092 Retrospective application for the creation of hard-standing yard area adjacent to building for agricultural purposes. Pending.
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 issue 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

The applicant's Agent states that the agricultural unit would be used for arable purposes and the building would be required for the purpose of storing grain, machinery and straw for insurance and security purposes. There are no other facilities within the fifty acre holding.

Green Belt Issues

Guidance in PPG2 - "Green Belt" and policies within both 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 relates to development for purposes of agriculture.

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; and
- (d) appropriate materials and dark matt colours should be employed wherever practicable.

Part 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 which 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. Clearly, this building would be in an isolated position and, whilst sited alongside a hedge, the scale and height of the building means that it will be clearly visible from Mearse Lane.

I note, however, that there are no opportunities on the holding to site a building adjacent to existing buildings and, given the relationship to Belcote Farm itself, the proposed siting appears acceptable.

Turning now to the scale and design of the building, it is acknowledged that a building of a certain size may not require planning permission for the purposes of agriculture and reference is made to a previous application B/2006/0332 which was for a much smaller agricultural building measuring 18 metres x 25 metres, with a height of 8 metres. The current proposal would be significantly larger, measuring 25.4 metres x 37.0 metres, with a height of 8.7 metres, and the comments from the Agricultural Consultant should carry substantial weight in the determination of this application. A brief summary of recent events is highlighted below.

This application was received by the Council on 15th August 2007 and at that time the site was not being used for arable purposes. This was noted by the Agricultural Consultants who expressed concern with the proposal and the current use of the site. However, the report from the Agricultural Consultants made it clear that a building of this size would not be unreasonable if the site was being used for arable purposes (see **Appendix 1**).

A letter was received from the applicant's solicitor on 2nd August 2007 confirming that the site was being used for arable purposes. This was also reinforced during the Committee site visits on 4th October 2007 where it was evident that the previous grass fields had been freshly ploughed in preparation for farming.

The 2nd August 2007 letter (mentioned above) was forwarded to the Agricultural Consultant and a response was received on 8th October 2007, which is summarised below: -

If the unit returned to arable production then the proposed building would be reasonable required for the purposes of agriculture. I would also draw your attention to the conditions that I recommended in my earlier appraisal dated 31st July 2007.

These conditions suggested that a temporary condition could be implemented, or a condition could be implemented to ensure that the building is fully removed from the site if it ceased to be used for agricultural purposes. Given the nature of the activities on the site and the commencement of an agricultural enterprise on site, it is considered that a minimum two-year temporary permission should be granted to allow for planting and harvesting, and this would also provide the Council with the opportunity to monitor the site to ensure that it is being used for its intended use.

The materials used on site are considered acceptable and, as such, no conditions are required to address this matter.

Conclusions

It is considered that the proposal would be reasonably required for agricultural purposes and would, by definition, constitute an appropriate form of development in the Green Belt. For these reasons, it is recommended that permission be granted.

RECOMMENDATION: that permission be **GRANTED**.

1. C23 (temporary 2 year period)

Notes

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

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.

Appendix 1

B/2007/0691-DI

D Ilott Esq.
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

Our Ref:KCC101/VMD
Your Ref:
31st July 2007

Dear Daniel

B/2007/0691/DI ; ERECTION OF AGRICULTURAL STORAGE BUILDING FOR MACHINERY AND FODDER – RETROSPECTIVE AT BELCOTE FARM, MEARSE LANE, BELBROUGHTON

Further to your consultation dated 13th July received in this office on 19th July and my subsequent site visit on 27th July I have the following comments to make on the above planning application.

The Proposal

This retrospective planning application relates to the erection of a general purpose agricultural building measuring 37m by 25.4 m. The building provides some 940 m² of storage space. The building has been subdivided to provide an area for the secure storage of grain and machinery, this element of the building measures 25.4 m by 18.5, giving some 470 m² of storage space. This part of the building is similar to that applied for in 2006 (B/2006/0332). However it is some 5 m longer and wider than the original building, has two roller shutter doors instead of one and is in a slightly different location. The applicant informs me that he intends to use this part of the building for the storage of grain and will erect some form of temporary grain walling so that the remainder of this part of the building can be used for machinery storage.

The other half of the building is open fronted and is to be used for the storage of hay and straw.

The Enterprise and its proposed development

Belcote Farm was purchased by the applicant Mr Turan 3 years ago. The farm extends to 27 hectares (67 acres). Please note that the boundary is incorrectly shown on the application plans. Mr Turan also farms an adjacent 8 hectares (20 acres) on a joint farming agreement. There are no other agricultural buildings on the holding.

Since purchasing the property Mr Turan has invested significantly in a new access track, fencing and general maintenance work. When the ground was purchased it was in poor condition. At the current time the farm is all down to grass, with the majority having been re-seeded with a clover mix last year.

The farm is currently stocked with a small number of livestock, sheep (15 ewes and lambs) and cattle, all of which are out wintered.

The applicant informs us that he is planning to develop the unit as an arable unit, as prior to his purchase the land had been cropped for arable purposes.

At our site meeting he informed me that he was going to put the majority (3/4) of the unit, including the adjoining land, down to arable. This would equate to approximately 26 hectares being cropped for arable purposes. The remaining land would be grassland used for the production of hay / grazing the small number of livestock owned by the applicant.

The applicant intends to bale all of the hay and straw as small bales which he will store and then sell to the local equestrian market.

At the current time the applicant owns only limited machinery, including tractors, grass toppers, livestock trailer, small trailer and various miscellaneous equipment. However he informs me that he intends to purchase various equipment so that he can employ a worker to carry out the majority of the arable work on the holding. However combining will be carried out by a contractor.

The applicant also informs me that he intends to buy additional land in the area when it becomes available.

Assessment

In assessing whether the building is reasonably necessary for the purposes of agriculture on the holding we must consider whether;

- the proposed use of the building is reasonable;
- the size of the building is acceptable;
- the design and layout of the building are appropriate; and
- the siting is acceptable.

Is the proposed use reasonable?

Grain Storage

Grain is often stored after harvest so that it can be marketed, or used later in the year. Prices are generally at their lowest at harvest time, and can be expected to rise with the length of storage, until the next harvest approaches.

It is therefore in our opinion reasonable for the applicant to store grain on the holding. A storage facility will enable him to obtain optimum prices for his grain. Without storage facilities he would be forced to sell grain straight off the field at harvest and would have to accept what ever the going rate was at that time.

Hay and Straw Storage

Hay, if left outside, will become damp or wet however well covered by tarpaulins or sheeting. This will spoil not only the outside bales but also soak through and spoil bales in the middle of the stack. Therefore for financial and animal welfare reasons it is essential and perfectly reasonable to expect a farmer to wish to store his / her hay under cover.

Like hay, straw stored outside can also be spoiled when wetted, so it is reasonable and common practice for a farmer to wish to store his straw inside a building.

We are therefore of the opinion that it is reasonable for the applicants to have adequate building space to store the hay and straw that is produced on the holding.

Machinery Storage

In our opinion it is reasonable for the applicant to wish to store his farm machinery under cover. Protecting machinery from the elements will prolong its working life. In addition it is important to protect machinery from vandals, not only for security purposes, but also from a Health and Safety point of view. Farm machinery is becoming increasingly scientific and in the wrong hands can be very dangerous.

In summary therefore I am of the opinion that it is reasonable for the applicant to have a secure building to store grain, hay / straw and machinery.

Is the size of the building acceptable?

The proposed building provides some 940 m² (gross) of storage space. This has been subdivided to comprise of a secure area suitable for grain / machinery storage, subject to the provision of some internal grain walling and an open fronted section suitable for hay / straw storage and possibly some machinery storage.

At the current time the building is clearly excessive for the needs of the holding.

As set out at the current time the holding only owns a limited amount of farm machinery and no grain is being produced. At the current time the proposed grain store / machinery store is only partly used and is also being used for ancillary residential storage.

The open fronted section is also mainly empty (however at this time of the year this would be expected with no hay or straw having being cropped).

Therefore I conclude that the existing building is excessive for the existing needs of the holding.

However, given that the applicant wishes to re-introduce arable cropping to the farm it would be reasonable for him to at the very least gained consent for a building which he can store grain, straw and machinery in before he started to crop the land.

I therefore set out below an assessment of what I see as the reasonable storage requirements for the farm if it were to put back to arable cropping as indicated by the applicant.

The figures are based on approximately 26 hectares being cropped for arable crops, approximately 2 hectares as set aside and the remaining 7 hectares for hay production / livestock grazing. The calculations are based on the farm being put down to winter wheat.

Table KCC 1 : Storage Requirements for Farm (Data taken from Farm Management Pocketbook (37th Edition))

Item	Quantity	Storage Requirement per unit	Total (m ³)	Total (m ²)
Grain	Cropping 26 hectare at average yield of 8.25 tonne / ha 215 tonne	1.3 m ³ / tonne	280 m ³	Assume Average Stack Height 2 m 140 m ²
Hay	Cropping 7 hectares, assuming yield of 5.5 tonne / ha in a good year two cuts could be taken 77 tonne produced per year	6 m ³ / tonne	462 m ³	Assume Average Stack Height 5.5 m 85 m ²
Straw	Cropping 26 hectares yielding average 3.5 tonne / ha 90 – 100 tonne produced	13 m ³ / tonne	1300	Assume Average Stack Height 5.5 m 240 m ²

The hay and straw crops require approximately 325 m² of storage, this is some 145 m² less than the size of the open fronted building. However it would in my opinion be reasonable to allow for above average yields in some years, and on occasions not all of the previous year's crop may have been sold so there will be a need for some double storing. Therefore in my opinion, if the applicant develops his business as proposed, the area allowed for straw and hay storage is reasonable.

The grain produced on the holding will require approximately 140 m² of storage. Taking into account an area for internal grain walls and access into the building there will be an area of approximately 300 m² of building space for storing machinery, sprays / fertilizers, and for use as a work shop.

If the applicant were to purchase his own equipment (with the exception of a combine and grain trailers), then it would be reasonable to expect him to have a tractor, tractor with loader, plough, power harrow, drill, rolls, fertilizer spreader, sprayer, small baler, bale sledge, large trailer for bringing bales off the field and a smaller trailer for delivering bales to customers, mower and hay rake. As well as general maintenance equipment including toppler, hedge cutter and equipment for handling / moving his live stock i.e. stock trailer, crush etc.

In my opinion an area of approximately 300 m² (including access and workability) is reasonable for the storage of machinery / fertilizers and sprays and as use as a workshop.

Therefore if the unit were to be put back to arable cropping as suggested by the applicant then I am satisfied that the proposed building is of a size reasonably required by the unit.

Is the design the building appropriate?

The proposed building measures some 5.5 m to eaves, in my opinion this is a reasonable height for such a building. It allows sufficient height for the tipping of grain trailers and enables hay / straw to be stacked to the maximum reach height of most loader tractors.

The grain / machinery storage element of the building is fully clad with access via two roller shutter doors or pedestrian doors. The walls are clad with concrete panels to a height of 2.5 m with box profile cladding above. Such a design is suitable for the intended uses. The section of the building which is proposed for the storage of hay and straw is open fronted. Again typical of a building which is to be used for fodder storage.

In summary the design of the building is suitable for its intended use.

Is the siting acceptable?

In agricultural terms the siting is acceptable. The building is adjacent to the existing residential property and associated out buildings. Such a siting is in accordance with advice set out in Annex E of PPG 7 (which is still in operation) **“new buildings should normally form part of a group rather than stand in isolation”**.

I am not qualified to comment on the landscape issues associated with the siting of the building.

Summary

Clearly at the current time the building is not reasonably required for the purposes of agriculture on the holding, as there is only limited machinery that requires storage and the farm is not currently producing any grain.

At the current time the agricultural needs of the holding could be met by the provision of a much smaller building.

However, if the applicant wishes to put the majority of the unit back to arable cropping then I am of the opinion that:

- the proposed use of the building is reasonable;
- the size of the building is acceptable for the proposed agricultural activities;
- the design and layout of the building are appropriate; and
- the siting is acceptable.

Given that this is a retrospective application and the need relates to a proposed enterprise, it may be appropriate to grant consent for a temporary period so that the Council can be satisfied that the enterprise develops as indicated.

Alternatively the Council may wish to consider imposing a condition that would require the building to be removed if it ceased to be used for agricultural purposes, such as that set out in Part 6 Schedule 2 A.2 (4) of the General Permitted Development Order (Amendment 1997).

“where the use of the building or extension for the purposes of agriculture within the unit permanently ceases within ten years from the date on which the development was substantially completed. . . . the building. . shall be removed from the land”

I would also recommend that should consent be granted a condition is attached which requires any alterations to the building, in particular any changes to the open elevation, to be confirmed in writing by the Council.

I trust that this appraisal provides you with sufficient information to determine the application. However should you wish to discuss this in more detail please do not hesitate to contact me.

Kind regards

Yours sincerely

VERITY DREWETT

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Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr M Turan 'A'	Retrospective application for the creation of hard-standing yard area adjacent to building for agricultural purposes - Belcote Farm, Mearse Lane, Belbroughton	Green Belt	B/2007/1092 22.11.2007

RECOMMENDATION: that permission be **REFUSED**

Consultations

Belbroughton PC
Consulted: 01.10.2007. No response received to date.

WCC (HP)
Consulted: 01.10.2007. No response received to date.

Publicity
Site notice posted: 04.10.2007 (expires: 25.10.2007). No response(s).

The site and its surroundings

This application site refers to a plot of land which is located in a designated Green Belt area, set off Mearse Lane, Belbroughton.

Proposal

This is a retrospective application for a hard-standing yard area sited adjacent to the building for agricultural purposes, also on this agenda. At its longest point, the hard-standing area would be approximately 62 metres and, at its widest point, it would be approximately 25 metres, of concrete composition.

Relevant Policies

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

Relevant Planning History

B/2007/0691 Erection of agricultural storage building for machinery and fodder - Retrospective. **Pending.**

B/2007/1094 Retrospective application for the creation of access track for agricultural machinery to Belcote Farm. **Pending.**

B/2006/0332 Erection of an Agricultural storage / general purpose building. Details not required: 27.04.2006

B/2006/0148 Erection of an agricultural storage / general purpose building - Agricultural notification. Further details required: 17.03.2006

B/2005/0964 Change of access into field for agricultural purposes (as amended by certificate received 03.11.2005). Granted: 25.11.2005

B/2001/0281 Erection of detached garage. Granted: 30.04.2001

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.

Supporting Statement

The applicant's Agent has submitted the following information:-

The concrete yard area is required for the turning, unloading and loading of grain lorries, tractors and trailers to the grain storage facility at the building. The holding is currently undergoing conversion into arable land, the grass has been sprayed off and ploughing has commenced. The yard area is therefore essential for the increased arable activities on the farm where Winter wheat will be planted. Mr. Turan (the applicant) is also in the early stages of purchasing a further 60 acres of arable land to increase the size of the holding.

Hard-standing

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

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

It is acknowledged that the hard-standing yard area itself does not damage the openness of the Green Belt, but it has raised other issues and concerns. The laying of the hard-standing to form a permanent and established yard area would lead to further encroachment on the countryside and Green Belt by urbanising a large part of the existing field. Therefore, by definition, this would unduly harm the visual amenity of the Green Belt as defined in paragraph 3.15 of PPG2, and would conflict with the purposes and provisions of including land within the Green Belt, contrary to the advice in paragraph 1.5 of PPG2. No very special circumstances have been put forward to the Local Planning Authority to clearly outweigh the harm caused to the visual amenity of the Green Belt and, by virtue, the proposal would undermine the purposes and provisions of including the land within the designated Green Belt area which would justify the refusal of the application.

RECOMMENDATION: that permission be **REFUSED**.

The retrospective hard-standing yard area would lead to the urbanisation of the existing field and would result in further and unnecessary erosion of the countryside and Green Belt. Therefore the proposal would unduly harm the visual amenity of the Green Belt and

no very special circumstances have been submitted to the Local planning Authority to outweigh the harm caused which would be contrary to policy QE3 of the West Midland Spatial Strategy, policies CTC.1, D.38 and D.39 of the Worcestershire County Structure Plan, policies DS2 and DS13 of the Bromsgrove District Local Plan and the general provisions of PPG2 - Green Belts.

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Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. M. Turan 'A'	Retrospective application for the creation of access track for agricultural machinery - Belcote Farm, Mearse Lane, Belbroughton	Green Belt	B/2007/1094 23.11.2007

RECOMMENDATION: that the power to determine the application be delegated to the Head of Planning and Environment Services upon the expiry of the publicity period on 6th November 2007 (minded to refuse).

Consultations

Belbroughton PC	Consulted: 01.10.2007. No response.
WCC(HP)	Consulted: 01.10.2007. No response.
ENG	Consulted: 01.10.2007. No response.
Publicity	Site notice posted: 16.10.2007 (expires: 06.11.2007). No response to date.

The site and its surroundings

This application site refers to a plot of land which is located in a designated Green Belt area and forms a retrospective hard-standing access point with a prominent kerb on either side of the track which runs from Mearse Lane to a retrospective agricultural building (also to be considered at this Committee meeting).

Proposal

This is a retrospective application for the creation of an access track for agricultural machinery. The access track would measure approximately 4.5 metres in width with an approximate length of 65 metres from Mearse Lane until the first bend to the right where the track would extend for a further distance of approximately 95 metres to the retrospective agricultural building.

Relevant Policies

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

Relevant Planning History

- B/2007/0691 Erection of agricultural storage building for machinery and fodder - Retrospective. **Pending.**
- B/2007/1092 Retrospective application for the creation of hard-standing yard area adjacent to building for agricultural purposes. **Pending.**
- B/2006/0332 Erection of an Agricultural storage / general purpose building. Details not required: 27.04.2006

Relevant Planning History (cont'd)

- B/2006/0148 Erection of an agricultural storage / general purpose building - Agricultural notification. Further details required: 17.03.2006
- B/2005/0964 Change of access into field for agricultural purposes (as amended by certificate received 03.11.2005). Granted: 25.11.2005
- B/2001/0281 Erection of detached garage. Granted: 30.04.2001

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.

New access track and Green Belt Policy

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

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

It is acknowledged that the track itself does not damage the openness of the Green Belt but the laying of hard-standing to form a permanent and established driveway over the former rudimentary agricultural farm track would lead to further encroachment on the countryside and Green Belt by urbanising a substantial part of the existing field. By definition, this would unduly harm the visual amenity of the Green Belt as defined in paragraph 3.15 of PPG2, and would conflict with the purposes and provisions of including land within the Green Belt, contrary to the advice in paragraph 1.5 of PPG2. Therefore, it will be necessary to establish whether any 'very special circumstances' exist to outweigh the harm caused.

Supporting statement from the Agent (in summary)

A supporting statement was received from the Agent concerned on 28th September 2007 to substantiate this case:

The access track is required for the delivery and collection of grain and straw and there was a previous hard standing farm track in place across the field which served the farm and evidence of this has been submitted in the form of aerial photographs. Therefore this was the most sensible option to route the track.

Planning permission (B/2005/0964) was granted for the movement of the existing field gate.

A more direct route is not possible due to wet lying land which would provide a difficult means of access for farm vehicles during the Autumn and Winter period.

The construction of the track was also influenced by the location of the mains WM1212 Hagley to Weights Lane, 24-bar high pressure gas pipe line which crosses underneath the track adjacent to the entrance into field no. 8870. Therefore a sufficient depth and hard surface covering must be implemented for vehicles passing over the pipe line.

The kerb stone edging is to protect and discourage encroachment of weeds into the track.

The track will be fenced off on both sides and there will be a large hedge planted along the sides of the track for screening purposes and the field gate will be locked for security purposes.

The land at Belcote Farm is currently under going conversion from pasture land into arable land and this track will be essential for the movement of agricultural vehicles and machinery.

The Council acknowledges the circumstances submitted by the Agent concerned. However, the Council does not consider these to be 'very special circumstances' which would clearly outweigh the harm caused to the visual amenity of the Green Belt. Therefore, by definition, the proposal would lead to an unnecessary urbanising impact on the surrounding rural setting which would clearly prejudice the purposes and provisions of including land within the designated Green Belt area.

RECOMMENDATION: that the power to determine the application be delegated to the Head of Planning and Environment Services upon the expiry of the publicity period on 6th November 2007 (minded to refuse).

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Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Worcestershire County Council 'A'	Extension of quarry and proposed development of integrated resource recovery and recycling park and restoration of whole site to nature conservation, amenity and agricultural uses - County Matter 407669 - The Quarry, Sandy Lane, Wildmoor, Bromsgrove	Green Belt	B/2006/0864 (B/2007/0527) revisions to previous County matter

RECOMMENDATION: that **OBJECTIONS** continue to be raised.

The site and its surroundings

The application relates to the land situated and accessed off the main A.491 Sandy Lane. The land is situated on the southern side of the A.491 and extends to the west with the boundary with the B.4091 Stourbridge Road which runs up into Fairfield village. Here the land slopes up to the south and west towards the village. The site extends up into the village and terminates with the boundary of Swan Lane. The site is presently in use as a quarry with a weighbridge and waste transfer facility with building materials being sold. The land extending towards the village is currently farmed. The whole of the site is situated in confirmed Green Belt.

Proposal

Members will note that this information represents further information provided in association with the scheme. No further changes are proposed to the scheme as outlined.

The further information provided represents a statement from the applicant's agents, which outlines the alternative sites considered, and why they were dismissed. This should be appended to Section 4 of the original Environmental Statement. The application is a County matter and Worcestershire County Council has re-notified Bromsgrove, as consultees, neighbours and objectors in respect to this further information received.

Members will note the original proposal is for -

Extension of Quarry and proposed Development of an integrated resource recovery and recycling park and restoration of whole site to nature conservation amenity and agricultural use. This includes the rationalization of the quarry buildings and extension of the extraction of sand to the west and the construction of a new integrated waste re-cycling facility (including food and building waste).

This application is still yet to be determined.

Relevant Policies

RSS QE1, QE3, QE7, M1, M2, M3, WD1, WD2, WD3, EN1
WCSP CTC.1, CTC2, D.38, D.39, CTC.7, SD.1, SD.2, T.1

BDLP DS2, DS13, DS10, C1, C4, C11, DS2, DS13, TR3, TR11, RAT20, ES4, ES15, ES16
Others PPS1, PPG2, PPS7, PPS9, PPS10

Notes

The additional information / statement notes that quarrying may be appropriate development in the Green Belt as quarrying is normally connected to the availability of the mineral being extracted. Members will appreciate this however the waste recycling requires more consideration as these type of facilities may be located more flexibly.

The additional information highlights the following:-

The test for locations for waste treatment based on the following

- Derelict or despoiled area
- Area close to arisings
- Working or worked out mineral or landfill sites
- Existing waste management site
- Site close to railways or water transport/major junctions on road network

Sandy Lane complies with test number 3.

The test for alternative sites for the waste recycling, which were considered. The assessment was based on the following criteria:-

- Site area (for waste management) of a least 4ha
- Industrial land
- Proximity to disposal / utilisation location for soils/sub-soils and compost
- Proximity to primary aggregate production
- Adequate separation from sensitive receptors
- Availability
- Free of prohibitive Environmental Designations
- Free of specific features of interest or constraints within the site

A long list of 46 potential sites was drawn up from this exercise. This was narrowed to a short list of two sites. The application site and the British Sugar Refinery Site in Kidderminster as per appendix 1 to the further information supplied.

The report indicates that the site in Kidderminster was the focus of the previous application for a waste recycling facility. This was refused and an appeal dismissed for this type of use.

A combined activity could not be carried out at Kidderminster, which would lead to the use of two sites, which would increase the amount of traffic on the road. The site at

Kidderminster was discounted, as it did not have significant benefits over the application site.

The additional information also considers the 'fall back' position in relation to the current quarry activities. This concludes that activities may be continued on site to at least 2012 as the site was approved many years ago, it has limited restrictions placed on it regarding output and traffic movements.

Members may recall raising concerns in respect to the original submission and the further submission which revised / reduced the amount extraction area. The concerns highlighted previously are in a summary format as follows:

Green Belt Policy

The development is not described in paragraph 3.4 of PPG2 and, by definition, would be considered inappropriate development. Given the issues raised by the development and the impact that this development would have on the openness of the Green Belt, and in the event of approval being recommended, this would constitute a departure which would be referred to the Government Office, under the procedure outlined in Circular 11/2005.

Traffic / Highways Implications

A Traffic Impact Assessment has been undertaken by the applicant of the site in respect to the increase of vehicular activity at the site. The number of vehicular movements has not been found to be significant to cause any detrimental impact. The application also proposes a new road refuge for vehicles turning right into the site on the A.491.

Whilst the results of this assessment appear to lead to a positive outcome, it is a concern that any increase in vehicular activity would have on the surrounding area and neighbouring properties, especially in the village.

Whilst it is envisaged that the majority of vehicle movements will be made along the main A.491, there are no restrictions in place to limit vehicles travelling through Fairfield village. It is unlikely that Traffic Regulation Orders will be placed on this route to limit vehicles given the local businesses in the location which use this road presently. Consequently, the increase in heavy vehicles heading towards and away from the site and other vehicular traffic using the village to avoid congestion on the A.491 (and when there are issues on the motorway) will inevitably increase. Fairfield village is predominately a linear village that extends along the Stourbridge Road and with shops, residential properties and local First School all exiting onto this road. This would in my opinion be detrimental to the amenity of the surrounding area.

Amenity

a. Visual

From the evidence provided, there are a number of vantage points identified and an assessment of the visual impact of the development has been made. It is clear

that from the assessment, the site and activities would be seen and there are cases where there is a 'moderate adverse' visual impact of the development on these sensitive boundaries, especially as the site is in close proximity to Fairfield village and the Wildmoor residential area.

b. Noise

The assessment suggests that noise will arise from the site. This will be from the sand extraction part of the process and the construction phases of the development. Assessments have been made from the nearest residential properties. The assessments have compared background levels from present levels to predicted levels. It is acknowledged that these levels would be difficult to quantify and may exceed any assessment given the quarrying processes taking place.

c. Dust / Mud / Smell

Dust and mud will arise from both vehicle movements from the sand extraction and the construction phases of the waste recycling plant and the processing of materials (concrete / stone). This has been acknowledged within the assessment. The report indicates that this will be contained within the site by the buildings and the wheel washing facilities. Whilst this is acknowledged, in reality it appears there are no guarantees and suggests this is to be heavily reliant on site management.

The transfer of food materials for recycling is again controlled by the buildings where the waste is deposited; however, the report does not suggest the amount of food stuffs arriving at the site and whether the amounts may be accommodated within the building. This again appears to be heavily reliant on the management of the site by the operator.

Water

The area was, and still is, within an area of constraint. Concerns have been raised in terms of the potential impact from contamination and therefore suitable mitigation and conditions should be sought to overcome this.

Ecology

The site does not have any SSSI or SINC identified within its boundaries. Whilst this is the case, the development will lead to a loss of grassland, semi-improved grassland and broadleaf woodland. Whilst the scheme includes the restoration of the site. This would not occur until 2042, so the benefits would be long term and, in the short term, there would be a substantial loss of trees and grassland.

RECOMMENDATION: that **OBJECTIONS** continue to be raised.

**Bromsgrove District Council
Planning Committee**

**Committee Updates
5 November 2007**

Application Ref No	Update
B/2007/1032/HB	<p>2 more letters of objection received - no additional grounds of objection</p> <p>Objection received from Bromsgrove Society 18.10.07</p> <p>Similar concerns to previous approved scheme. Erection of perimeter fencing around footpath increase the 'fortress mentality'. This would impede the use of the open space and reduce its amenity benefit.</p> <p>Alternative footpath is 420m long there would be little advantage in time and effort and cost to use this. Would recommend this refused or condition be placed to review in 12 months once buildings are occupied.</p> <p>HLS - Head of Leisure Services. WMI - West Midlands Police.</p>
B/2007/0691/DI	<p>Additional letters received from the Agent on 17th October 2007 summarised as follows:</p> <p>The applicant will have the following equipment at his farm: 2x power harrow, 1x roller, 1x corn drill, 1x 5 furrow plough, 1x sub-soil chisel plough, 1x 135Hp Tractor, 1x 50Hp Tractor, 1 JCB farm special loadall, 1x 3.7 ton digger/ excavator, 1x livestock trailer, 1x horse trailer, 1x 5 ton tipper trailer, 1x quad bike, 2x flail topper, 1x ballast roller, various livestock handling and feed implements.</p> <p>This is evidence that the applicant is a serious entrant into the farming industry.</p> <p>Given the time it takes to grow and harvest arable crops would take approximately 2.5 - 3 years and this should be the minimum temporary permission granted.</p>
B/2007/1092/D1	<p>Belbroughton PC - Objection received on: 02/11/2007 - inappropriate development in the Green Belt.</p>

B/2007/1094/DI	<p>Belbroughton PC - Objection received on: 02/11/2007 - inappropriate development in the Green Belt.</p> <p>The upgrading of an agricultural track would not necessarily require planning permission and such works maybe permissible providing that the works do not extend beyond the original track in any way, shape or form. The proposed upgrading works must follow the original line of the track. This retrospective track would not follow the line of the existing track and would therefore by definition constitute inappropriate development in the Green Belt. There is no 'fall-back' position for this application.</p> <p>The Council received some aerial photographs claiming to show an original track but these have not been dated. These photographs merely show a rudimentary route which was not a formal agricultural access point and would not have been readily accessible for standard private vehicles. This would have solely been used for the farmer to access his field via a tractor or equivalent 4x4 vehicle.</p> <p>The proposal before you is permanent and substantial in construction and is far superior to any rudimentary route that may have existed beforehand.</p> <p>The laying of hard standing itself would not damage the openness of the Green Belt. It is not just the laying of the track and hard-standing that is harmful but it could also result in the facilitating of these areas to accommodate parked vehicles of unrestricted sizes and colours as well as the external storage of plant machinery that would all potentially harm the openness and visual amenity of the Green Belt.</p> <p>Despite the existence of limited screen planting, these do not form an impenetrable barrier. Further more green screening are not permanent and cannot undo the permanent impact of the track and surfacing, nor conceal the potential visual impact of parking and storage of vehicles, plant machinery and equipment.</p> <p>The appellant also makes reference to other poor drainage on the site, indicating that this would be the best location for the proposal. This is not a 'very special circumstance' to outweigh the harm caused to the openness/ visual amenity of the Green Belt.</p>
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Agenda Item 9

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

5TH NOVEMBER 2007

APPEAL DECISIONS

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

1. SUMMARY

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

2. RECOMMENDATION

- 2.1 Members are requested to note the report.

3. BACKGROUND

	Name of Applicant	Plan Ref. / Proposal	Decision / Date
3.1	D. Waldron	B/2007/0008 - Proposed first floor rear extension to provide extra bedroom at 49 Milestone Drive, Hagley, DY9 0LW	Appeal dismissed
3.2	Mr. L. Crates	B/2006/1269 - Proposed wall and feather-edge fence at 10 Foxhope Close, Kings Norton, Birmingham, B38 0AR	Appeal dismissed
3.3	Mr. and Mrs. P. Rampton	B/2006/1347 - Proposed erection of a rear conservatory at The Croft, Bromsgrove Road, Clent, DY9 9QA	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 letters received from the Planning Inspectorate, dated 2nd, 11th and 17th October 2007.

CONTACT OFFICER

Name: Andy C. Stephens

email: a.stephens@bromsgrove.gov.uk

Tel: 01527 881410