



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 3RD DECEMBER, 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, 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 5th November 2007 (Pages 1 - 4)
4. B/2007/0261-DMB - Office development: outline (Resubmission of B/2006/0080) - Land at Redditch Road, Hopwood - Pipsilver Limited (Pages 5 - 14)
5. B/2007/0626-DMB - Nursing home and associated offices: outline - Land at Redditch Road, Hopwood - Pipsilver Limited (Pages 15 - 24)

6. B/2007/0802-DMB - 75-berth marina, access road and ancillary building and facilities - Land at Coopers Hill Farm, Coopers Hill, Alvechurch - Mr. A. Bytom (Pages 25 - 48)
7. B/2007/0899-DI - Stabling for horses, storage of bulk food, fodder, tack, saddles, rugs and equipment - Land adjacent to Pool House Farm, Hockley Brook Lane, Belbroughton - D. Blakeway (Pages 49 - 52)
8. B/2007/1021-RL - Two-storey side extension - Harwood House, Wassell Grove, Hagley - Mr. and Mrs. Quinn (Pages 53 - 56)
9. B/2007/1070-LD - Amendment to approved layout to relocate Units 11 - 15 closer to the adjacent residential development - Bromsgrove Technology Park, Aston Road, Bromsgrove - West Midlands Contracts (Pages 57 - 60)
10. B/2007/1082-DMB - B1 office building - Plot 2, Bromsgrove Technology Park, Aston Road, Bromsgrove - Adroit Group Limited (Pages 61 - 64)
11. B/2007/1085-DI - Taxi booking office only - 26A New Road, Rubery - Mr. D. Woodhouse (Pages 65 - 68)
12. B/2007/1108-DMB - Erection of B1/B2/B8 unit with ancillary car-parking and servicing areas - Plot 10a, Acanthus Road, Ravensbank Business Park, Redditch - Le Gallais Company (Pages 69 - 78)
13. B/2007/1145-DI - Part-field no. 9727, adj. Pool House Farm, Hockley Brook Lane, Belbroughton - Static field shelter and food store on concrete base for grazing camelids - Mr. and Mrs. Monk (Pages 79 - 82)
14. B/2007/1176-DMB - Modification of Condition 2 attached to B/2007/0356 to permit a phased implementation of Reserved Matters - Cofton Centre, Groveley Lane, Cofton Hackett - Redman Heenan Properties Limited (Pages 83 - 86)
15. B/2007/1182-DI - Cross Roads Garage, Kidderminster Road, Woodcote Green, Bromsgrove - Replacement of flat roof with pitched, tiled roof over east wing - Mr. N. Naveed (Pages 87 - 90)
16. B/2007/1205-VN - Two storey extension to side, to replace current single storey extension and original garage - 22 Dark Lane, Hollywood - Mr. and Mrs. D. Walters (Pages 91 - 94)
17. Tree Preservation Order (No. 8) 2007 - Tree on land at 48 Lea Green Lane, Wythall (Pages 95 - 132)
18. Appeal Decisions (Pages 133 - 136)

19. 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

22nd November 2007

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Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 5TH NOVEMBER 2007

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

Officers: Mr. D. Hammond, Mrs. D. Warren, Mrs. H. Plant, Mr. S. Hawley (Worcestershire County Council) and Mr. A. C. Stephens

97/07 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. J. M. Boswell, Mrs. J. Dyer M.B.E., Mrs. J. D. Luck and C. J. Tidmarsh.

98/07 DECLARATIONS OF INTEREST

The following declarations of interest were made:-

<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/2007/1092	Personal. Is a member of Belbroughton Parish Council's Planning Committee which had previously considered the matter.
Councillor C. R. Scurrall	B/2007/1094	Personal. Is a member of Belbroughton Parish Council's Planning Committee which had previously considered the matter.

99/07 MINUTES

The minutes of the meeting of the Planning Committee held on 8th October 2007 were submitted.

RESOLVED that the minutes be approved as a correct record.

100/07 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.

The Head of Planning and Environment Services reported the comments of the West Mercia Constabulary, the Acting Head of Culture and Community

Services and the Bromsgrove Society, together with an additional letter of objection.

At the invitation of the Chairman, Mr. R. Skidmore addressed the Committee on behalf of local residents and spoke in objection to the application.

RESOLVED that consideration of the application be deferred in order that the footpath diversion issues may be clarified before a decision is reached.

101/07 **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 the receipt of additional letters from the applicant's Agent.

RESOLVED that permission be granted subject to the following amended condition and the notes set out or referred to on page 18 of the report:-

1. C23 (temporary 3 year period)

102/07 **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**

The Head of Planning and Environment Services reported the comments of Belbroughton Parish Council.

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 proposal was not harmful to the openness of the Green Belt and the purposes of including land within the Green Belt.

RESOLVED that permission be granted subject to the following conditions:-

1. C23 (temporary 3 year period)
2. There shall be no storage of any materials and / or machinery externally to the agricultural storage building

103/07 **B/2007/1094-DI - RETROSPECTIVE APPLICATION FOR THE CREATION OF ACCESS TRACK FOR AGRICULTURAL MACHINERY - BELCOTE FARM, MEARSE LANE, BELBROUGHTON - MR. M. TURAN**

The Head of Planning and Environment Services reported the comments of Belbroughton Parish Council, and clarified issues relating to upgrading the access track compared to the creation of a new route. Comment was also made in respect of the visual impact of the track and how it may benefit from screening, and the poor drainage associated with the area.

RESOLVED that authority to refuse the application be delegated to the Head of Planning and Environment Services upon the expiry of the publicity period on 6th November 2007.

104/07 **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.

105/07 **B/2006/0864-SW - 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 407671 - THE QUARRY, SANDY LANE, WILDMOOR, BROMSGROVE - WORCESTERSHIRE COUNTY COUNCIL**

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

The Head of Planning and Environment Services reported that Worcestershire County Council had consulted the Council in respect of further information provided by the applicants of County Matter 407671 for the extension of quarry and proposed development of an integrated resource recovery and recycling park, previously considered by the Committee on 6th November 2006 (Minute No. 62/06 refers). He explained that the Council had been re-consulted on the application in the light of the further information, and how the proposal would be likely to affect Green Belt policy, traffic and highway implications, amenities and the ecology of the area.

RESOLVED:

- (i) that the County Council be informed that this Council continues to strongly object to the proposals for the extension of the quarry; and
- (ii) that, as all of the alternative sites investigated by the applicants appear to be in Worcestershire, the Council would question whether any consideration has been given to the use of land within the West Midlands.

The meeting closed at 3.25 pm

Chairman

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Agenda Item 4

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
PIPSILVER LIMITED 'B'	Office development: outline (Resubmission of B/2006/0080) - Land at Redditch Road, Hopwood - (as augmented by letter received 24.09.2007 and extended Phase 1 Habitat Survey received 24.09.2007)	GB	B/2007/0261 24.12.2007

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

Consultations

WCC(HP)	<p>Consulted - views received 13.04.2007:</p> <ul style="list-style-type: none"> • Recommends that permission be deferred for the following reasons: <ul style="list-style-type: none"> ▪ The applicant needs to indicate that this proposed design complies with the Design Manual for Roads and Bridges. Despite the applicant stating that the design has been agreed I am not aware that this is the case. I require the applicant to provide the following information before I am able to comment further. ▪ Statement confirming the design complies with TD 16/93 with any relaxations and departures from the standard. ▪ A stage 1 safety audit and exception report. ▪ A scoping travel plan. ▪ A transport statement.
Highways Agency ENG	<p>Consulted 23.03.2007 and 05.11.2007: views awaited.</p> <p>Consulted - views received 13.04.2007:</p> <ul style="list-style-type: none"> • No objection.
Local Plans Trees	<p>Consulted - views received 03.04.2007:</p> <ul style="list-style-type: none"> • No objection.
EHO Contaminated Land	<p>Consulted - views received 05.10.2007:</p> <ul style="list-style-type: none"> • No objection subject to Conditions relating to site investigation.
EDO NEO	<p>Consulted 23.03.2007: views awaited.</p> <p>Consulted following receipt of ecological survey - views received 05.08.2007:</p> <ul style="list-style-type: none"> • Provided that the recommendations of the habitat survey are followed, the application should meet with the requirements of PPS9. However, at present there is no information to show that these recommendations are being followed. • The recommendation to maintain and enhance the existing hedgerows is being followed in part. Although the northern and eastern hedges are being maintained, the existing hawthorn hedge in the south west corner is being removed. Some form of replacement planting and enhancements to compensate for this

would be welcomed, as this hedgerow provides a potential flight line for bats, nesting opportunities for birds, and cover for other species. Habitat enhancement features, as recommended by the report, are not shown as being included.

- There are no details on the SUDs scheme recommended by the survey. It is preferable that this information be supplied prior to the granting of permission, in order that the site and its layout be considered as a whole.
- The Habitat Survey recommends a specialist invertebrate survey be carried out. As of yet this has not been done. It also recommends that the ongoing management of the site be agreed through a Permanent Nature Conservation Management Plan. These recommendations should be met prior to commencement of works on the site. The carrying out of a pre-clearance search by a suitably qualified ecologist should also be agreed, and works should be timed to be outside of the bird nesting season, as recommended by the survey.
- Provided that these recommendations, as made by the habitat survey supplied, are followed, then the development should meet with the requirements of PPS9 and of our Local Plan policies on nature conservation.

WWT

Consulted - views received 04.04.2007:

- We are pleased to see that the developer proposes to use SUDS and environmental construction techniques and we would like to see these issues conditioned in order that we may be sure of their implementation later.
- We would also suggest that you require ecological information for the site so that you can assess the likely impacts of the proposals and ensure that any mitigation and enhancement can be designed appropriately in line with PPS9.

Reconsulted following receipt of ecological survey - views received 02.10.2007:

- We note the contents of the ecological survey and would echo the recommendations made within it.
- Provided that they can be followed we would not wish to comment further at the outline stage other than to say that the overall scheme for a SUDS should be included within the outline layout so as to ensure that it can be accommodated in a full application later on.

Alvechurch PC

Consulted - views received 25.04.2007:

- As previous: no objection to office development on scale proposed.
- However APC feel that the development could be sited more centrally and at the southern end of the site, to minimise nuisance to residence, possibly put the car parking adjacent to residential properties.

- The vehicle access should be further south on the site rather than directly on the island.

Reconsulted - views received 06.11.2007:

- Views as per above.

Publicity

6 letters sent 26.03.2007 (expire 16.04.2007).

6 letters sent 05.11.2007 (expire 19.11.2007).

2 site notices posted 13.07.2007 (expire 03.08.2007).

1 press notice published 30.03.2007 (expires 20.04.2007).

1 press notice published 06.07.2007 (expires 27.07.2007).

2 responses received:

- Hopwood is a Green Belt area and should remain so and not be bullied into becoming part of the urban sprawl of Birmingham.
- Impact on openness of Green Belt.
- Proximity of building to residential boundary.
- Two-storey building would cause overlooking.
- Additional planting is required to reduce visual impact.
- Access is unsuitable.
- The volume of traffic generated by the development will add to the already congested A441 at peak time hours.
- Is there a need for offices in this location? There are plenty of offices lying vacant at Junction 4, Solihull or Redditch.

The site and its surroundings

This application relates to an area of land measuring some 1.2 hectares located on the eastern side of Redditch Road. The site is predominantly open scrubland with a cluster of derelict portacabin-type structures to the northern boundary adjacent the site entrance, storage containers and discarded rubble. Natural field hedges interspersed with semi-mature and mature tree specimens are located to the site boundaries, with a row of mature conifers approximately 6 metres in height to the frontage boundary facing Redditch Road. The rear gardens of residential dwellings located in Smedley Crooke Place back onto the northern boundary. An existing vehicular access is located to the north-west corner leading off Redditch Road. The site is located in recognised Green Belt.

Proposal

This is an outline application for the erection of an office building and associated works. The application originally reserved all matters for future consideration apart from access arrangements. Following the serving of the requisite notice under Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 on 18th April 2007, matters relating to layout, scale, appearance and landscaping are now to be determined at this stage. These details in their entirety were received on 24th September 2007.

The office building is two-storey in appearance with an "E" shaped footprint consisting of 1867 square metres. The main bulk of the building has maximum dimensions 49.8 metres by 34 metres with a height to ridge of 9.4 metres and is proposed to be constructed from facing brickwork and a tile roof.

The existing vehicular entrance is proposed to be closed and a new vehicular access proposed centrally within the site leading off the roundabout located on Redditch Road. A car-park consisting of 71 no. spaces is proposed, together with associated circulation space. The land to the southern aspect of the site is proposed to be landscaped.

The existing tree screening to the north, east and western boundaries are proposed to be retained, with the loss of the section of conifer screening to the western boundary to facilitate the new access.

A Planning Statement has accompanied the application, together with a Phase 1 Ecological Survey at the request of the Local Planning Authority.

For the reference of Members, an outline application for the erection of a nursing home on this site appears elsewhere on this Agenda under planning reference B/2007/0626.

Relevant Policies

WMSS UR4, PA1, PA14, QE3, QE6, T2, T3
WCSP SD.2, SD.3, SD.4, CTC.1, CTC.5, CTC.14, CTC.15, D.19, D.26, D.28, T.1
BDLP DS1, DS2, DS13, C4, C10A, C12, C16, C17, E4, E9, TR11
Others PPS1, PPG2, PPG4, PPS7, PPS9, PPG13, PPS23, Circular 06/05

Relevant Planning History

B/2007/0626 Nursing home (outline): pending.
B/2006/0080 Office development (outline): withdrawn 10.05.2006.
B/1997/0986 Removal of existing entrance gates and erection of new security gates and fencing: approved 09.03.1998.
B/1995/0862 Erection of public house and associated parking and area for social housing and/or public open space: refused 15.01.1996.
B/1991/0966 B1 development: withdrawn 09.12.1991.
COU/1/85 Certificate of Lawfulness relating to external storage of plant and machinery: granted 06.02.1985.

Notes

Given the location of the site in recognised Green Belt, I consider the main issues in the determination of this application are:

- (i) whether the proposal represents appropriate development in the Green Belt; and, if not
- (ii) whether very special circumstances exist that clearly outweigh the harm caused to the Green Belt, the purposes of Green Belt policy and any other harm.

- (iii) whether the proposal complies with the strategic policies relating to the location of offices as set out in the WCSP and the WMSS.
- (iv) Implications for residential amenity and highway safety.

Whether Appropriate Development in the Green Belt

Policy DS2 is in general accordance with WCSP and PPG2 in defining the types of development that may be deemed appropriate within the Green Belt. None of the relevant policies define the erection of a new B1 office building as being appropriate development within the Green Belt. Policy D.28 of the WCSP states that new business buildings will only be allowed in identified settlements within Green Belt areas and the site does not fall within any such area. As such, I consider the proposal represents inappropriate development in the Green Belt. PPG2 states that inappropriate development is by definition harmful and in considering whether very special circumstances exist, substantial weight shall be attached to the harm caused.

For the reference of Members, this site benefits from a Certificate of Lawfulness (CLUED) for the external storage of plant and machinery. The Certificate was granted on 6th February 1985 and covers the entire site. The Certificate refers to the storage of plant. It is considered that plant in this case relates to engineering plant, both large and small, used for the construction industry. It would include plant conveyors. The Certificate does not cover the sale and repair of plant. Thus, whereas operations involving the storage, movement on- and off-site of plant is lawful, repairs for the purposes of sales of plant on site would not be lawful.

Harm caused

In this case, I consider the erection of the new office building would, in itself, go against the fundamental aim of the Green Belt policy (PPG2, paragraph 1.4) to preserve openness.

I also consider the proposal would go against the intentions of Green Belt policy to ensure development takes place in locations allocated within development plans. Policy D.26 of the WCSP states the preferred location for new office development is within town centres as such uses can attract significant numbers of trips and town centre locations can (a) reduce the number and lengths of trips and (b) provide alternative modes of transport other than the private car.

This policy stance is supported by policy PA1 of the WMSS which states that, wherever possible, economic growth should be focused on the MUA's. Outside MUA's emphasis should be given to locating development where (amongst other criteria) it can help create more sustainable communities by providing a better balance between housing and employment. Policy PA14 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.2 which seeks to reduce the need to travel, particularly by car, by encouraging developments which generate significant travel demands to be situated where accessibility to public transport links is maximised.

The application site is not in the town centre and not well-served by public transport facilities. The proposal would result in an increase in office floor area and is therefore likely to attract an increase in trips to and from the site. Current strategic planning policy is clear in stating that the application site is not in the preferred location for new or additional offices.

The case for very special circumstances

In considering proposals for inappropriate development in the Green Belt, paragraph 3.2 of PPG2 is relevant:

"Inappropriate development is, by definition, harmful to the Green Belt. *It is for the applicant to show why permission should be granted.* Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is *clearly outweighed* by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach *substantial weight* to the harm to the Green Belt when considering any planning application or appeal concerning such development" (*my emphasis*).

The words "very special" to be given their ordinary, natural meaning. The meaning of the word "special" include those which exceed or excel those which are common. The test in relation to Green Belt policy qualifies that meaning to the extent that the circumstances have to be "very" special.

The applicant's agent has submitted additional information in support of the application. This can be summarised as:

- (a) The site is not a virgin green field location as it has an established B8 use.
- (b) There is an established use for the storage of plant across the entire site, with no restrictions on the intensification or the hours of operation for this use. The development will enhance the Green Belt by removing the non-conforming yet established use that encompasses the entire site and replacing this with a benign use over a small part of the site - the remainder being landscaped.
- (c) It will enhance the amenity of adjacent residential properties by removing an uncontrolled non-conforming use and replacing it with a low rise office development of domestic scale.
- (d) The scheme will bring the site into more productive use in terms of providing real economic benefit to the local community by means of local employment and training opportunities.
- (e) It will remove forever the prospect of other non-conforming uses coming forward such as a travellers encampment, etc.

I have noted these views. With regard to point (a), although it is acknowledged it has previously been developed, it remains that the site is located in the Green Belt and its re-use must be tested against Green Belt policy. Whilst noting the support for the re-use of previously developed land, PPS1 also advocates similar advice in WMSS and WCSP in seeking to focus developments which are likely to attract a large number of trips (including office development) in existing centres (paragraph 27). Whilst the

re-development of this site is preferable to a green field site in a similar location, I do not consider that PPS1 as a whole provides policy support for the provision of some 1867 square metres of office space on a site not within an existing urban area.

Although I note the existence of the CLEUD for the storage of plant referred to in point (b), Members will be aware that this relates to the storage of engineering plant and not the sale or repair of such plant. The site has not been utilised for this use for at least six years and the site at present is predominantly open. Although I note the frontage site contains existing vegetation, I am not convinced that this or enhanced planting will totally screen the new building from public vantage points along Redditch Road. The new vehicular access to serve the site will also inevitably allow clear views into the site from Redditch Road. Furthermore, although development cannot be seen does not make it appropriate and this argument could be used time and time again. Lack of harm, in itself, does not amount to very special circumstances.

With regard to point (a), this scheme represents inappropriate development in the Green Belt and clearly cannot be seen as relating to appropriate development as advocated by national and local planning policy. Members will note this site is currently open and contains no permanent buildings or built footprint. The erection of a permanent building on this site will therefore have a highly noticeable effect on the openness of the Green Belt and in my view would have a greater impact on the openness Green Belt over and above that of the current appearance of the site. Although I note the presence of the CLEUD, this site has previously been marketed for such a use without success and, furthermore, Members will note that the lawful use of the site has not been undertaken for at least seven years. The site as it currently exists is predominantly open and does not contain plant storage advocated by the Certificate. As such, I consider points (b) and (c) to not be of significant justification.

There has been no evidence provided to me to demonstrate that this development would provide local employment opportunities as advocated by point (d). Members will be aware of the location of the site on the A441 Redditch Road and the close proximity of the site to Junction 2 of the M42. Even if there is a need for such facilities, I am of the view that there is no need for these to be provided within a Green Belt area, given the amount of employment land currently available for development at sites such as Buntsford Gate Business Park and Bromsgrove Technology Park. This application therefore does not provide a unique opportunity as other more appropriate sites exist.

With regard to point (e), I do not consider this to be reason alone to justify granting consent. As such, I do not consider this to relate to very special circumstances to outweigh the identified harm to the Green Belt.

Residential amenity

Although SPG1 sets out design guidance for new residential development, I consider the content of this document is relevant in this case in order to assess the impact of the development on the amenity of the adjacent occupiers. This document includes separation distances to existing dwellings so as to avoid detriment to residential amenity due to overlooking, overshadowing and overbearing affects. The Guidelines suggest that new development with main windows overlooking existing private spaces should be set back by a distance of 5 metres per storey from the site boundary where it adjoins a

private garden area. Paragraph 8.2 of SPG1 states that as a general guide, a minimum distance of 21 metres for two-storey conventional houses is suggested between window walls.

The dwellings in Smedley Crooke Place are located to the northern boundary. The office building is located approximately 35 metres from the rear elevations of the dwellings known as 5 Smedley Crooke Place and 6 Smedley Crooke Place, and approximately 7 - 8 metres from the rear garden boundaries serving these dwellings. The northern boundary contains a mature belt of semi-mature and mature trees. Although I note the views of third parties, Members will note this guidance relates to purely residential development and the contents of this document should be used flexibly. Although falling short of the distance suggested by SPG1 (that is, 10 metres to the common boundary), as such given the office use of the structure and the presence of the boundary screening, I am of the view that the development would not cause demonstrable loss of amenity to the occupiers of these dwellings and to be able to secure and accommodate a reasonable level of privacy given the non-residential use of the building.

Ecological Issues

A Phase 1 Habitat Survey has accompanied the application. The NEO and WWT have commented that, provided the recommendations of the habitat survey are followed, the application should meet with the requirements of PPS9 and the relevant policies set out in the WCSP and the BDLP relating to this issue.

Highway Issues

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. Members will note the views of the WCC(HP). These points have been put to the applicant's Agent for reference and I am yet to receive a formal response. I will update Members at the Committee on this issue. The views of the Highways Agency are currently awaited.

Conclusions

The erection of the new office building represents inappropriate development in the Green Belt and therefore should only be allowed if very special circumstances exist that clearly outweigh the harm that would be caused. Even if it is accepted that there is a need for office units within the District, I see no good reason as to why such a facility needs to be provided within a Green Belt location, particularly given the amount of employment land available for development within the District as a whole. The provision of more office space on the site would go against WMSS and WCSP policy seeking to minimise the need to travel by car and I do not consider that a Green Travel Plan would adequately address this concern.

I therefore consider that very special circumstances do not exist and recommend that permission be refused. Members will also note the strong objection on highway grounds advocated by the WCC(HP).

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

- (a) The proposed development relates to inappropriate development in the Green Belt. The building would harm the openness of the site and is likely to encourage more car trips to and from the site. The application site is not within an urban area and is not in a location well-served by public transport. No very special circumstances exist that clearly outweigh the harm caused and therefore the proposal is contrary to policies PA1, PA14 and T2 of the West Midlands Spatial Strategy, policies SD.2, SD.4, D.26, D.28, D.38, D.39 and T.1 of the Worcestershire County Structure Plan, policies DS2 and DS13 of the Bromsgrove District Local Plan and the provisions of PPG2.
- (b) No information has been provided to prove that the proposed development would not jeopardise highway safety and the free flow of traffic upon the A441. As such, the development is considered to be contrary to policy TR11 of the Bromsgrove District Local Plan.

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Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
PIPSILVER LIMITED 'B'	Nursing home and associated offices: outline - Land at Redditch Road, Hopwood - (as amended by design and access statement received 21.06.2007 and augmented by plans and letter received 24.09.2007, development assessment received 24.09.2007 and extended Phase 1 Habitat Survey received 24.09.2007)	GB	B/2007/0626 24.12.2007

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

Consultations

WCC(HP)	<p>Consulted - views received 18.07.2007:</p> <ul style="list-style-type: none"> The applicant has not submitted sufficient information to determine the suitability of the means of access. The details submitted indicate a fourth arm to the existing roundabout, but has not indicated the visibility splays, radii or confirmed its conformity to the Design Manual for Roads and Bridges. The applicant has not submitted a safety audit or transport statement as part of the application. These details are fundamental to the determination of the suitability of the means of access. My observations are that the exit on the roundabout is designed so that accessing the roundabout is unachievable without significant conflict with other road users and the entry angle from the A441 (from the north) would result in large vehicles over riding the nearside kerb line. It is recommended that this application be refused as insufficient information has been submitted to confirm the acceptability of the means of access and egress to the site. This could be adverse to the free flow of traffic using this roundabout and consequently impact on road safety.
Highways Agency	<p>Consulted - views received 04.07.2007:</p> <ul style="list-style-type: none"> No objection.
ENG	<p>Consulted - views received 21.06.2007:</p> <ul style="list-style-type: none"> No objection subject to Conditions.
Local Plans Trees	<p>Consulted - views received 13.06.2007:</p> <ul style="list-style-type: none"> No objection subject to Conditions.
EHO Contaminated Land	<p>Consulted - views received 28.06.2007:</p> <ul style="list-style-type: none"> No objection subject to Conditions relating to site investigation.
EDO	<p>Consulted - views received 12.06.2007:</p> <ul style="list-style-type: none"> Economic Development strongly supports the application. There is a serious shortage of nursing home accommodation in north Worcestershire and South Birmingham.

- NEO Consulted following receipt of ecological survey - views received 05.08.2007:
- Provided that the recommendations of the habitat survey are followed, the application should meet with the requirements of PPS9. However, at present there is no information to show that these recommendations are being followed.
 - The recommendation to maintain and enhance the existing hedgerows is being followed in part. Although the northern and eastern hedges are being maintained, the existing hawthorn hedge in the south-west corner is being removed. Some form of replacement planting and enhancements to compensate for this would be welcomed, as this hedgerow provides a potential flight line for bats, nesting opportunities for birds, and cover for other species. Habitat enhancement features, as recommended by the report, are not shown as being included.
 - There are no details on the SUDs scheme recommended by the survey. It is preferable that this information be supplied prior to the granting of permission, in order that the site and its layout be considered as a whole.
 - The Habitat Survey recommends a specialist invertebrate survey be carried out. As of yet, this has not been done. It also recommends that the ongoing management of the site be agreed through a Permanent Nature Conservation Management Plan. These recommendations should be met prior to commencement of works on the site. The carrying out of a pre-clearance search by a suitably qualified ecologist should also be agreed, and works should be timed to be outside of the bird nesting season, as recommended by the survey.
 - Provided that these recommendations, as made by the habitat survey supplied, are followed, then the development should meet with the requirements of PPS9 and of our Local Plan policies on nature conservation.
- WWT Consulted - views received 02.10.2007:
- We note the contents of the ecological survey and would echo the recommendations made within it.
 - Provided that they can be followed we would not wish to comment further at the outline stage other than to say that the overall scheme for a SUDS should be included within the outline layout so as to ensure that it can be accommodated in a full application later on.
- WCC(CA) Consulted 25.06.2007: views awaited.
Alvechurch PC Consulted - views received:
- No objection.
- Reconsulted - views received 06.11.2007:
- No objection.

Publicity 6 letters sent 26.03.2007 (expire 16.04.2007).
 10 letters sent 05.11.2007 (expire 19.11.2007).
 2 site notices posted 13.07.2007 (expire 03.08.2007).
 1 press notice published 22.06.2007 (expires 13.07.2007).
 1 press notice published 06.07.2007 (expires 27.07.2007).

5 responses received:

- This is a Green Belt site and should be left undeveloped.
- Traffic hazard due to A441.
- Increased pollution.
- Is there a proven need for such accommodation in Hopwood?
There are two existing homes in Hopwood and at least three in Alvechurch.
- Loss of wildlife.

The site and its surroundings

This application relates to an area of land measuring some 1.2 hectares located on the eastern side of Redditch Road. The site is predominantly open scrubland with a cluster of derelict portacabin-type structures to the northern boundary adjacent to the site entrance, storage containers and discarded rubble. Natural field hedges interspersed with semi-mature and mature tree specimens are located to the site boundaries, with a row of mature conifers approximately 6 metres in height to the frontage boundary facing Redditch Road. The rear gardens of residential dwellings located in Smedley Crooke Place back onto the northern boundary. An existing vehicular access is located to the north-west corner leading off Redditch Road. The site is located in recognised Green Belt.

Proposal

This is an outline application for the erection of a nursing home and ancillary office building and associated works. The application originally reserved all matters for future consideration apart from access arrangements. Following the serving of the requisite notice under Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 on 18th April 2007, matters relating to layout, scale, appearance and landscaping are now to be determined at this stage. These details in their entirety were received on 24th September 2007.

The nursing home building is two-storey in appearance with an extended "C" shaped footprint consisting of 3,200 square metres. The building has a height to ridge of 8.8 metres and is proposed to be constructed from a combination of contrasting brickwork banks and course, timber clad gables and a tile roof. The two-storey detached ancillary office building has maximum dimensions of 12 metres by 15 metres with a height to ridge of 8.8 metres with materials to match the proposed care home building.

The existing vehicular entrance is proposed to be closed and a new vehicular access proposed centrally within the site leading off the roundabout located on Redditch Road. A car-park consisting of 40 no. spaces is proposed, together with associated circulation space. The land to the southern aspect of the site is proposed to be landscaped.

The existing tree screening to the north, east and western boundaries are proposed to be retained, with the loss of the section of conifer screening to the western boundary to facilitate the new access.

A Planning Statement and Development Assessment (looking at nursing home need and provision) has accompanied the application, together with a Phase 1 Ecological Survey at the request of the Local Planning Authority.

For the reference of Members, an outline application for the erection of an office building on this site appears earlier on this Agenda under planning reference B/2007/0261.

Relevant Policies

WMSS UR4, PA1, PA14, QE3, QE6, T2, T3
WCSP SD.2, SD.3, SD.4, CTC.1, CTC.5, CTC.14, CTC.15, D.19, D.26, D.28, T.1
BDLP DS1, DS2, DS13, C4, C10A, C12, C16, C17, E4, E9, TR11
Others PPS1, PPG2, PPG4, PPS7, PPS9, PPG13, PPS23, Circular 06/05

Relevant Planning History

B/2007/0261 Office development (outline): pending.
B/2006/0080 Office development (outline): withdrawn 10.05.2006.
B/1997/0986 Removal of existing entrance gates and erection of new security gates and fencing: approved 09.03.1998.
B/1995/0862 Erection of public house and associated parking and area for social housing and/or public open space: refused 15.01.1996.
B/1991/0966 B1 development: withdrawn 09.12.1991.
COU/1/85 Certificate of Lawfulness relating to external storage of plant and machinery: granted 06.02.1985.

Notes

Given the location of the site in recognised Green Belt, I consider the main issues in the determination of this application are:

- (i) whether the proposal represents appropriate development in the Green Belt; and, if not
- (ii) whether very special circumstances exist that clearly outweigh the harm caused to the Green Belt, the purposes of Green Belt policy and any other harm.
- (iii) whether the proposal complies with the strategic policies relating to the location of new development as set out in the WCSP and the WMSS.
- (iv) Implications for residential amenity and highway safety.

Whether Appropriate Development in the Green Belt

Policy DS2 is in general accordance with WCSP and PPG2 in defining the types of development that may be deemed appropriate within the Green Belt. None of the relevant policies define the erection of a new nursing home as being appropriate development within the Green Belt. Policy D.28 of the WCSP states that new business

buildings will only be allowed in identified settlements within Green Belt areas and the site does not fall within any such area. As such, I consider the proposal represents inappropriate development in the Green Belt. PPG2 states that inappropriate development is by definition harmful and in considering whether very special circumstances exist, substantial weight shall be attached to the harm caused.

For the reference of Members, this site benefits from a Certificate of Lawfulness (CLUED) for the external storage of plant and machinery. The Certificate was granted on 6th February 1985 and covers the entire site. The Certificate refers to the storage of plant. It is considered that plant in this case relates to engineering plant, both large and small, used for the construction industry. It would include plant conveyors. The Certificate does not cover the sale and repair of plant. Thus, whereas operations involving the storage, movement on- and off-site of plant is lawful, repairs for the purposes of sales of plant on site would not be lawful.

Harm caused

In this case, I consider the erection of the new nursing home building would, in itself, go against the fundamental aim of the Green Belt policy (PPG2, paragraph 1.4) to preserve openness.

I also consider the proposal would go against the intentions of Green Belt policy to ensure development takes place in locations allocated within development plans. This policy stance is supported by policy PA1 of the WMSS which states that, wherever possible, economic growth should be focused on the MUA's. Outside MUA's, emphasis should be given to locating development where (amongst other criteria) it can help create more sustainable communities by providing a better balance between housing and employment. Policy PA14 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.2 which seeks to reduce the need to travel, particularly by car, by encouraging developments which generate significant travel demands to be situated where accessibility to public transport links is maximised.

The application site is not in the town centre and not well-served by public transport facilities. The proposal would therefore attract trips to and from the site, with the majority of these trips made by private car. Current strategic planning policy is clear in stating that the application site is not in the preferred location for such new development.

The case for very special circumstances

In considering proposals for inappropriate development in the Green Belt, paragraph 3.2 of PPG2 is relevant:

"Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight

to the harm to the Green Belt when considering any planning application or appeal concerning such development" (*my emphasis*).

The words "very special" to be given their ordinary, natural meaning. The meaning of the word "special" include those which exceed or excel those which are common. The test in relation to Green Belt policy qualifies that meaning to the extent that the circumstances have to be "very" special.

Members will also now be aware that establishing very special circumstances involves a balancing exercise. On the one side is the extent of the harm to the Green Belt by virtue of inappropriateness and any other factors. On the other side are the positive advantages of the proposal. Very special circumstances exist where the advantages outweigh the harm.

The applicant's Agent has submitted additional information in support of the application. This can be summarised as:

- (a) The site is not a virgin green field location as it has an established B8 use.
- (b) There is an established use for the storage of plant across the entire site, with no restrictions on the intensification or the hours of operation for this use. The development will enhance the Green Belt by removing the non-conforming yet established use that encompasses the entire site and replacing this with a benign use over a small part of the site - the remainder being landscaped.
- (c) It will enhance the amenity of adjacent residential properties by removing an uncontrolled non-conforming use and remove forever the prospect of other non-conforming uses coming forward such as a traveller's encampment, etc.
- (d) The scheme will bring the site into more productive use in terms of providing real economic benefit to the local community by means of local employment and training opportunities.
- (e) There is a clear need for additional nursing home facilities in this area.

I have noted these views. With regard to point (a), although it is acknowledged it has previously been developed, it remains that the site is located in the Green Belt and its re-use must be tested against Green Belt policy. Whilst noting the support for the re-use of previously developed land, PPS1 also advocates similar advice in WMSS and WCSP in seeking to focus developments which are likely to attract a large number of trips in existing centres (paragraph 27). Whilst the re-development of this site is preferable to a green field site in a similar location, I do not consider that PPS1 as a whole provides policy support for the provision of a nursing home with a total floor area of some 3,550 square metres on a site not within an existing urban area.

Although I note the existence of the CLEUD for the storage of plant referred to in point (b), Members will be aware that this relates to the storage of engineering plant and not the sale or repair of such plant. The site has not been utilised for this use for at least six years and the site at present is predominantly open. Although I note the frontage site contains existing vegetation, I am not convinced that this or enhanced planting will totally screen the new building from public vantage points along Redditch Road. The new vehicular access to serve the site will also inevitably allow clear views into the site from Redditch Road. Furthermore, although development cannot be seen does not make it

appropriate and this argument could be used time and time again. Lack of harm, in itself, does not amount to very special circumstances.

With regard to point (a), this scheme represents inappropriate development in the Green Belt and clearly cannot be seen as relating to appropriate development as advocated by national and local planning policy. Members will note this site is currently open and contains no permanent buildings or built footprint. The erection of a permanent building on this site will therefore have a highly noticeable effect on the openness of the Green Belt and, in my view, would have a greater impact on the openness Green Belt over and above that of the current appearance of the site. Although I note the presence of the CLEUD, this site has previously been marketed for such a use without success and, furthermore, Members will note that the lawful use of the site has not been undertaken for at least seven years. The site as it currently exists is predominantly open and does not contain plant storage advocated by the Certificate. As such, I consider points (b) and (c) to not be of significant justification.

There has been no evidence provided to me to demonstrate that this development would provide local employment opportunities as advocated by point (d). Members will be aware of the location of the site on the A441 Redditch Road and the close proximity of the site to Junction 2 of the M42. Even if there is a need for such facilities, I am of the view that there is no need for these to be provided within the Green Belt. This application therefore does not provide a unique opportunity as other more appropriate sites exist.

With regard to point (e), I note a document has been submitted that considers the provision of nursing homes in a wider context and deals with the broader political and social issues relating to nursing care provision. Whilst I am of the view that it would appear there is a degree of need for increased nursing home places within the District as a whole, I am of the view that such need does not carry sufficient weight to amount to very special circumstances to override Green Belt policy. Such need could be met in the wider area with particular regard to non-Green Belt locations and not solely in Hopwood.

Having considered all matters, I do not consider that very special circumstances exist in this instance to outweigh the identified harm to the Green Belt.

Residential amenity

Although not relating strictly to a residential development scheme, I consider the contents of SPG1 to be relevant. This document includes separation distances to existing dwellings so as to avoid detriment to residential amenity due to overlooking, overshadowing and overbearing affects. The Guidelines suggest that new development with main windows overlooking existing private spaces should be set back by a distance of 5 metres per storey from the site boundary where it adjoins a private garden area. Paragraph 8.2 of SPG1 states that, as a general guide, a minimum distance of 21 metres for two-storey conventional houses is suggested between window walls.

The dwellings in Smedley Crooke Place are located to the northern boundary. The main care home building is located approximately 82 metres from the rear elevations of these dwellings and approximately 50 metres from the rear garden boundaries. The detached ancillary office building is located approximately 11 metres from the rear garden boundaries. The northern boundary contains a mature belt of semi-mature and mature

trees. Although I note the views of third parties, Members will note this guidance relates to purely residential development and the contents of this document should be used flexibly. I am of the view that the development would not cause demonstrable loss of amenity to the occupiers of these dwellings and to be able to secure and accommodate a reasonable level of privacy in this instance.

Ecological Issues

A Phase 1 Habitat Survey has accompanied the application. The NEO and WWT have commented that provided the recommendations of the habitat survey are followed, the application should meet with the requirements of PPS9 and the relevant policies set out in the WCSP and the BDLP relating to this issue.

Highway Issues

Highway safety is detailed in policy TR11 of the Bromsgrove District Local Plan. This policy requires that all development incorporate safe means of access and egress appropriate to the nature of the local highway network. Members will note the strong objection raised by the WCC(HP). These points have been put to the applicant's Agent for reference and I am yet to receive a formal response. I will update Members at the Committee on this issue.

Conclusions

The erection of the new nursing home and associated ancillary office building represents inappropriate development in the Green Belt and therefore should only be allowed if very special circumstances exist that clearly outweigh the harm that would be caused. This involves a balancing exercise weighing the existence and degree of harm that would be caused to the Green Belt against the factors of advantage. Even if it is accepted that there is a need for a nursing home within the District, I see no good reason as to why such a facility needs to be provided within a Green Belt location. The provision of a nursing home on the site would go against WMSS and WCSP policy seeking to minimise the need to travel by car and I do not consider that a Green Travel Plan would adequately address this concern.

I therefore consider that very special circumstances do not exist and recommend that permission be refused. Members will also note the strong objection on highway grounds advocated by the WCC(HP).

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

- (a) The proposed development relates to inappropriate development in the Green Belt. The scheme would harm the openness of the site and is likely to encourage more car trips to and from the site. The application site is not within an urban area and is not in a location well-served by public transport. No very special circumstances exist that clearly outweigh the harm caused and therefore the proposal is contrary to policies PA1, PA14 and T2 of the West Midlands Spatial Strategy, policies SD.2, SD.4, D.28, D.38, D.39 and T.1 of the Worcestershire County Structure Plan, policies DS2 and DS13 of the Bromsgrove District Local Plan and the provisions of PPG2.

- (b) No information has been provided to prove that the proposed development would not jeopardise highway safety and the free flow of traffic upon the A441. As such the development is considered to be contrary to policy TR11 of the Bromsgrove District Local Plan.

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Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
MR. A. BYTOM 'A'	75-berth marina, access road and ancillary building and facilities - Land at Coopers Hill Farm, Coopers Hill, Alvechurch - (as amended by email received 23.07.2007 and augmented by letter and plans received 12.10.2007)	GB LPA	B/2007/0802 07.11.2007

RECOMMENDATION: that permission be **REFUSED**.

Consultations

- WCC(HP) Consulted - views received 15.10.2007:
- No objection subject to Conditions.
- ENG Consulted - views received 31.07.2007:
- Mains drainage could be available in Withybed Green, but would require appropriate easements to gain access, and would require a pumping arrangement that must include on-duty and off-duty pumps.
 - Alternatively a biofilter type of system could be considered, though space available is limited both by the relief of the land and by the adjacent canal system.
 - Precise details will be required from the applicant for the disposal of foul sewage.
 - All hard standing areas, including the access road are to be served by soakaway systems. As should all structures. Consideration should be given for the use of a porous structure to such surface areas.
 - Any attenuated discharge directly to the canal system needs to be discussed with British Waterways.
 - Also, existing land drains and surface water run off from field systems are to be incorporated into the infrastructure of any drainage system. It should be noted that the southern boundary should not be encroached upon as this does offer surface water run-off for the Withybed area.
 - All fuels on-site are to be stored and protected in accordance to regulations enforced by the Environment Agency.
 - Procedures should be in place to allow / to attend to spillage both on land and on water (this to include for both sewage and fuel).
 - The disposal of storm water shall be by means approved by the LPA.
 - This site is bordered by a stream on its northern and eastern boundaries. There are also ditches within the site making this "bottom land" which is unsuitable for development unless ground levels are raised in conjunction with a land drainage scheme if a suitable outfall can be proved.

- A flood risk assessment is required, especially if the above-mentioned stream is culverted in any way. Any discharge into this watercourse will also need to be attenuated.

Planning Policy Consulted - views received 10.08.2007:

- The above site is situated within the Green Belt and therefore PPG2, policy D.39 of the Worcestershire County Structure Plan (1996 - 2011), and policy DS2 of the adopted Bromsgrove District Local Plan (adopted January 2004) applies. Policy DS2 states that permission for development in the Green Belt will not be given except in very special circumstances for the construction of new buildings or for the change of use of existing buildings unless certain instances apply, including: b) proposals are for essential facilities for outdoor sport and outdoor recreation (see policy RAT2).
- Para 3.12 in PPG2 states that: "The statutory definition of development includes engineering and other operations and the making of any material change in the use of land. The carrying out of such 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."
- Policies RAT1, RAT2 and RAT34 of the BDLP are applicable, together with PPG17 Sport, Open Space and Recreation.
- The site is also situated in a Landscape Protection Area and therefore policies DS9, C1 and C4 of the BDLP apply. Policy C4 includes criteria for assessing development proposals which states: "Development will not be permitted where it would have a materially detrimental effect on the landscape, in particular within Landscape Protection Areas. When assessing the effect on the landscape, special attention will be given to the following: a) prominent slopes or major ridge lines; b) woodland and hedgerows including ancient areas of the same; and c) water features where these are an important component in the landscape."
- Other relevant policies include QE9 - The Water Environment of the Regional Spatial Strategy, and RST9 - Waterways and Open Water of the Worcestershire County Structure Plan. Policy ES16 - Landfill of the BDLP applies and states: "Applications for development which involves significant reforming of land and / or the importation of material of any kind, the purpose of which is to engineer levels which differ from existing levels, will be considered against the relative benefits and disbenefits of the proposal."
- PPS9 is of relevance to this application. I note that the marina will incorporate a series of narrow channels from the marina edge to provide habitat for water voles and other animals and vegetation types. The marina edge will also be surrounded by native scrub areas to increase biodiversity and habitat creation.

These measures are to be welcomed and no doubt our Natural Environment Officer will provide specific, detailed comments on these aspects. I would comment however that on the basis of the information provided, the impact of fill on the existing site is unclear and plans indicating proposed levels / sections are required in order to assess the overall impact across the site. Also, a tree and hedgerow survey and plans to indicate which of these elements are affected by the proposal and new landscaping proposals are required.

- In relation to the issue of farm diversification, policies C31 and C32 of the BDLP are also of relevance, together with PPS7 - Sustainable Development in Rural Areas, policy PA15 of the Regional Spatial Strategy and CTC.7 - Agricultural Land of the Worcestershire County Structure Plan.
- In conclusion, the main planning concerns can therefore be summarised as follows:
 - (1) Preservation of the openness of the Green Belt, particularly in relation to the proposed car park and access road.

(I note that measures are proposed to minimise the impact of the proposed building on the openness of the Green Belt in terms of its size, 10m x 4.2 m x 2.8 m high, and positioning within the topography. I also note the proposed access road would be screened and the car park would be constructed utilising geo-textile woven fabric to enable grass to grow through).
 - (2) Proposal to use fill to re-profile existing slopes in terms of impact on:
 - (a) the Landscape Protection Area; and
 - (b) existing vegetation, etc., and in particular existing trees and hedgerows.
 - (3) Impact of proposal on nearby residential properties.
 - (4) Policy ALVE 4 of the BDLP is identified as the site for open space and recreation in this area.
- I note that alternative sites have been investigated and that the supporting planning statement states that British Waterways has confirmed that there is still sufficient demand for moorings on this stretch of waterway.

Tree Officer Consulted 20.07.2007: views received 20.11.07

- Although on a large scale over a wide area, the proposed development directly requires the loss of only a very few relatively young trees and hedges whose loss would appear to be more than mitigated by the proposed planting scheme.
- Of more concern, however, is the potential affect of the raising of ground levels through the deposition of spoil from the excavation of the marina onto the farmland to the north of the site. If the deposition of spoil causes the existing trees and hedgerows to be

left in gully-like features, then this would be expected to result in waterlogging of these areas and the decline and loss of the trees and hedgerows.

- I do consider, however, that waterlogging of these areas can be avoided if appropriate measures are employed resulting from the imposition of a Planning Condition on any approval.
- I therefore have no objection to the proposal, subject to Conditions.

NEO

Consulted - views received 10.08.2007:

- The proposed marina development will directly impact on a Landscape Protection Area, the Birmingham and Worcestershire canal Special Wildlife Site, and the habitat of numerous protected species. While the Environmental Statement supplied contains information on the specific effects on these, there are some areas where further information or a clarifying document is needed in order to ensure that the development meets the requirements of national, regional and local planning policies for the protection and enhancement of biodiversity interests, and the relevant wildlife legislation.
- At present, it is unclear what the effects of the re-profiling will be. A contour map of the existing site has been supplied, along with an explanation of the re-profiling works contained within the Environmental Statement. However, a similar contour map of the site after the re-profiling is needed to allow an accurate assessment of the extent of these works and the effect on the existing landscape and ecology.
- Similarly, at present it is unclear which, if any, of the existing hedgerows and trees will be affected by the development. Those being removed, those being retained and any enhancement planting should be clearly shown on a site plan. The possible effects of the re-profiling on the integrity and function of the existing hedgerows and trees should also be considered. Steps should be taken to retain and enhance these habitats wherever possible, and to meet with the policies of our Local Plan. The site is part of a Landscape Protection Area, as defined by policy C1 of the Local Plan. As such, development will not be permitted where it would have a materially detrimental effect on the landscape. Policy C4 states that special attention will be given to features such as hedgerows. Policy C12 recognises the importance of wildlife corridors, and gives the requirement that these be protected and damage minimised. Thereby, to comply with these policies, the application should take steps to ensure that the hedgerows are preserved and, where possible, enhanced, as they provide an important ecological and landscape feature, as highlighted by the Environmental Statement.
- The proposed measures for the protection of the water vole and enhancement of their habitat should in theory protect and provide

a benefit to this protected species. However, details of the exclusion procedure, mitigation and enhancement are needed prior to permission being granted in order to ensure that the requirements of PPS9 to maintain, enhance, restore or add to biodiversity interests; policy QE7 of the RSS and our Local Plan policy C11 which requires that due regard be paid to the specific requirements of statutorily protected fauna and flora are met. It is not acceptable to provide this information as a planning condition, as it is needed to help with the decision making process, in order to ensure compliance with the relevant planning policies and wildlife legislation. However, the delivery of the scheme will be achieved through a planning condition.

- A methodology of the exclusion techniques being used is required. Although the technique has been described, some clarification is needed on when this will take place, how long the area will be left bare prior to works commencing, how this fits in with the trapping of individuals, and whether water vole proof fencing will be used during the construction period. This methodology should follow the recommendations of the survey carried out by Land Care Associates April 2005.
- The soft edge of the marina and channels behind are considered to be appropriate and meet with approval. However, consideration could be given to the inclusion of additional plant species in the planting schemes, to provide additional diversity. More of the species listed in the Emec Ecology survey of June 2003 could be included. It should be made clear whether the coir rolls being used are of the pre-planted variety; these would be preferable as they will provide a certain level of immediate cover and food source. Further information on the location, profile and number of channels being created behind the marina edge is also needed. These could be shown on a plan of the marina, with cross sections.
- The Extended Phase 1 Habitat Survey Update carried out by Entec in June 2007 highlights the potential for bats to be roosting on the site, and for reptiles. Further, more detailed studies for these species have not been carried out. All species of bats are European protected species, protected in UK law by the Conservation Regulations 1994 and the Wildlife and Countryside Act 1981, and reptiles are protected by the Wildlife and Countryside Act. As such, they are a material planning consideration, covered by PPS9, by the RSS policy QE7 and by the Local Plan policy C11.
- If the development includes any works to trees, further surveys will be required to ascertain whether they are being used by bats, by what species, and to what end. Even without the known presence of roosts, the site is almost definitely being used by foraging bats, and therefore the development should provide features which benefit them. Consideration could be given to the inclusion of night scented plants in the hedgerow creation and

enhancement, and to bat boxes to increase the roosting potential. The 2003 Emec Ecology survey highlights the habitat creation opportunity afforded by the soil excavations. As the survey suggests, areas which have had the topsoil removed could be planted with a wildflower mix to add diversity to the site. This could potentially increase the invertebrates on the site, increasing the foraging potential for bats. External lighting should be kept to a minimum, and where necessary this should be sympathetic to bats so as not to affect their foraging. These measures should ensure compliance with PPS9 and our local planning policies, and with the relevant wildlife legislation.

- Similarly, features to benefit reptiles should be included in the development. There is potential to use some of the spoil generated by the development to create south facing slopes for basking. Similarly rock and log piles can be easily created. The landscaping scheme could be adapted to create a mosaic of habitats which include areas of scrub to benefit reptiles.
- The long term management of the site to the benefit of biodiversity should also be agreed prior to permission being granted. Maintenance should aim to prevent harm to water voles and other species using the site. This should include consideration of the timing of works, with a staggered approach which leaves area of refugia for species being preferable. Consideration should also be given to the appropriate disposal of materials dredged from the marina in the future.

Reconsulted on amended plans - views received 29.10.2007:

- Content to resolve water vole mitigation measures through a pre-commencement Condition.
- Any tree and hedgerow issues will need to be resolved with the Council's Tree Officer.

EHO

Consulted - views received 17.09.2007:

- My main area of concern is that of dust arising during the excavation / construction of the development if it receives approval.
- Suggest Conditions relating to dust control measures.

EHO

Consulted - views received 13.08.2007:

Contaminated
Land

- No objection subject to Conditions.

EDO

Consulted - views received 30.07.2007:

- Economic Development supports the application.

EA

Consulted - views received 27.09.2007:

- Objection.
- With reference to Environment Agency and British Geological Survey data, the proposed development is shown to lie on the Mercia Mudstone Group. This is designated as non-aquifer.

- The above factors would make the site very low vulnerability, however, there is no mention in the submitted reports and documentation supporting the application of the Coopers Hill Landfill, which lies within northeast section of the site boundary. This is classed as a Historic Landfill. This landfill is believed to have been operational during construction of the M42 in 1984 and from basic Environment Agency data, the landfill was licensed and is shown to have received Inert, Industrial and Special Waste.
- In view of the above, there is a possibility that the development of the proposed marina may set up a viable Source-Pathway-Receptor pollutant linkage. Furthermore, it is unclear from the supplied various maps whether or not the proposal would introduce pathways from the Landfill to the proposed marina and canal.
- It is understood that some re-profiling of the Landfill may take place. This is indicated on Figure 3.1 (Illustrative Masterplan Cross Section C-C1). This raises some concern as the extent of the landfill may or may not have been accurately mapped.
- Where contamination is known or suspected at a site PPS23: Planning and Pollution Control states that "sufficient information should be required to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be satisfactorily reduced to an acceptable level."
- It is recommended that a risk assessment, possibly with intrusive investigation should be undertaken. This would be in order to delineate and characterise the potential risk from landfill leachate to the identified receptors.
- We look forward to further information as regarding the risk to controlled waters during construction (Table 4.1 Scoping Matrix: Water Related Issues). It is understood from the comments provided that these issues have not been discussed in the current Environmental Statement.
- We also acknowledge the statement regarding the possibility of the requirement of Consents (Section 3.5). This would relate specifically to the statements found in Spillages, Leaks and Dewatering (Table 3.3). The mitigation incorporated into the proposed development indicates that in the event of a spillage, water would be stored in a settling lagoon prior to the disposal into a nearby watercourse or the canal. We would have to impose strict controls on the chemical quality of the stored water before any discharge could be agreed.

Additional views received 04.10.2007:

- Following the submission of additional geotechnical information, these details satisfy the EA's groundwater and contaminated land concerns and we are therefore now in a position to remove the previous objection, subject to Conditions.

- Rights of Way Consulted 26.07.2007: views awaited.
- Ramblers Consulted 26.07.2007: views awaited.
- Association
- Network Rail Consulted - views received 01.08.2007:
- No objection subject to informative.
- British Consulted - views received 13.08.2007:
- Waterways
- Waterways and water bodies have an inherent constraint in that they are non-footloose assets as their location and alignment are fixed. Marinas and mooring basins are seen as essential facilities to support the use of the waterways for tourism and leisure and are part of the waterway infrastructure and therefore, are vital for the long-term sustainability of the waterway network.
 - There is national shortage of secure offline moorings and this lack of supply of moorings was first raised in early versions of PPG17. Demand for boat ownership on BW waterways has grown steadily at average 2.4% pa over the past 5 years to April 2006. Demand has increased amongst all age groups but particularly amongst the over 50s. Demographic forecasts suggest that growth in boat ownership will accelerate over the next 10 years, with 11,700 additional moorings berths required on BW owned / managed network by 2015.
 - The Association of Inland Navigation Authorities (AINA) and British Waterways' policy aim is to encourage private investment in offline marinas and mooring sites. This is due to a number of operational, navigational and practical limitations associated with on-line moorings. In response to the challenge of increasing the provision of off-line moorings as opposed to on-line moorings, British Waterways has established a dedicated in-house team, New Marina Unit, to work with LPAs and developers to create private investment in off-line marinas and mooring site on our network.
 - Expansion in mooring capacity is generally constrained by factors such as water supply and navigational safety. The location of the proposed development is unlikely to generate any navigational safety issues. Furthermore, from information provided by the applicant and detailed assessment of water resources and boat traffic modelling in the locality, BW can confirm that the local waterway infrastructure will be able to accommodate the proposed new development. Therefore, in light of these detailed assessments and the reasons cited above, BW supports the proposed development as a navigation authority.
 - The application includes a report provided to the applicant by British Waterways indicating the negative characteristics of 14 alternative marina locations on this canal. Since this information was supplied in 2004, BW as developed new principles and processes for responding to applications to use for off-line marinas to access our network. The previous issues perceived

as negative, such as towpath disruption and location below the Droitwich Canal, are no longer considered to be automatically negative and applications for marinas at all locations will be assessed under our new process. Unless there are difficulties with water supply or serious navigational safety problems, BW will support such applications

- The Government wishes to increase the economic, environmental and social benefits offered by the inland waterways including:
 - Promoting the waterways as a catalyst for urban and rural regeneration
 - Encouraging the use of the waterways for tourism, leisure, recreation and rural regeneration
 - Supporting the development, improvement, development, regeneration and restoration of the inland waterways through the planning system
 - Economic demand model to assess the impacts of this particular marina development. Essentially the model uses estimated visitor numbers and multipliers to calculate the resultant spend and employment opportunities created
 - Traffic generation from marina developments and illustrations of marina developments where impact upon visual amenity and landscape character have been successfully mitigated
 - Measures being undertaken by British Waterways on this particular waterway to address the current and future shortage of off-line moorings.

IWA

Consulted - views received 03.08.2007:

- IWA confirms the observation in Entec's report that there is a present a national shortage of mooring facilities for canal boats and, therefore, in principle, supports the applicant's proposals.
- However, IWA points out that this shortage is across the range and, therefore, in the same way as there is a need to provide social inclusive dwellings in a residential development there is a similar need in a marina development to provide socially inclusive moorings.
- Thus, because many boats are not wired for plug in electricity, there needs to be a good quantity of basic moorings (that is, without en-suite facilities), as well as provision of moorings as proposed with all services at each mooring points, and IWA objects to this omission and asks that the applicant be asked to provide at least 30% of the moorings with minimal facilities.
- Therefore, to sum up, IWA supports the proposal to build mooring facilities at Coopers Hill Farm but objects to the exclusion of basic mooring facilities in the proposed scheme.

Severn Trent
Water

Consulted - views received 13.08.2007:

- No objection subject to Conditions.

- WMC Consulted 20.07.2007: views awaited.
- WWT Consulted - views received 22.08.2007:
- No objection.
 - Biodiversity and sustainability is taken into account sufficiently.
- Natural England Consulted - views received 13.09.2007:
- This represents Natural England's formal consultation response under Section 28 of the Wildlife and Countryside Act 1981 (as amended).
 - The Environmental Statement takes on board previous advice given by the Rivers and Species Officer and, as a consequence, will actively promote the national Biodiversity Action Plan.
 - Natural England has no further comments to make.
- CPRE Consulted 20.07.2007: views awaited.
- Alvechurch PC Consulted - views received 06.09.2007:
- No objection.
 - Alvechurch Parish Council are in support of the development as it will enhance the tourist population.
- Publicity
- 2 letters sent 24.07.2007 (expire 14.08.2007).
7 site notice posted 02.08.2007: (expire 23.08.2007).
1 press notice published 27.07.2007 (expires 17.08.2007).
1 press notice published 03.08.2007 (expires 24.08.2007).
- Worcester Birmingham Canal Society - views received 17.08.2007:
- The Society considers that this development would help meet the unfulfilled demand for permanent off-line moorings on the Worcester and Birmingham Canal. It therefore fully supports the principal of this application.
 - We consider the proposed location is appropriate.
 - It is well located in relation to the West Midlands Conurbation with adequate road access given the level of traffic that it would generate. The access to the canal should not cause navigation problems.
 - Although located in the Green Belt, the site is screened on the east side by the railway embankment and by rising ground to the north and west and will thus not be obtrusive.
- 1 petition containing 14 signatories with the following heading:
We, the undersigned, object to the proposed marina in its current format on the grounds of security and invasion of privacy. Our concerns would be removed should the plans contain the following:
- (1) *A footbridge from the marina to the towpath adjacent to the railway bridge. This would remove the need for foot traffic along Birches Lane and through Withybed Green.*
 - (2) *Signposts informing visitors of the location of village amenities.*
 - (3) *A covenant upon the plans preventing any further development.*

14 letters received:

- Encroachment into the Green Belt.
- Spoil countryside ambience.
- Spoiling of the existing canal-side aspect.
- Why is a further marina required given the existing marina in Alvechurch? This is under-utilised.
- The village services in Alvechurch will not be able to cope with the extra demands of the users.
- The infrastructure required (such as sanitation) makes the scheme unacceptable.
- The road system to serve the development is inadequate.
- Additional traffic usage of Callow Hill Road.
- Wildlife issues.
- Drainage issues.
- Noise.
- Pollution.
- Dust.
- Danger to health and safety.
- Security issues and increase in pedestrian traffic through Birches Lane and Withybed Green due to people creating a short cut to the Public House and village amenities.
- Loss of privacy.
- Disruption during construction phase.

The site and its surroundings

The application site of 4 hectares is located to the south of Callow Hill Road and to the north of Birches Lane and Withybed Lane. The Worcester to Birmingham Canal and the Redditch branch line run to the eastern boundary. An area of small managed woodland is located to the south-west of the site, with a public right of way running from the termination of Birches Lane to Callow Hill Road. Pasture land is located between the dwellings in Birches Lane and the application site to the north, with a field boundary delineating this boundary. The land is undulating and rises to midway into the site to the north and again towards Callow Hill Road. A vehicular access to the site is located off Callow Hill Road to the northern boundary. Coopers Hill Farm is located to the immediate north-west of the site.

The land relates to improved grassland for grazing purposes. The land has an Agricultural Land Classification of Grade 4 and is therefore classed as being "poor".

The site is located within recognised Green Belt and a designated Landscape Protection Area.

Proposal

This application relates to a full application for the construction of a 75-berth soft-edge marina which will provide moorings for narrow boats on a series of fixed pontoons. The marina is **not** proposed for permanent residential moorings (confirmed in paragraph 3.1.2 of the submitted Supporting Planning Statement). The marina has a surface area of approximately 1.15 hectares and will be excavated to a maximum depth of 2 metres. The site will be enclosed by new landscaping. All materials excavated from creating the marina will be used to landscape surrounding areas and will not be exported from the site. The soft edge will be lined with coir rolls to allow for the establishment of new wetland habitats. According to the submitted planning statement, the design for the marina has been developed with regard to British Waterways Design Guidance, consultation responses from various statutory and non-statutory bodies and findings of various site surveys.

The marina will provide the following facilities:

- 75 pontoon moorings with electricity, water supply and low level lighting on a series of bollards.
- Car-parking for 40 vehicles, consisting of 28 spaces in the main car park and a further 12 spaces located in two lay-by areas to the west and south of the marina aspect. The car parking area will be constructed using geo-textile woven fabric to act as a reinforced base for year round parking. A grass cover will establish over the geo-textile to create a green grass car park.
- Boater's facility building (to include an office, store room, two toilets and a toilet waste disposal point). The building will measure 10 metres by 4.2 metres with a height to ridge of 2.8 metres. The walls will be constructed using concrete blocks faced externally with treated softwood vertical boarding and the roof will be constructed using fibre cement profile sheeting. The building contains a large overhang canopy to the front elevation. The toilet waste disposal point will be accessible from outside the building and consists of a 15,000 litre underground storage tank and pump-out service and chemical toilet waste (elsan) disposal point.
- Refuse compound.
- Fully bunded diesel fuel tank with a capacity of 2,500 litres to facilitate diesel re-fuelling. This is proposed to be positioned on a concrete base and surrounded by drainage incorporating an oil interceptor.
- Sale of bottled gas.

According to the applicant's Agent, once operational it is claimed that there will be no substantial increase in canal traffic as a result of the new marina. It is expected that a number of the berths will be filled from existing online moorings by boaters who would prefer an offline mooring. In addition, as the majority of the moorings will be long term moorings, it is likely that boaters will use their boats at different times and boat trips will be generally infrequent.

For the reference of Members, there are two basic types of moorings found on the inland waterways:

- **On-line:** moorings located along the banks of the waterway's navigable channel; and
- **Off-line:** moorings located off the navigational channel in a lay-by, mooring basin or marina.

New utility services will be installed to service the development. This includes provision of a water supply, which will be connected to the existing water supply on Callow Hill Road and will run parallel to the access track. In addition, a new electrical supply will be provided by connecting to the existing overhead cables which run adjacent to the site. The connection will be through a junction box linked to underground cabling to the facilities building. From there it will be distributed to the pontoons / moorings.

A new vehicle access track to the marina will be constructed off the existing field access from Callow Hill Road to the northern boundary. The track (including passing places) follows the eastern boundary of the site adjacent the railway line and is proposed to be constructed from a permeable surface treatment. The track is 5 metres in width. Towards the southern aspect, the track surrounds the marina aspect and contains dispersed parking areas, in addition to a larger parking area consisting of 26 spaces to the north of the marina adjacent the proposed boater's facility building. It is proposed to soften the appearance of the track through the use of landscape planting.

An Environmental Statement (including Non-Technical Summary), Supporting Planning Statement and Design and Access Statement have accompanied the application and are available in the relevant planning file should Members wish to view them.

Relevant Policies

WMSS	RR1, RR3, RR4, PA1, PA10, PA14, PA15, QE1, QE2, QE3, QE6, QE7, QE8, QE9, T1, T2, T7
WCSP	SD.2, SD.3, SD.4, SD.5, SD.8, CTC.1, CTC.2, CTC.5, CTC.6, CTC.7, CTC.8, CTC.9, CTC.12, CTC.14, CTC.15, D.38, D.39, D.43, T.1, RST.1, RST.2, RST.9, RST.14, RST.15
BDLP	DS2, DS3, DS4, DS5, DS9, DS13, C4, C5, C10A, C12, C16, C17, C31, C32, TR11, RAT1, RAT2, RAT22, RAT23, ES1, ES2, ES3, ES4, ES5, ES7, ES8, ES14, ES16
Others	PPS1, PPG2, PPS7, PPS9, PPG13, PPG14, PPG17, PPS23, PPG24, PPS25, Circular 06/98, Circular 06/05

Relevant Planning History

B10397	Erection of replacement farmhouse (outline): approved 21.02.1983.
B8659	Infilling of dry valley and reinstatement of agricultural use: approved 01.07.1981.
B8210	Filling of dry valley with inert material: refused 23.02.1981.

Notes

I consider the main issues with this application to be:

- (a) whether the proposals are appropriate development in the Green Belt and if not whether there are any special circumstances which would override the harm caused;
- (b) Impact on character and appearance of the locality;
- (c) Implications for highway safety and egress;
- (d) Sustainability issues;
- (e) Ecology and protected species issues; and
- (f) Effect on residential amenity.

Policy Issues

Policy D.39 of the adopted Worcestershire County Structure Plan states that there will be a presumption against allowing inappropriate development in the Green Belt as stemming from national planning guidance PPG2: "Green Belt". Inappropriate development is, by definition, harmful to the Green Belt. Policies D.12 and D.38 of the Worcestershire County Structure Plan and policy DS2 of the Bromsgrove District Local Plan are in general accordance with PPG2 in resisting development in the Green Belt unless the proposals fall within a defined list of appropriate development. Paragraph 3.15 of PPG2 states that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

Paragraph 23.1 of the Bromsgrove District Local Plan notes that tourism can provide opportunities for improving the economy of rural areas where potential for growth in other forms of services and industry is limited and is therefore relevant to Bromsgrove where so much of the District is designated Green Belt. However, tourism depends on a high quality environment and therefore the needs of tourism have to be managed in order to achieve environmental protection and enhancement. The central objective is to achieve 'sustainable development' that serves the interests of both economic growth and conservation of the environment.

Policy RAT22 of the BDLP encourages proposals that improve the quality, appeal and range of visitor attractions, activities and facilities, and which make a positive contribution to the economic, social and environmental well-being of the District. Particular encouragement will be given to those proposals which have a special affinity with the physical environment. This policy goes on to state that proposals in the Green Belt and Landscape Protection Areas will be considered in the context of the policies applicable in these locations. Paragraph 23.6 of the BDLP denotes that visitor attractions and activities have an increasingly important role to play in creating a reason for visits to the area, retaining visitors' interest and encouraging longer stays and more spending and providing recreational and educational facilities for local residents. Paragraph 23.7 states that the main opportunities for new attractions are for creative, well funded themed attractions related to the area's heritage and for those related to past or present day industry such as visitor centres, interpretation sites and factory visits.

Policy RAT23 supports the development of sustainable tourism schemes by allowing proposals for new tourism initiatives or the expansion of existing ones which comply with the planning policies of the District Council. Among a list of criteria, the District Council will encourage tourism that conserves the urban and rural environments.

PPS7 recognises that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises. It states that "*local planning authorities should be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location.*" In respect of diversification schemes in the Green Belt, it states that Local Planning Authorities should, where relevant, give favourable consideration to proposals for diversification in Green Belts where the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. PPS7 also gives further guidance in respect of the promotion of tourism and leisure in rural areas by stating that planning policies should support sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and which utilise and enrich, but do not harm, the character of the countryside, its towns, villages, buildings and other features (paragraph 34).

PPG17 recognises open spaces, sport and recreation all underpin people's quality of life. Well designed and implemented planning policies for open space, sport and recreation are, therefore, fundamental to delivering broader Government objectives. In respect of providing recreational facilities in rural areas, paragraph 26 states that proposals for farm diversification involving sports and recreational activities should be given favourable consideration. Furthermore, it states that all development in rural areas should be designed and sited with great care and sensitivity to its rural location.

The key principles of PPS9 highlight that planning decisions should aim to maintain, and enhance, restore or add to biodiversity interests and that policies should promote opportunities for the incorporation of beneficial biodiversity features within the design of development. The proposed development is considered to support these principles. As highlighted in section 5 of this report, new wetland habitats suitable for water voles will be created and comprehensive landscaping will further enhance the biodiversity interest of the site.

Policy DS13 of the BDLP requires development to protect the Plan area's essential character and main environmental assets, including the open and undeveloped nature of the countryside and the Green Belt. Policy C4 states that development will not be permitted where it would have a materially detrimental effect on the landscape, especially within Landscape Protection Areas (LPAs). Policy CTC.1 of the WCSP sets out a general requirement that the Local Planning Authority in considering development proposals should take every opportunity to safeguard, restore or enhance, as appropriate, the landscape character of the area in which they are proposed. Proposals for development and associated land use change or land management must demonstrate that they are informed by, and sympathetic to, the landscape character of the area in which they are proposed to take place. Policy C16 of the BDLP states that schemes involving transport and related infrastructure should be planned to minimise the impact on the landscape and wildlife, in particular avoiding the fragmentation of wildlife sites and the destruction or diminution of important elements in the landscape.

Harm Caused

The applicant considered that the proposed development complies with the guidance contained in PPG2 in meeting a number of objectives of Green Belt Policy (namely, providing access to the open countryside, providing opportunities for outdoor sport and outdoor recreation near urban areas and securing nature conservation interests).

The applicant considers the provision of the marina to fulfil these objectives, particularly given that it creates an outdoor recreation facility close to a number of urban areas including Birmingham, Bromsgrove and Redditch. The applicant is also of the view that the scheme will create additional wetland habitats, thus securing further nature conservation habitats in the locality. On this basis, the applicant considers the scheme to represent appropriate development in the Green Belt.

One of the objectives of land use within the Green Belt referred to in PPG2 is "to provide opportunities for access to the open countryside for the urban population [and] to provide opportunities for outdoor sport and outdoor recreation near urban areas." Criteria (b) of policy DS2 of the BDLP regards proposals that are for **essential** (my emphasis) facilities for outdoor sport and recreation. This is reflected in policy DS2 of the Bromsgrove District Local Plan and policy D.39 of the Worcestershire County Structure Plan. Paragraph 3.5 of PPG2 goes on to state that 'these essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it'.

I accept that canal and canal basins are a feature of the English countryside. The use of the marina by narrow boats would not conflict with the purposes of including land within the Green Belt. However, this is only one of the tests in paragraph 3.12 of PPG2 which 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.

Narrow boats are substantial man-made objects and I am of the view that a concentration of up to 75 vessels (with a length of up to 21 metres) would have an adverse impact on the openness of the Green Belt in this location. Although the applicant has stated that the marina is not proposed to accommodate permanent residential moorings, it is common that owners of narrow boats moor their vessels in one place for large parts of the year, other than for holidays and weekends away. In this respect, I consider that the impact on the openness of the Green Belt would not be of a transient nature when compared to sporting activities.

I consider the proposal would go against the fundamental aim of Green Belt policy (PPG2, paragraph 1.4) to prevent urban sprawl by keeping land permanently open. The site lies in an undeveloped rural location in open countryside. By developing land in the countryside, the proposal would also not encourage the recycling of derelict or other urban land.

Advice within National Planning Policy Guidance Notes and Statements and Policies within the WCSP and BDLP makes it clear that the impact upon the character of the locality, as well as the relationship of proposed developments to the surrounding area, to be legitimate material factors to take into account in the determination of planning

proposals. Indeed, Government guidance advocates the rejection of poorly designed developments, including those that are clearly incompatible with their surroundings.

In addition, whilst I am of the view that the access track, passing places and car-parking areas would not, in themselves, damage the openness of the Green Belt, it is considered that such development would conflict with the purposes of including land within the Green Belt due to encroachment, contrary to the advice in paragraph 1.5 of PPG2. It is not just the laying of the track and parking areas that would be harmful, but also the facilitating of these areas to accommodate parked vehicles of unrestricted sizes and colours that would harm the openness of the Green Belt and detract from the rural character of the site in this location.

I also consider the proposal would go against the intentions of Green Belt policy to ensure development takes place in locations allocated within development plans. This policy stance is supported by policy PA1 of the WMSS which states that, wherever possible, economic growth should be focused on the MUA's. Outside MUA's, emphasis should be given to locating development where (amongst other criteria) it can help create more sustainable communities by providing a better balance between housing and employment. Policy PA14 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.2 which seeks to reduce the need to travel, particularly by car, by encouraging developments which generate significant travel demands to be situated where accessibility to public transport links is maximised.

The application site is not in the town centre and not well-served by public transport facilities. I consider it likely that users of the site are likely to make trips via private car with their provisions for a holiday or weekend away. The proposed car-parking areas accommodates and facilitates such trips. I therefore do not consider that the proposal would promote sustainable transport choices or reduce the need to travel by car.

On this basis, I consider that the proposal constitutes inappropriate development, that it conflicts with the purposes of including land in the Green Belt and that it would have an adverse impact on the openness of the Green Belt. I also find that the proposal conflicts with national policy with regard to the sequential approach and, as a consequence, development plan policy which seeks to focus development in town centres and urban areas. It is necessary, therefore, to consider whether there are any very special circumstances to outweigh the harm caused to the Green Belt caused by reason of inappropriateness and any other harm.

In considering proposals for inappropriate development in the Green Belt, paragraph 3.2 of PPG2 is relevant:

"Inappropriate development is, by definition, harmful to the Green Belt. *It is for the applicant to show why permission should be granted.* Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is *clearly outweighed* by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach *substantial weight* to the harm to the Green Belt when considering any planning application or appeal concerning such development" (*Council emphasis*).

The words "very special" to be given their ordinary, natural meaning. The meaning of the word "special" include those which exceed or excel those which are common. The test in relation to Green Belt policy qualifies that meaning to the extent that the circumstances have to be "very" special. Members will now be aware that establishing very special circumstances involves a balancing exercise. On the one side is the extent of the harm to the Green Belt by virtue of inappropriateness and any other factors. On the other side are the positive advantages of the proposal. Very special circumstances exist where the advantages outweigh the harm.

Members will be aware that the applicant has taken the view that the proposal does not conflict with the purposes of including land within the Green Belt, nor will the scheme adversely impact on the openness of the Green Belt. This is attributed to the provision of recreation within the Green Belt, the scale of the proposed development, the existing topography of the site and the proposed additional landscaping. Reference is also given to farm diversification. For the purposes of the balancing exercise, I have taken these points into consideration.

I accept that the addition of a marina to the canal network would create opportunities for the boating fraternity with improved access to the canal system. I note that British Waterways identify a need for marinas but no evidence has been submitted to show that this need has to be met in the Green Belt. Whilst I am of the view that it would appear there is a degree of need for increased canal leisure facilities within the District as a whole, I am of the view that such need does not carry sufficient weight to amount to very special circumstances necessary to justify inappropriate development in the Green Belt. Such an approach could be applied widely throughout sites adjacent urban areas, seriously undermining the principal aim of Green Belt policy which is to prevent urban sprawl and maintain openness. I am of the view that such need could be met in the wider area with particular regard to non-Green Belt locations and not solely in Alvechurch. I am also aware of an existing canal marina facility at Scarfield Wharf, Scarfield Hill, within the settlement of Alvechurch.

I am also of the view that despite the existence of limited screen planting and the implementation of additional and reinforced screen planting to the perimeter of the marina and flanking the access track, these would not form an impenetrable visual barrier and the site would be clearly visible from public vantage points from the canal and associated towpath, the railway line from views arising from the canal bridge in Withybed Green. It is also fair to assume that this aspect of the canal is a corridor through which many visitors to the District will travel along and for many their only perception of the District would be from a slow moving narrow boat. Oblique views would also arise from the Public Right of Way to the south-west of the site.

I recognise that, in time, planting could, to some extent, mitigate against the adverse visual impact of the development. It would take many years, however, before the planting would be of sufficient height and maturity to screen the access arrangements, the vehicles and the moored vessels. Such screening would also be less effective during winter months when a greater concentration of boats is likely within the basin. Trees and hedges are also not permanent and cannot undo the permanent impact of the use of the track and hard surfacing, nor the overt visual impact of the development. Furthermore, although development cannot be seen in the wider context does not make it appropriate

and this argument could be used time and time again. Lack of harm, in itself, does not amount to very special circumstances.

Members will be aware that policy C31 of the Bromsgrove District Local Plan notes that the District Council will seek to support farm diversification schemes where proposals are of an appropriate scale and can be accommodated within a rural location without detriment to the environment. Paragraph 10.38 of the BDLP notes that farm diversification opportunities can allow economic, social and environmental benefits to filter into the countryside. This aim needs to be offset against the presence of the Green Belt and the need to protect it against unsuitable uses. Consequently, diversification proposals will be considered against their effect on the Green Belt and treated accordingly.

On this basis, I am of the view that the harm to the Green Belt and the other harm is not outweighed by very special circumstances.

Ecological and Biodiversity Issues

The Habitats Regulations implements the requirements of the Habitats Directive for species listed in Annex IV of the Directive (European Protected Species). Stricter provisions than those contained in the Wildlife and Countryside Act 1981 apply for these species and regulation 3(4) of the Habitats Regulations places a duty on Local Planning Authorities, in the exercise of their functions, to have regard to the requirements of the Directive so far as they might be affected by those functions. All European protected species are also separately protected under the Wildlife and Countryside Act 1981.

PPS9: *Biodiversity and Geological Conservation* sets out planning policies on protection of biodiversity and geological conservation through the planning system. PPS9 encourages Local Planning Authorities, in making planning decisions, to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, Local Planning Authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment (paragraph 1). PPS9 goes on to state that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, Local Planning Authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, Local Planning Authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused (paragraph 1).

Circular 06/05: *Biodiversity and Geological Conservation* provides administrative guidance on the application of the law relating to planning and nature conservation as it applies in England. It complements the expression of national planning policy in Planning Policy Statement 9, Biodiversity and Geological Conservation (PPS9).

Part IV of Circular 06/05 relating to the Conservation of Protected Species by Law is implicit in stating that the presence of a protected species is a material consideration when a Local Planning Authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat (paragraph 98). Circular 06/05 goes on to state that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted (paragraph 99).

Circular 06/05 also makes it clear that developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations, before the permission is granted. In appropriate circumstances, the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a licence under the appropriate procedure (paragraph 99).

An ecological assessment of the site was undertaken in June 2003. The assessment concluded that the habitat which will be directly affected by the marina is of limited ecological interest and that overall, if appropriately planned and with suitable mitigation and planting, the negative ecological impact of the proposed marina should be minor. It also noted that there is considerable scope for positive impact, particularly through creating additional habitat suitable for water voles. The assessment recommended that a further water vole survey be carried out to identify any burrows within the section of bank to be affected and inform the water vole mitigation strategy. A water vole survey was carried out in April 2005. The survey found that there is evidence of the presence of water voles and concluded that, although the proposed works will have a small initial impact on the canal bank, the proposed works will improve the area for water voles should the sympathetic plan be adhered to which includes keeping soft edges or using coir matting around the marinas edge. The survey also recommended that a two metre wide strip of vegetation should be planted around the edge of the marina along with a suggested order of construction works and a course of trapping to be undertaken to mitigate against possible impacts upon water voles.

The NEO has raised no objection to the scheme, subject to the imposition of suitable Conditions. Natural England has commented that the Environmental Statement takes on board previous advice given by the Rivers and Species Officer and, as a consequence, will actively promote the national Biodiversity Action Plan. As such, I consider the scheme to comply with policy QE7 of the West Midlands Spatial Strategy, policy CTC.12 of the Worcestershire County Structure Plan and policy C10a of the Bromsgrove District Local Plan, which all refer to nature conservation and biodiversity and the presence of statutorily protected species in the development control process. These policies reinforce the philosophy of both PPS9 and Circular 06/05.

Flooding Issues

Policy ES2 of the Bromsgrove District Local Plan states that proposals involving new development will not normally be permitted where there is a known risk of flooding, or where the Environment Agency indicate there are potential problems. The EA has raised no objection to the scheme on these grounds.

Traffic and Highway Implications

Although I note the views relating to highway safety raised by third parties, the WCC(HP) raised no objection to the scheme subject to the imposition of suitable Conditions.

Housing Oversupply Issues

Given the scheme does not relate to permanent residential moorings, I do not consider the issue of housing oversupply to be relevant in this instance. However, should Members be mindful to grant consent, I suggest it would be pertinent to impose a suitable Condition to prohibit permanent residential moorings.

Impact on the Amenity of Adjacent Occupiers

The closest dwellings to the site are the 6 dwellings set in one block known as Lock Keepers Cottages immediately south of the site. The scheme would also have an impact on those dwellings on the northern side of Birches Lane. Members will be aware of the third party objections to the scheme, with particular reference to comments relating to the impact of the development on Withered Green and Birches Lane.

The applicant's Agent has pointed out that the number of boats is likely to be similar to the current situation and points out that the marina will provide better accommodation for the existing boats that are moored along this section of the canal, than increasing the number of boats in the area. Although I note these views, the concentration of up to 75 vessels that are tightly packed when moored will inevitably lead to a greater impact in terms of potential activities (for example, running engines, the testing of engines, walking on gangways, televisions and radios in boats, pumping discharges, dogs and talking) and this will have an adverse impact on the amenities of the occupiers of these properties. However, given the relationship of the marina and the location of the existing dwellings, I consider it difficult to refuse the application on the issue of harm to residential amenity alone.

Furthermore, paragraph 29 of PPS1 notes that the planning system does not exist to protect the private interests of one person against the activities of another. While I note local residents whose properties overlook the site would not wish to lose this view, the fact that they would be replaced by views of vessels would not amount to a loss of amenity which ought to be protected in the public interest.

Conclusions

My attention has also been drawn to national guidance in relation to the use and development of the network of canals, as well as the relevant Planning Policy Guidance

notes and Planning Policy Statements. I have taken this into account as well as the generalised support for new marina facilities expressed by British Waterways.

Although located adjacent the settlement of Alvechurch, the application site and the surrounding land is thoroughly divorced from the urban atmosphere of Alvechurch by virtue of the railway line and, effectively, relates to open countryside. The land is in recognised Green Belt and within a designated Landscape Protection Area. I acknowledge that elements of national planning guidance and Development Plan Policies are supportive of the applicant's objectives in respect of farm diversification, rural enterprise and tourism and the provision of canal-related leisure facilities. On the other hand all national planning guidance and policies seek generally to protect the character and appearance of the landscape and the amenity of existing residents. Members will also be aware of the aim and objectives of Green Belt Policy and the purposes of including land within the Green Belt.

I am of the view that the appearance of the locality would change. The formation of a 75-berth marina facility would be of major significance to the present relatively tranquil waterside scene that exists at present. The development would be visible from several public vantage points. I accept that the manner of excavation of the water basin and the disposal of surplus excavated material on the adjoining fields at a gentle gradient has been designed to be visually unobtrusive. Although the site in this location is sensitive to change given its Landscape Protection Area status, I consider this aspect of the scheme would not cause positive harm to it. However, I consider the scale of the marina, the provision of the access track and associated parking areas and boat user servicing facilities, together with the way in which users will be using the site by day and night are all important planning issues in this location. I consider it important to recognise that the combination of the lighting bollards, lighting to serve the building, diesel and refuge facilities, in addition to lights emanating from entering and exiting vehicles and the vessels themselves would illuminate the site far more significantly than present outside daylight hours.

Despite the views expressed by the applicant's Agent, I am of the view that the proposal constitutes inappropriate development, that it conflicts with the purposes of including land in the Green Belt and that it would have an adverse impact on the openness of the Green Belt. I also find that the proposal conflicts with national policy with regard to the sequential approach and, as a consequence, development plan policy which seeks to focus development in town centres and urban areas. No very special circumstances exist or have been put forward to outweigh the harm caused.

As such, I find the scheme to be unacceptable.

RECOMMENDATION: that permission be **REFUSED**.

1. The proposed development relates to inappropriate development in the Green Belt. The cumulative impact of the scheme would significantly harm the openness and visual amenities of the Green Belt and would be contrary to the aims and objectives of Green Belt Policy and the purposes of including land within the Green Belt. The application site is not within an urban area and is not in a location well-served by public transport. Users of the facility would be highly dependent upon

the private car and the proposal does not minimise the need to travel or promote sustainable transport choices.

2. No arguments have been put forward to support the development that amount to very special circumstances that would clearly outweigh the harm caused and, therefore, the proposal is contrary to policies PA1, PA14 and T2 of the West Midlands Spatial Strategy, policies SD.2, SD.4, D.28, D.38, D.39 and T.1 of the Worcestershire County Structure Plan, policies DS2, DS9, DS13, C4 and C16 of the Bromsgrove District Local Plan and the provisions of PPG2.

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Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
D. BLAKEWAY 'A'	Stabling for horses, storage of bulk food, fodder, tack, saddles, rugs and equipment - Land adjacent to Pool House Farm, Hockley Brook Lane, Belbroughton	GB LPA	B/2007/0899 22.01.2007

RECOMMENDATION: that permission be **GRANTED**.

Consultations

Belbroughton PC	Consulted on 24.10.2007. Objection received on 07.11.2007.
WCC (HP)	Consulted on 24.10.2007. No objection 29.10.2007.
ENG	Consulted on 24.10.2007. Comment received on 30.10.2007.
Publicity	Site notice posted on 05.11.2007 (expires 26.11.2007). No response received to date.

The site and its surroundings

This application site refers to a plot of land which is located in a north-easterly direction in relation to Hockley Brook Lane. The site is accessed off a track and is located in a designated Green Belt and Landscape Protection Area. This site forms one of a number of plots of land which have been sub-divided from Agricultural use and sold for equestrian pursuits.

Proposal

This application would involve a material change of use of the land from agricultural to equestrian and the proposed construction of a stable. The proposed stable would be 'L' shaped in appearance. The longest part of the 'L' shape would measure approximately 11.5 metres x 3.9 metres, with the shortest part of the 'L' shape measuring approximately 5.1 metres x 3.9 metres. Contained within this 'L' shape would only be concrete hard-standing measuring approximately 7.6 metres x 5.1 metres and the surrounding location would be grass.

Relevant Policies

WMSS	QE3
WCSP	CTC.1, D.38, D.39
BDLP	DS2, DS13, RAT2, RAT16, RAT17, C1, C4, TR11
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 sub-division.

Notes

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

Is the proposal appropriate development in the Green Belt?

Para. 3.4 of PPG2: Green Belts highlights a number of criteria for what is considered to be appropriate development in the Green Belt. One of these categories refers to equestrian pursuits which may be considered acceptable where they do not unduly harm the openness / visual amenity of the Green Belt in accordance with other Council policies and guidance.

The change of use of the land to equestrian and the grazing of horses would not unduly harm the Green Belt and would therefore be an appropriate form of development. However, it will also be necessary to establish if the proposed stables will cause any harm.

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 the minimum necessary and consist only of essential facilities (for example, small stables) genuinely required for a parcel of land which preserves the openness of the Green Belt.

Policy RAT17 of the BDLP states a number of criteria against which proposed stables will be assessed. Part (a) of this policy states that new buildings should be kept to the minimum necessary and consist of essential facilities (for example, stables) which preserve the openness / visual amenity of the Green Belt. Save in exceptional circumstances, they may be permitted where they are closely related to existing farm buildings or other groups of buildings. In this instance, the proposal would be closely related to other existing rural buildings and, in particular, other stables; and would be accessed from an existing gate off the formalised hard-standing track. Therefore, by virtue of location, accessibility and close proximity to other rural buildings, no concern is raised with regard to this aspect of the proposal which would be in compliance with the above policy.

Part (g) of this policy states that the impact of the proposal including the cumulative impact with other equestrian related development or development for which there is planning permission must not be such as to harm the openness of the Green Belt.

Therefore, by virtue of positioning off a formal track, it is considered that this proposal would not lead to any further and unnecessary encroachment on to the countryside and the Green Belt, and would not materially harm the purposes and provisions of designating the land as a Landscape Protection Area.

Design

Policy RAT17 refers to the fact that the design, materials and landscaping treatment must be of a high standard and sensitive to its surroundings of the rural area in order to protect the visual amenity of the surrounding area, and to ensure the integration of any buildings into the rural setting. This policy also states that new stabling should be large enough for the safety and comfort of the horse and meet the Council's standards; it is considered that the proposal would meet these standard requirements. Therefore, no objection is raised in relation to design.

Conclusion

By virtue of location, accessibility and design, it is considered that the proposed stables would constitute an appropriate form of development in the Green Belt and would be in compliance with Council policies and guidance, and also in accordance with the general provisions of PPG2: Green Belts. Therefore, in light of the above, it is recommended that permission be granted.

RECOMMENDATION: that permission be **GRANTED**.

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.

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	QE3
WCSP	CTC.1, D.38, D.39
BDLP	DS2, DS13, RAT2, RAT16, RAT17, C1, C4, TR11
Others	PPS1, PPG2, PPS7

B/2007/0899-DI - Stabling for horses, storage of bulk food, fodder, tack, saddles, rugs and equipment - Land adjacent to Pool House Farm, Hockley Brook Lane, Belbroughton - D. Blakeway

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
MR. & MRS. QUINN 'A'	Two-storey side extension - Harwood House, Wassell Grove, Hagley	GB LPA	B/2007/1021 25.12.2007

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

Consultations

Hagley PC	Consulted 26.09.2007: No objection received 15.10.2007, but comment that the extension would be very large.
WCC(HP)	Consulted 27.09.2007: No objection received 02.10.2007.
Publicity	Four neighbour notification letters sent 27.09.2007 (expired 18.10.2007). Site notice posted 02.10.2007 (expired 23.10.2007). Press notice published 04.10.2007 (expired 25.10.2007): No responses received.

The site and its surroundings

This application relates to a substantial, detached dwelling set in grounds of some 13,210 square metres, located on the north-east side of Wassell Grove Road, Hagley. The site is located within the Green Belt, Land Protection Area and Area of Great Landscape Value allocations within the BDLP 2004.

Proposal

The applicants propose to development a two-storey extension on the south-west side of the dwelling to provide a breakfast area, large entrance hall, cloakroom and porch on the ground floor, with two further bedrooms with en-suite above and balcony on the rear. The extension would be 14.45 metres x 5.85 metres on the ground floor and 13.55 metres x 5.85 metres at first floor with a maximum height of 8.2 metres to the highest point of the double hipped roof.

Relevant Policies

WMSS	QE3
WCSP	CTC.1, D.38, D.39
BDLP	DS2, DS13, S11, TR11
Others	SPG1, SPG7, PPS1, PPG2

Relevant Planning History

B/1999/1015	Rear sun lounge with balcony over; approved 20.12.1999 (implemented).
B13296	Extensions to house; approved 15.10.1985 (unimplemented).
B9110	Extensions to house; approved 08.08.1981 (part-implemented).
B7579	Extensions to house; approved 2.06.1980 (part-implemented).
B6566	Extensions to house; approved 21.09.1979.

(It should be noted that due to the fact that two of the above applications have been part implemented, they are still live permissions and could be completed should this application be refused. However, the floor area of the live permissions would be less than that proposed for this application).

Notes

The main issues are whether the proposal represents inappropriate development in the Green Belt and, if so, whether any very special circumstances exist to warrant setting aside the presumption against such a scheme.

Green Belt Policy

The main issue to consider is whether the proposal fulfils the requirements set out in policy S11 of the BDLP which highlights that extensions should not result in a disproportionate addition over and above the size of the original dwelling. Any extension(s) must be proportionate to the size of the original dwelling; otherwise it is inappropriate within the Green Belt. All works should respect the scale and character of the existing dwelling and no material harm should be caused to the amenity of nearby occupiers.

A maximum extension of 40% of the original dwelling, or a maximum total floor space of 140m² (that is, the original dwelling plus extension), may be regarded as a proportionate addition over and above the size of the original dwelling. This relates to all habitable floor space measured externally. Extensions over this size will normally be regarded as disproportionate additions unless a case for Very Special Circumstances has been demonstrated.

I can confirm that the original floor space was approximately 291.2m². Previous additions have added a further 164.23m² and this proposal would add 163.2m². This results in a total accumulative percentage increase of 112.7% which does not conform to the criteria for Extensions to Dwellings in the Green Belt which is highlighted in SPG7 with no Very Special Circumstances being demonstrated.

Design

SPG1 advises that extensions should remain subordinate to the main dwelling house and suggests that extensions should be set down, set back and set off from the side boundary.

Set down:- The proposed two-storey side extension would be set down from the existing roofline.

Set off:- The proposed two-storey side extension would be set off the boundary with the neighbouring property by more than 1 metre.

Set back:- The extension would be set back at first floor level by 1.1 metres.

There would also be a balcony to the rear of the first floor element of the proposal. The proposed balcony is an extension to an existing first floor balcony at the rear of the property. This, along with the fact that there is dense screening along the boundary with the neighbouring property (Wassell Grove House), results in this not having a detrimental affect on their privacy.

I am satisfied that the proposed two-storey extension would fulfil the requirements which are set out in SPG1 of the Councils Residential Design Guide and, as such, I consider this aspect to be acceptable.

Impact on amenity

There would be sufficient distance between the proposed side extension and the neighbouring property to ensure that the proposed extension would not have a detrimental impact on them with regard to loss of light, outlook or privacy and is, therefore, in accordance with guidance within SPG1. In addition to which, the boundary is dominated by dense vegetation in the form of mature trees and shrubs.

Impact on the LPA

Policy C4 of the BDLP states that development would not be permitted where it would have a materially detrimental effect on the landscape, in particular within Landscape Protection Areas. Special attention should be given to areas with prominent slopes, woodland / hedgerows or water features, none of which would be affected by the proposal as per the reasons stated above.

Conclusions

The proposed extension would be contrary to guidance set out in SPG7 and, as such, considered to be a disproportionate addition and therefore harmful to the openness of the Green Belt.

The proposed extension would be acceptable in all other considerations as described above.

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

1. The proposed extension would represent a disproportionate addition over and above the size of the original dwelling and therefore constitutes an inappropriate form of development in this location, with regard to the scale, height and design of the proposal. The proposed extension would harm the openness and the character of the Green Belt and would thus be contrary to the aims of policy D.39 of the WCSP, policies DS2, DS13 and S11 of the BDLP, SPG1, SPG7 and the provisions of PPG2 Green Belts.

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Agenda Item 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
West Midland Contracts 'A'	Amendment to approved layout to relocate Units 11 - 15 closer to the adjacent residential development at Bromsgrove Technology Park, Aston Road, Bromsgrove	EMP	B/2007/1070 01.01.2008

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WCC (HP)	Consulted 03.10.2007; responded 22.10.2007: No objections
ENG	Consulted 03.10.2007; responded 11.10.2007: No objections
EDO	Consulted 03.10.2007; responded 05.10.2007: No objections
Finstall PC	Consulted 03.10.2007; comments awaited
Publicity	Site Notice posted 10.10.2007; expires 31.10.2007 One letter of objection received raising the following issues: <ul style="list-style-type: none">- Footprint of the original layout was already close enough.- Residents' privacy will be affected.- Proposal will also affect the amount of daylight in the residential development surrounding the office buildings.

The site and its surroundings

The application site relates to a currently vacant area of land located immediately south and west of recently completed Persimmon dwellings, to the east of commercial buildings on Sherwood Road and north of the remainder of the Bromsgrove Technology Park, which is currently under construction. The application site is within a larger site of some 0.84 hectares, which gained approval for the construction of 15 no. office units under B/2006/0423.

Proposal

The approved layout of B/2006/0432 consists of nine buildings to house 15 no. office units. The buildings will be arranged in a 'U' shape and face onto a central courtyard parking area. Planning permission is sought to amend this approved layout by relocating the three office buildings that house Units 11 - 15 1.8 metres closer to residential dwellings located to the east, which face the application site.

Relevant Policies

WMSS	QE3
WCSP	SD.2, SD.3, SD.4, SD.5, CTC.1, D.19, D.25, D.26, T.1, T.2, T.3, T.4, T.6
BDLP	DS3, DS13, E3, E4, E9, TR1, TR11, TR13, ES7, ES14, BROM7
Others	PPS1, PPG4

Relevant Planning History

B/2006/0423 Construction of 15 no. Office Units: granted 21.06.2006

Notes

I am mindful that there is an extant permission under B/2006/0432 for the office development. The current proposal seeks only to relocate three office buildings 1.8 metres to the east and will not alter the size or design of the buildings, their floor space or the approved car parking layout. Consideration is therefore only given to the impact of the relocated buildings upon the streetscene and neighbours amenity. All suggested conditions have been transferred from the extant B/2006/0432 planning approval.

Impact upon the streetscene:

The approved office buildings in question will be relocated 1.8 metres to the east, thereby reducing the approved separation distance between the rear elevation of the offices and the front elevation of the dwellings opposite from 23.2 metres to 21.4 metres. In terms of visual impact, the adjacent housing estate is high density in character and the proposed separation distance is not untypical of the area. Given that the approved office buildings are two-storey in nature, measuring 8.7 metres high, I am content that the re-sited buildings will not appear cramped or harm the character of the streetscene.

Residential amenity issues:

One letter of objection has been received from an adjacent neighbour stating the footprint of the original layout was already close enough to residential dwellings. The neighbour raises concern that the residents' privacy will be affected and the proposal will also affect the amount of daylight to the residential development surrounding the office. While I am mindful of this resident's concerns, I do not consider that moving the buildings 1.8 metres closer to the dwellings opposite will have any significant impact upon neighbours' amenity when compared to the approved design. Given that the office buildings are two-storey and the roof hips away from the adjacent properties at an eaves height of 5.7 metres, I am content that the minimum separation distance of 21.4 metres will be acceptable to ensure the office buildings are not overbearing and do not cause any significant loss of light or amenity.

In terms of privacy, the office buildings will look onto front gardens rather than private rear spaces and I am therefore content that there will be no loss of privacy to the rear gardens. SPG1 seeks to ensure that a general window to window distance of 21 metres is achieved between two-storey dwellings and I note that this distance will also be achieved between the offices and dwellings. While I am mindful that SPG1 relates specifically to residential development, I consider that it is likely to give a good indication as to what is an acceptable minimum distance.

I am therefore content that the proposed relocation of the office buildings will be acceptable and will not create any significant harm to neighbours' amenity.

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

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. Before the commencement on site of any works, which are the subject of this permission, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. 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; and
 - (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 (any of the building(s) hereby permitted are first occupied) (change of use hereby permitted carried out).

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.

3. Notwithstanding the provisions of the Town and Country Planning Use Classes (Amendment) order 2005, the buildings hereby approved shall only be used for the purposes of B1 use only unless otherwise agreed in writing by the Local Planning Authority.
4. There shall be no internal sub-division or removal of any of the internal walls as shown on the approved drawings unless otherwise agreed in writing by the Local Planning Authority or approved by a planning application thereof.
5. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.
6. Details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.
7. The disposal of storm and foul water shall be by means approved by the LPA. The approved system shall be operational before building works commence.

Reasons

1. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to secure the satisfactory appearance of the development in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.

3. To ensure the proposed level of vehicle parking can service the office units satisfactorily in accordance with policy TR11 of the BDLP.
4. To ensure the site is utilised for the purposes as approved and does not lead to a development for enhanced B1 use with limited delivery need.
5. In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway in accordance with policy TR11 of the Bromsgrove District Local Plan January 2004 and policy T.1 of the Worcestershire County Structure Plan 2001.
6. 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.
7. To ensure adequate surface and foul water drainage in accordance with Policy ES1 of the BDLP.

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 SD.2, SD.3, SD.4, SD.5, CTC.1, D.19, D.25, D.26, T.1, T.2, T.3, T.4, T.6
BDLP DS3, DS13, E3, E4, E9, TR1, TR11, TR13, ES7, ES14, BROM7
Others PPS1, PPG4

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
ADROIT GROUP LIMITED "B"	B1 office building - Plot 2, Bromsgrove Technology Park, Aston Road, Bromsgrove	EMP	B/2007/1082 26.12.2007

RECOMMENDATION: that, subject to the satisfactory views of the WCC(HP), permission be **GRANTED**.

Consultations

WCC(HP)	Consulted - views received 04.10.2007: <ul style="list-style-type: none">• Recommends that the application be deferred for the following reasons:<ul style="list-style-type: none">▪ The applicant needs to provide details of HGV access and turning facilities that do not conflict with the proposed car-parking spaces in order to ensure that delivery vehicles do not reverse back onto the estate roads creating conflict with other road users.
ENG	Consulted - views received 11.10.2007: <ul style="list-style-type: none">• No objection subject to Conditions.
EDO	Consulted - views received 28.09.2007: <ul style="list-style-type: none">• Economic Development supports the application.
Publicity	4 letters sent 01.10.2007: no response received (expire 22.10.2007). 1 site notice posted 19.10.2007: no response received (expires 09.11.2007). 1 press notice published: no response received.

The site and its surroundings

This application relates to an area of land measuring some 0.24 hectares located immediately to the east of Aston Road and to the south of Sherwood Road. This site forms part of the 22 hectare site granted outline planning consent in November 2003 (Plan Ref. B/2002/1014) for a major mixed use redevelopment of residential development and ancillary uses and employment uses within Use Class B1 and B2. This scheme relates to the southern aspect of the site proposed for B1 and B2 uses. The site is located in a recognised employment zone.

Proposal

The proposals relate to the erection of a singular block described by the applicant as the new company headquarters for Adroit Group Limited. As such, I consider the application relates to the erection of a B1 office and this has been reflected in the application description. The building is L-Shaped and has a floor area of 1,107 square metres. The building is predominantly two-storey in appearance with a larger central atrium connecting the two spurs. The building is of modern design with a mix of external facing materials consisting of horizontal cedar boarding cladding, coated aluminium cladding panels and an aluminium standing seam roof. The central atrium consists of a glazed curtain wall system.

The scheme proposes 48 car parking spaces and 6 cycle spaces contained within a specifically designed shelter. Soft landscaping is proposed to the eastern boundary and in the north-west corner, in addition to the inner courtyard within the site. Vehicular access will be gained from the recently installed road network serving the Park.

Relevant Policies

WMSS UR3, PA1, PA3, PA6, QE1, QE3, QE9, T1, T2, T7
WCSP SD.2, SD.3, SD.4, CTC.1, CTC.5, CTC.8, CTC.9, TR.1, TR.11, TR.12
BDLP DS13, E7, E9, TR1, TR11, ES1, ES3, ES4, ES5, ES6, ES7, ES14
Others PPS1, PPG13, PPS23, Bromsgrove Technology Park Design Guide

Relevant Planning History

B/2005/1047 Landscaping to spine road - approval of Reserved Matters under B/2002/1014; approved 09.02.2006.
B/2005/0658 2 non-illuminated free-standing information boards - (Advertisement Consent); approved 16.11.2005.
B/2005/0161 Construction of spine road - approval of Reserved Matters under B/2002/1014; approved 11.08.2005.
B/2002/1014 Major mixed use redevelopment for residential development and ancillary uses and employment uses within use class B1 and B2 - Outline Consent; approved 24.11.2003.
B/2000/1338 Development of surplus land for residential use: Outline - Resolved to be approved subject to applicants entering into legal agreement; withdrawn 31.10.2005.
B/1993/0807 Development of the site with new offices, industrial and warehouse units for B1, B2 and B8 uses; approved 09.05.1994.
B/1993/0382 Development of the site with new offices, industrial and warehouse units for B1, B2 and B8 uses; refused 16.08.1993

Notes

Given that the principle of employment-related development has been established through the granting of outline application B/2002/1014, the main issues relating to this application relate to whether the siting, design and appearance of the proposals are acceptable in the light of current planning policy and guidance, with particular reference to the Bromsgrove Technology Park Design Guide.

Policy E9 of the BDLP sets out criteria against which proposals for new employment development should be considered. These include:

- (i) traffic to be generated can be accommodated within road network without adversely affecting residential amenity;
- (ii) adequate parking and servicing areas are provided;
- (iii) there would no undue harm to residential amenity by virtue of noise, vibration, etc.; and
- (iv) where appropriate landscaping will be required.

This policy is supported by the provisions of policies DS13 and TR11 of the BDLP as well as policy T.1 of the WCSP.

In respect of (i) and (ii), the views of the WCC(HP) are still awaited. Subject to no objection being raised, I find no reason to consider the proposal to be unacceptable in this respect. I will update Members at the Committee on this issue.

Given the site is designated for employment purposes and the distance to the nearest residential properties (those being the new residential dwellings on Breme Park to the north-east of the site), I would suggest that there is no justification to refuse permission on noise issues. The application also relates to a one office development to which I consider noise considerations will not be an issue.

In respect of point (iv), additional soft landscaping is proposed to the eastern boundary and north-west corner of the site, with this landscaping complementing the strategic landscaping provision approved for the spine road under Reserved Matters application B/2005/1047. I consider it pertinent to impose a suitable landscaping condition to ensure this is carried out and to ensure continuity with this scheme.

Policy E7 of the Bromsgrove District Local Plan states that Development Briefs will normally be required for all new employment land sites exceeding two hectares, such as the Bromsgrove Technology Park site. The District Council has produced a Design Brief for the site. Section 4 of the *Bromsgrove Technology Park Design Guide* states that *the [Technology] site will be promoted to business which specifically use technology to deliver their end product or service, and will ideally be a mix of start up and established businesses. Examples of the type of business to be encouraged to the site would be Design and Technology consultancies, prototype development companies, software design / engineers, designers, information technology consultants and other similar professional services. Companies meeting the overall objective of using technology as an integral part of their business will also be encouraged onto the Technology Park.* As such I consider the proposed B1 use in this application accords with this guidance.

The Design Guide refers to a series of key buildings which are set in prominent and highly visible positions on the site. The application site falls within this remit and is set in a visual corridor leading from Aston Road through the Park to the north. The Design Guide encourages buildings to be contemporary in their style and exhibit design quality and make provisions for future adaptations relating to structure, construction type, materials, services systems and flexibility.

I am of the view that the modern style of the building is of striking design with a mix of glazing and cladding to all elevations and a defined central glazed entrance that provides visual impact and interest. The central atrium will be viewed from the entrance to the Technology Park leading off Aston Road and will thus will be visually prominent. I consider it pertinent to impose a suitable Condition relating to the submission and approval of external facing materials to ensure the philosophy of the Design Guide is achieved.

Given all material circumstances, I consider the scheme to be acceptable.

RECOMMENDATION: that, subject to the satisfactory views of the WCC(HP), permission be **GRANTED**.

2. Notwithstanding the annotated materials schedule detailed on the approved drawings, details of the form, colour and finish of the materials to be used externally on the walls and roofs, together with windows and doors and window and door frames, together with rainwater goods, shall be subject to the approval, in writing, of the Local Planning Authority before any work on the site commences.
3. Prior to the commencement of the development hereby permitted, details of the foul and surface water drainage systems to serve the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented and operational before the buildings hereby approved are first used.
4. C10 (the proposed building hereby approved is first occupied).

Reasons

2. In the interest of visual amenity in accordance with policy CTC.1 of the Worcestershire County Structure Plan and policy DS13 of the Bromsgrove District Local Plan.
3. To ensure the development does not cause environmental/ground water pollution in accordance with policies ES3, ES4, ES7 and ES14 of the Bromsgrove District Local Plan.

Notes

This consent does not permit the erection of any form of advertisement on the site.

The building should conform to Secured by Design Standards (Commercial). Details can be found at www.securedbydesign.com. The applicant is encouraged to contact PC Stan Baker, Crime Risk Manager, West Mercia Constabulary, 17 The Crescent, Bromsgrove, Worcestershire, B60 2DF to discuss this matter further.

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	UR3, PA1, PA3, PA6, QE1, QE3, QE9, T1, T2, T7
WCSP	SD.2, SD.3, SD.4, CTC.1, CTC.5, CTC.8, CTC.9
BDLP	DS13, E7, E9, TR1, TR11, ES1, ES3, ES4, ES5, ES6, ES7, ES14
Others	PPS1, PPG13, PPS23, Bromsgrove Technology Park Design Guide

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 11

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
MR. D. WOODHOUSE 'B'	Taxi booking office only - 26A New Road, Rubery	Res	B/2007/1085 27.11.2007

RECOMMENDATION: that permission **GRANTED**.

Requested to be considered by Planning Committee by Councillor P. M. McDonald.

Consultations

WCC (HP)	Consulted on: 04.10.2007. No objection received on 21.11.2007.
CEHO	Consulted on: 17.10.2007. No response received to date.
EDO	Consulted on: 17.10.2007. No objection received on 17.10.2007.
Publicity	3 letters posted on: 04.10.2007 (expire on: 25.10.2007). 35 letters of objection received. Summarised as follows - concerned about:- <ul style="list-style-type: none">Noise, pollution, litter, road and pedestrian safety, parking, congestion, additional vehicles, attracting drunk and disorderly behaviour, already enough noise from the British Legion Social Club.

The site and its surroundings

The application site refers to the existing 'Russells' upholstery shop which is next door to the 'Dragon Tattooist' and the 'Lilliput Day Nursery' which are all located in a designated Residential Area. This site is located towards the dead-end part of the road adjacent to the main dual carriageway A38, which cannot be accessed from New Road.

Proposal

This application refers to a proposed taxi booking office only and the building would not be available for members of the public to gain access. There would be two staff on site answering the telephone and this service would be operating twenty four hours per day.

Relevant Policies

WMSS	PA1
WCSP	CTC.1, D.26, SD.3, SD.4, SD.8
BDLP	DS13, DS3, S19, TR11
Others	PPS1, PPG4, PPS13

Relevant Planning History

B/2000/0005	Demolition of existing rear, single storey brick store and construction of new single storey light weight store; granted 17.04.2000.
B/1991/1099	Radio control room and private office, toilet and washroom; granted 10.02.1992.

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.

Background to the site

The application site is used as an upholstery shop and it is noted that a similar application to this current scheme was granted in 1992, under Plan Ref. B/1991/1099. The supporting statement submitted by the applicant stated that Roundabout Cars moved out of the premises in 1997 and the office was used for general office work. With this in mind, it should be noted that the principle of the scheme would remain the same as beforehand and that Council policy has not fundamentally changed since this period, which is something that significant weight should be attached to.

The current use of the main building is A1 and this proposal would involve a material change of use of one of the rooms to a *suis generis* use. This is not a taxi-rank and the single office would be used to take telephone bookings only, with no access for members of the public to enter the building.

Given the limited use of the site, it is considered 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, although it is acknowledged that a significant number of objections have been received which have been summarised above.

Highway Safety

The Highways Partnership have raised no objection to this matter. 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 members of the public for the purposes of booking taxis, it is considered 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, and 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

It is considered that the proposed change of use would be acceptable in principle for the reasons indicated above. For the following reasons, it is recommended that permission be granted.

RECOMMENDATION: that permission **GRANTED**.

1. The use hereby permitted shall cease on or before the expiry of one year from the date of this consent unless otherwise agreed in writing by the Local Planning Authority.
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.

Reasons

1. In order to protect the amenities of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.
2. To safeguard the amenity of neighbouring occupiers and to ensure that the operations on site do not prejudice highway safety in accordance with policies DS13 and TR11 of the Bromsgrove District Local Plan.

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, SD.3, SD.8
BDLP	DS13, DS3, S19, TR11
Others	PPS1, PPG4, PPS13, 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.

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Agenda Item 12

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
LE GALLAIS COMPANY 'B'	Erection of B1/B2/B8 unit with ancillary car-parking and servicing areas - Plot 10a, Acanthus Road, Ravensbank Business Park, Redditch - (as augmented by extended phase 1 habitat survey received 08.11.2007)	EMP TPO	B/2007/1108 03.10.2007

RECOMMENDATION: that subject to -

- (a) the satisfactory views of the Tree Officer; and
 - (b) the satisfactory views of the Worcestershire Wildlife Trust,
- permission be **GRANTED**.

Consultations

WCC (HP)	Consulted - views received 05.11.2007: <ul style="list-style-type: none"> • No objection.
ENG	Consulted - views received 26.10.2007: <ul style="list-style-type: none"> • No objection.
Tree Officer	Consulted 04.10.2007: views awaited.
NEO	Consulted - views received 16.11.2007: <ul style="list-style-type: none"> • The survey states that there is potential for bats to be roosting on the site. Bats and their roosts are protected in European Law under the Conservation Regulations 1994. To protect the bat populations, all trees and hedgerows should be retained. As well as offering potential roosting sites, these act as important flight lines for the bats leading them out in to the wider countryside. These are therefore an important wildlife corridor, and, as such, subject to policy C12 of the Local Plan which states that development proposals should minimise the damage to such corridors by careful layout and design retaining the existing overall structural framework of the landscape as far as possible. All trees and hedgerows should be protected during the construction phase by fencing them off in accordance with BS5837:2005, as recommended by the survey. • PPS9 requires all developments to maintain and enhance biodiversity, and that appropriate weight is attached to protected species. For this reason, the development should include measures to enhance the environment for bats. This could include bat boxes to increase the roosting potential. Any additional planting should be of native provenance and of benefit to the bat populations, possibly including night scented plants. This would also be in compliance with policy C12 of the Local Plan, which requires adequate new landscaping to maintain existing wildlife corridors. In addition, the existing ponds on-site should be retained and, if possible, improved for the benefit of biodiversity.

- If works need to be carried out on any of the trees which may have bat roosts then a full roost survey must be carried out and a licence may need to be obtained from Natural England to permit an activity which would otherwise be illegal.
- Badgers were also found to be using the site. Badgers are legally protected under the Badgers Act 1992. A licence from Natural England may be required if heavy machinery is to be used within 30 metres of a badgers sett, light machinery within 20 metres, or digging or clearance by hand within 10 metres. Although there is no evidence of a sett on the site, the surrounding agricultural land has not been surveyed and a sett may be present, especially given the identified latrines and tracks on site. Therefore, the surrounding land, for at least 30 metres from the site boundary, needs to be surveyed in order to establish the presence or absence of a badger sett and avoid contravening the Badgers Act 1992.
- At present, the development does not include any measures to protect the badgers or to mitigate against the effects of the development. The existing trees, hedgerows and ponds should be retained as the loss of these would adversely affect badgers using the site, resulting in a loss of their foraging habitat and of an important corridor for their movement into the wider countryside. Wildlife corridors are protected under policy C12 of the Local Plan. In addition, as large a portion of the existing grassland as possible should be retained, as this provides foraging for the badgers. Additional planting could include fruit and nut bearing species to benefit badgers, providing positive enhancement in line with the requirements of PPS9. Steps should also be taken to protect any badgers using the site during the construction phase.
- The survey noted that the grassland on site was wet and pooling in places. For this reason, the use of SUDs and of permeable paving type solutions for car parking would be welcomed, as a means of reducing runoff from the site. The use of SUDs may also be a way of providing biodiversity enhancements on the site, in line with PPS9.
- Provided that these measures are implemented through appropriate planning conditions / obligations, the development will meet with the requirements of PPS9, the Local Plan, and with relevant wildlife legislation.

EDO

Consulted - views received 05.10.2007:

- Economic Development supports this proposal.

Ramblers
Association

Consulted 04.10.2007: views awaited.

Worcestershire
County Council
Rights of Way

Consulted 04.10.2007: views awaited.

WWT

Consulted 09.11.2007: views awaited.

Redditch BC Consulted 04.10.2007: views awaited.
Beoley PC Consulted 04.10.2007: views awaited.
Publicity 1 letter sent 04.10.2007; no response received (expires 25.10.2007).
 2 site notices posted 19.10.2007; no response received (expire
 09.11.2007).
 2 press notices published 12.10.2007; no response received (expire
 02.11.2007).

The site and its surroundings

The application relates to a plot of land some 1.52 hectares located to the north of the existing Heller site on the northern side of Acanthus Road. The site is currently roughly vegetated and has mature vegetation and mature and semi-mature tree screening to the boundaries. The trees set to the linear southern boundary of the site are protected by a confirmed Woodland Tree Preservation Order (09/2006: 13th November 2006). The site is located in a designated employment zone.

Proposal

The full application is seeking permission for the erection of one no. B1/B2/B8 unit.

The building has dimensions 60.2 metres by 60.1 metres with a height to ridge of 10.7 metres. The schedule of accommodation relates to 1,320 square metres of production space, 2,020 square metres of warehousing and 376 square metres of office accommodation (equating to a total of 3,716 square metres of floor space). The building would be externally finished with a mix of horizontal and vertical profiled cladding and contains a double roof span configuration. Industrial access doors are located to the side elevation facing the service yard. Ancillary office accommodation with glazing is contained within a two-storey aspect to the south-west corner.

The proposal also comprises the provision of a service yard, 50 no. car-parking spaces, 5 no. lorry spaces and 5 cycle spaces. The site is proposed to be accessed via a new vehicular access leading off Acanthus Road that is also proposed to serve Plot 10 approved under planning reference B/2007/0265 in April 2007.

Additional tree planting and landscaping is proposed within the site, together with features to enhance biodiversity. A retaining wall runs to part of the north and eastern boundary.

An extended phase 1 habitat survey, ecological mitigation strategy and biodiversity enhancement scheme, pre-development tree survey and tree survey plan, soft landscaping concept plan and a design and access statement have accompanied the application.

Relevant policies

WMSS UR3, PA1, PA3, PA6, QE1, QE2, QE3, QE6, QE8, QE9, T1, T2, T7
WCSP SD.2, SD.3, SD.4, CTC.1, CTC.5, CTC.8, CTC.9, CTC.10, CTC.12, CTC.14,
 CTC.15, T.1

BDLP C4, C10a, C12, C17, DS13, E2, E3, E4, E5, E7, E9, ES1, ES2, ES4, ES5, ES6, ES7, ES8, ES14, ES16, TR1, TR11, TR12
Others PPS1, PPS9, Circular 06/05, PPG13, PPS23

Relevant planning history

B/2007/1386 Erection of speculative commercial unit for uses within B1, B2 and B8 with associated parking and service provision: refused 08.03.2007.
B/2001/0781 Engineering operations comprising earthworks: approved 03.09.2001.
B/1998/0700 Variation of Condition 01(b) of planning application B/1995/0890 to extend the time period for approval of Reserved Matters to 31st October 2003: approved 19.10.1998.
B/1997/0989 Extension of class B2 use building with ancillary offices and associated car parking, access roads, landscaping and ancillary works: approved 09.02.1998.
B/1996/0730 Erection of a class B2 use building with ancillary offices and associates car parking, access roads, landscaping and ancillary works. (Resubmission of B96/0140): approved 11.11.1996.
B/1995/0890 Class B1, B2 and B8 uses. Section 73 application to vary outline permission B/1991/0233 Condition 01(b) in respect of the timer period for submission of approval of Reserved Matters approval: approved 15.01.1996.
B/1994/0898 Variation of Condition 05 on planning permission B/1991/0233 (structural landscaping): approved 29.11.1994.
B/1992/0874 Access road to site and associated landscaping to business park: approved 14.12.1992.
B/1991/0855 Erection of a class B2 use building with ancillary offices and associated car parking, access roads, landscaping and ancillary works: refused 09.12.1991.
B/1991/0223 Development of site as Business Park to include Class B1, B2 and B8 uses and associated access works, car parking and landscaping: refused. Appeal: allowed.

Notes

The main issues to consider in the determination of this application are:

- (i) The appropriateness of the development in this location.
- (ii) Highway safety and egress and amenity issues.
- (iii) Environmental and ecological effects, including impact on protected tree cover.

Policy E4 of the Bromsgrove District Local Plan sets out a number of criteria that proposals for the expansion, consolidation or expansion to existing commercial uses in non-Green Belt locations should meet. These relate to issues such as the appropriateness of the scale and nature of the activity to the area, traffic and parking implications, landscaping and environmental disturbance to nearby residences. Paragraph 11.5 of policy E4 states that such schemes can offer an increased source of employment and thus contribute to a more sustainable pattern of land use. Such schemes, however, must not conflict with other land use objectives.

Policy E9 of the Bromsgrove District Local Plan reflects the guidance contained in policy E4 for new employment development. These relate to issues such as the appropriateness of the scale and nature of the activity to the area, traffic and parking implications, landscaping and environmental disturbance to nearby residences.

Appropriateness of the development

The site is located in a designated employment zone, with the south-west corner of the site boundary abutting the established Heller Machine Tool site. The Ravensbank Business Park development comprises commercial B1, B2 and B8 premises. As such it is my view that in principle the erection of commercial units for B1, B2 or B8 uses would not be so demonstrably harmful in this location.

The functional design of the building would be reflective of other commercial buildings located on the Park. I note that the modern style of the proposed unit is generally utilitarian with a mix of glazing and profile cladding sheeting. This unit would complement the design approach taken to that of Unit One and Two located on the adjacent Plot 10. I consider it pertinent, however, to impose a suitable Condition relating to the submission and approval of external facing materials.

Highway and Amenity Issues

Policy E9 resists development that would overload the capacity of the highway network and seeks to ensure adequate loading, off-loading, manoeuvring and parking space for cars is made available.

The WCC(HP) has raised no objection to this scheme.

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

Landscaping

Apart from a small proportion of the site boundary abutting the Heller Machine Tool site to the south-west, the remainder of the application site is currently surrounded by agricultural fields. Mature hedgerow interspersed with tree specimens is located to all boundaries of the site and form the original field boundaries. The trees to the southern boundary are protected by Woodland Tree Preservation Order 09/2006.

It is noted that the majority of the existing field boundaries have been incorporated into the scheme, with additional tree planting proposed to the boundaries and adjacent the north-east aspect of the site. The scheme will lead to the loss of some tree specimens, including those within the path of the proposed access road from Acanthus Road leading into the site from the east.

Members will note the trees are protected by a Woodland Tree Preservation Order. The Order affords protection to the trees, coppice and under storey of all those species in the identified zone. The trees have been deemed to contribute significantly to the amenity of the locality. The views of the Tree Officer on the scheme are awaited. I will update Members at the Committee on this issue.

Ecological Issues

A Phase 1 Habitat Survey, Ecological Mitigation Strategy and Biodiversity Enhancement have accompanied the application. The site is dominated by semi-improved grassland and surrounded by outgrown defunct hedgerows with trees and two ponds.

The NEO has commented that provided the recommendations of the habitat survey are followed, the application should meet with the requirements of PPS9 and the relevant policies set out in the WCSP and the BDLP relating to this issue. The views of the WWT are awaited. Members will be aware that if permission is granted this does not negate the requirement for the applicant to comply with the requirements of the Protection of Badgers Act 1992 or to obtain a licence to carry out works on or near a badgers sett where the purpose of the works fall within the scope of the Act.

Conclusions

Members will note this site is designated within an employment zone as detailed in the Bromsgrove District Local Plan. However, since the 1991 outline consent gained under the appeal process, planning policy has altered to deal with planning issues arising from such sites. This is with direct reference to ecological issues advocated by PPS9 and policies within the West Midlands Spatial Strategy, the Worcestershire County Structure Plan and the Bromsgrove District Local Plan.

Part IV of Circular 06/05 relating to the Conservation of Protected Species by Law is implicit in stating that the presence of a protected species is a material consideration when a Local Planning Authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat (paragraph 98).

The development would appear to be acceptable in this employment zoned location. However, given the identified presence of protected species, it is imperative that the applicant is able to achieve adequate and suitable mitigation measures to ensure the scheme would not cause undue harm to identified protected species and their habitats in compliance with policy QE7 of the West Midlands Spatial Strategy, policy CTC.12 of the Worcestershire County Structure Plan, policy C10a of the Bromsgrove District Local Plan and the provisions of PPS9 and Circular 06/05.

Subject to the satisfactory views of the Tree Officer and the WWT, and the imposition of suitable Conditions relating to wildlife mitigation measures, I find the scheme to be acceptable.

RECOMMENDATION: that subject to -

- (a) the satisfactory views of the Tree Officer; and
 - (b) the satisfactory views of the Worcestershire Wildlife Trust,
- permission be **GRANTED**.

1. Three year time limit.
2. No mezzanine floor areas, other than those shown on the approved drawings, shall be provided within the building hereby approved without the prior written consent of the Local Planning Authority.

3. Before the commencement on site of any works which are the subject of this permission, full details of the perimeter boundary treatment and associated gates to serve the development shall be submitted to and approved in writing by the Local Planning Authority.
4. Before the commencement on site of any works which are the subject of this permission, full details of any external lighting to serve the development, to include positioning and lux value of such lighting, shall be submitted to and approved in writing by the Local Planning Authority. No further lighting other than that detailed shall be erected on the site without the prior written consent of the Local Planning Authority.
5. The soft landscape concept detailed on drawing BCPlanning.dwg 01 Rev A from Barry Chinn Associates shall be implemented within 12 months from the date when the building hereby permitted is first occupied. 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.
6. C11.
7. C12.
8. C13.
9. C14.
10. C15.
11. C16.
12. C17.
13. C18.
14. C19.
15. C21.
16. Prior to the commencement of development hereby permitted, the implementation of the ecological mitigation measures as set out in the Ecological Mitigation Strategy and Biodiversity Enhancement Scheme document (October 2007) shall be commenced. The mitigation measures set out in Section 7 of the Ecological Mitigation Strategy and Biodiversity Enhancement Scheme (October 2007) and those referenced and detailed on the Soft Landscape Concept Drawing reference BCPlanning.dwg 02 Rev C from Barry Chinn Associates shall be implemented in full with no deviation, unless otherwise agreed in writing by the Local Planning Authority.
17. Prior to the commencement of development hereby permitted, an arboricultural method statement relating to the management of retained trees during the construction period shall be submitted to and approved in writing by the Local Planning Authority. The recommendations contained within this approved document shall be implemented in full with no deviation, unless otherwise agreed in writing by the Local Planning Authority.
18. Prior to the commencement of development hereby permitted, a scheme for arboricultural monitoring shall be submitted to and approved in writing by the Local Planning Authority. This should comprise a schedule for visiting the site in order to monitor tree protection measures to ensure the maintenance and compliance with

the tree protection scheme / root protection areas or other areas excluded from construction related activity.

19. Prior to the commencement of development hereby permitted, a scheme for the routeing and positioning of construction traffic, machinery and plant shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out as approved with no deviation, unless otherwise agreed in writing by the Local Planning Authority.
20. Prior to the commencement of development hereby permitted, a method statement shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall relate directly to the construction method of the retaining walls to serve the development. The method statement approved in writing by the Local Planning Authority shall be implemented in full with no deviation, unless otherwise agreed in writing by the Local Planning Authority.
21. The disposal of storm water shall be by means approved by the Local Planning Authority. The approved system shall be operational before building works commence.
22. The means of foul sewage disposal shall be by means approved by the Local Planning Authority.
23. Prior to the commencement of works, a desk top study shall be carried out and approved in writing by the Local Planning Authority. This study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. The desk top study shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminant sources, pathways and receptors.
24. A site investigation for the site shall be designed using the information obtained from the desk top study. This should be submitted to, and approved in writing by, the Local Planning Authority prior to the investigation being carried out. The investigation must be comprehensive enough to enable:
 - (a) a risk assessment to be undertaken relating to the proposed end uses of the site and other receptors on and off the site that may be affected, and
 - (b) refinement of the conceptual model, and
 - (c) the development of a Method Statement detailing the remediation requirements.

The site investigation shall be carried out in accordance with details approved by the Local Planning Authority and a risk assessment undertaken.

25. A method statement detailing the remediation requirements using the information obtained from the site investigation shall be submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to the remediation being undertaken. The development of the site should be carried out in accordance with the approved Method Statement.
26. If, during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed by in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, for an addendum to the Method Statement. This addendum to the Method Statement

- must detail how this unsuspected contamination shall be dealt with and from the date of approval the addendum(s) shall form part of the Method Statement.
27. Upon completion of the remediation detailed in the Method Statement a Validation Report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.
 28. No development shall be commenced until an investigation of the site has been undertaken to ascertain whether the site is affected by the presence of landfill gas.
 - (a) The investigation shall be undertaken in accordance with a brief which shall first be submitted to and approved in writing by the Local Planning Authority. The results of the investigation shall be provided to the Local Planning Authority and shall include a scheme for precautionary measures to ensure that no build up or ingress of gas occurs within the development.
 - (b) The Local Planning Authority may require further investigatory works to be carried out and results submitted to them if the results are inconclusive.
 - (c) No development shall take place until the Local Planning Authority have approved the scheme for precautionary measures.
 - (d) The scheme once approved in writing by the Local Planning Authority shall be implemented in full and written evidence to confirm the completion of the work provided to the Local Planning Authority before the development is occupied.

Reasons

2. To help limit the number of vehicles visiting the site and so reduce the harm to the amenity of the locality in accordance with policy T.1 of the WCSP and TR11 of the BDLP.
3. To ensure a well planned development in accordance with policy E4 and E9 of the Bromsgrove District Local Plan.
4. To ensure a well planned development in accordance with policy E4 and E9 of the Bromsgrove District Local Plan.
5. To ensure a well planned development in accordance with policy E4 and E9 of the Bromsgrove District Local Plan.
16. To ensure sufficient mitigation measures to address the presence of protected species on site in accordance with policy CTC.12 of the Worcestershire County Structure Plan and policy C10a of the Bromsgrove District Local Plan.
17. To reduce harm to protected tree cover in accordance with policy C17 of the Bromsgrove District Local Plan.
18. To reduce harm to protected tree cover in accordance with policy C17 of the Bromsgrove District Local Plan.
19. To reduce harm to protected tree cover in accordance with Policy C17 of the Bromsgrove District Local Plan.
20. To reduce harm to protected tree cover in accordance with Policy C17 of the Bromsgrove District Local Plan.

21. To ensure the provision of adequate storm water drainage in accordance with policy ES1 of the Bromsgrove District Local Plan 2004.
22. To ensure the provision of adequate foul water drainage in accordance with policy ES1 of the Bromsgrove District Local Plan 2004.
23. To prevent pollution of the water environment in accordance with policy ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.
24. To prevent pollution of the water environment in accordance with policy ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.
25. To prevent pollution of the water environment in accordance with policy ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.
26. To prevent pollution of the water environment in accordance with policy ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.
27. To prevent pollution of the water environment in accordance with policy ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.
28. To prevent pollution of the water environment in accordance with policy ES1 and ES7 of the Bromsgrove District Local Plan and policy CTC.9 of the Worcestershire County Structure Plan.

Notes

The applicant is reminded of the responsibilities for biodiversity under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000, the Natural Environment and Rural Communities Act 2006 and the Protection of Badgers Act 1992.

This consent does not permit the erection of any additional form of advertisement on the site.

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	UR3, PA1, PA3, PA6, QE1, QE2, QE3, QE6, QE8, QE9, T1, T2, T7
WCSP	SD.2, SD.3, SD.4, CTC.1, CTC.5, CTC.8, CTC.9, CTC.10, CTC.12, CTC.14, CTC.15, T.1
BDLP	C4, C10a, C12, C17, DS13, E2, E3, E4, E5, E7, E9, ES1, ES2, ES4, ES5, ES6, ES7, ES8, ES14, ES16, TR1, TR11, TR12
Others	PPS1, PPS9, Circular 06/05, PPG13, PPS23

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 13

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
MR. & MRS. MONK 'B'	Part-field no. 9727, adj. Pool House Farm, Hockley Brook Lane, Belbroughton - Static field shelter and food store on concrete base for grazing camelids	GB LPA	B/2007/1145 10.12.2007

RECOMMENDATION: that permission be **REFUSED**.

Consultations

Belbroughton PC	Consulted on 17.10.2007. Objection received 07.11.2007.
WCC (HP)	Consulted on 17.10.2007. No response.
ENG	Consulted on 17.10.2007. No response.
EA	Consulted on 01.11.2007. No objection received on 16.11.2007.
Publicity	Site notice posted on 18.10.2007 (expires 08.11.2007). No response received to date.

The site and its surroundings

This application site is located on the eastern side of Hockley Brook Lane on a triangular shaped piece of land and lies within a designated Green Belt and Landscape Protection Area. This site forms one of a number of agricultural plots of land which have been subdivided and sold off for equestrian pursuits. Access to the site is gained via the main track which runs adjacent to Pool House Farm for approximately 260 metres, then on the right hand side lies another route which runs approximately 146 metres in a downward south-easterly direction to the application site.

Proposal

This application refers to the proposed change of use of the land from agricultural to leisure / recreational and a proposed field shelter and combined food store on a concrete base for grazing camelids. The term **camelids** refers to both camels and llamas and the applicant would like to keep 2 llamas and 1 camel or two camels only on site for recreational purposes. The field shelter would measure approximately 6.7 metres by 3.6 metres, with a maximum height of approximately 2.9 metres. The proposed building would be located on a concrete base and, therefore, the 'static' nature of the proposal would offer some degree of permanence on site and would not be considered as a mobile field shelter.

Relevant Policies

WMSS	QE3
WCSP	CTC.1, D.38, D.39
BDLP	DS2, DS13, RAT2, RAT16, RAT17, C1, C4, TR11
Others	PPS1, PPG2, PPS7

Relevant Planning History

None

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.

Is the proposed building and use of the site appropriate development in the Green Belt?

Para 3.4 of PPG2: Green Belts states that "*the construction of new buildings inside a Green Belt is inappropriate unless it is for essential facilities for a number of purposes, including outdoor sport and outdoor recreation. These uses must preserve the openness of the Green Belt and must not conflict with the purposes of including land in it as well as being genuinely required for uses of the land.*"

This part of the application should be divided, and assessed in two parts. The first should be for the grazing of the animals on site and the second should be for the use and location of the proposed building to provide shelter for the animals.

Grazing of animals: The applicant has indicated that the keeping of these animals would be for recreational use only and not for farming in any way. This is of fundamental importance in the assessment of this application and it is therefore considered that the grazing of llamas and / or a camel on agricultural land would constitute a leisure use and would require a change of use of the land to that effect as identified in paragraph 3.12 of PPG2: Green Belts. The grazing of these animals would not unduly harm the openness / visual amenity of the Green Belt and, by definition, it is considered that the proposed change of use would be acceptable in principle.

The proposed building: A stable in the Green Belt may be considered as an appropriate form of development as defined in paragraph 3.4 of PPG2: Green Belts and, whilst it is acknowledged that a camel would not fall into the definition of equestrian pursuits, it is noted that fundamental similarities exist between the two animals in terms of feeding and necessary shelter from the weather. Therefore, the general provisions of policy RAT17 of the Bromsgrove District Local Plan would be applicable.

Contained within this policy are three sub-sections, points (a), (g) and (j, 22.6) which are considered pertinent to this proposed building and each one will be assessed in turn.

Point (a) states that "*new buildings should be kept to a minimum necessary and consist only of essential facilities (for example, small stables) genuinely required on a parcel of land which preserves the openness of the Green Belt. Save in exceptional circumstances, they will only be permitted where they are closely related to existing farm buildings or other groups of buildings.*"

By virtue of size, scale and design, it is considered that the proposed building would be kept to a minimum and its appearance would be reasonably required for its intended use. Unfortunately, when referring back to point (a), the isolated position of the proposed building would not be closely related to other existing rural buildings and would therefore be contrary to this aspect of the policy.

Part (g) of the same policy states that "*the impact of the proposal including the cumulative impact with other equestrian related development or development for which there is planning permission must not be such as to harm the openness of the Green Belt.*" Again it is considered that the proposed building would be divorced from other rural buildings to such an extent as to be an isolated feature. This is therefore considered to be an unsustainable location and the cumulative impact of the proposed building and access route would lead to further unnecessary erosion of the Green Belt and countryside which is also contrary to this policy.

Part (j, 22.6) of this policy says that "*generally, stabling for horses on a limited scale (horses owned for recreational use) where carefully integrated with existing farm or other groups of buildings, will be acceptable. Conflict with Green Belt policy is most likely to arise when the development of isolated stabling and ancillary buildings is proposed. Demand for such isolated stabling away from any farm or housing may stem from the tendency towards fragmentation of farm units, resulting in the purchase of small parcels of land by horse owners, often without existing buildings. The individual and cumulative impact of such development in the countryside can erode its open character and be detrimental to the visual amenities of the Green Belt.*"

In light of the above policy, this proposal generates some cause for concern for a number of reasons. To begin with, the position of the proposal would be located approximately 146 metres away from the existing, main access track off a further access route which may need further investigation to establish whether planning permission is required or not. This is important because the cumulative impact of a purposely constructed route and building could lead to activities that may result in further and unnecessary erosion and encroachment on the Green Belt; that is, vehicles travelling and parking on the field. However, whilst it is acknowledged that this route does not form part of this application, it is important to acknowledge its presence when assessing this application and how the applicants will access the site.

Secondly, the design of the proposed building would involve the use of a hard standing base and this would ensure some degree of permanence on the site which, again, will further infringe on the openness / visual amenity of the Green Belt.

Are there any 'very special circumstances'?

No supporting documentation has been submitted to the Local Planning Authority to support this case and it is the Council's view that no 'very special circumstances' exist in this instance to outweigh the harm caused to the openness / visual amenity of the Green Belt.

Landscape Protection Areas

Policy C4 of the Bromsgrove District Local Plan highlights *development will not be permitted where it will have a materially detrimental impact of the landscape, in particular within Landscape Protection Areas*. When assessing the effect on the landscape, special attention will be given to a number of criteria. One of these refers to prominent slopes or ridge lines.

The application site lies towards the bottom of a sloping field. Whilst it is accepted that the proposal would not be located on a prominent slope or ridge line, the isolated position of the proposed building would be materially more harmful than the current open, rural site which is considered contrary to this policy.

Conclusion

The material change of use of the land and the proposed field shelter would be located in an isolated and unsustainable position away from other rural buildings. Therefore, the cumulative impact of the proposals and the access route would result in further and unnecessary erosion and encroachment of the Green Belt, countryside and would also materially harm the Landscape Protection Area to a greater extent than its current use. Therefore, by definition, the cumulative impact of the proposals would constitute inappropriate development in the Green Belt. No 'very special circumstances' have been put forward to outweigh the harm caused and, for the following reasons, it is concluded that permission be refused.

RECOMMENDATION: that permission be **REFUSED**.

1. The cumulative impact of the isolated building, change of use of the land and access route would unduly harm the openness / visual amenity of the Green Belt to a greater extent than its existing use. This would constitute inappropriate development in the Green Belt and no very special circumstances have been submitted to the Local Planning Authority to outweigh the harm caused. By allowing this development would lead to further and unnecessary erosion and encroachment on the Green Belt, countryside and would also materially harm the Landscape Protection Area. This would also set a precedent for other similar schemes in the future and would be contrary to policy QE3 of the West Midlands Spatial Strategy, policies CTC.1, D.38, D.39 of the Worcestershire County Structure Plan, policies DS2, DS13, RAT2, RAT17, C1, C4 of the Bromsgrove District Local Plan, and PP2: Green Belts and PPS7: Sustainable Development in Rural Areas.

Agenda Item 14

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
REDMAN HEENAN PROPERTIES LIMITED 'A'	Modification of Condition 2 attached to B/2007/0356 to permit a phased implementation of Reserved Matters - Cofton Centre, Groveley Lane, Cofton Hackett	GB	B/2007/1176 24.10.2007

RECOMMENDATION: that permission be **APPROVED** for the modification of Condition 2 attached to B/2007/0356.

Consultations

WCC (HP)	Consulted - views received 05.11.2007: <ul style="list-style-type: none"> No objection.
Highways Agency	Consulted - views received 15.11.2007: <ul style="list-style-type: none"> No objection.
EHO	Consulted 25.10.2007: views awaited.
EHO	Views received 30.10.2007:
Contaminated Land	<ul style="list-style-type: none"> No objection.
Planning Policy EDO	Consulted 25.10.2007: views awaited. Consulted - views received 30.10.2007: <ul style="list-style-type: none"> Economic Development supports the application.
Network Rail	Consulted - views received 01.11.2007: <ul style="list-style-type: none"> No objection.
Worcestershire County Council Rights of Way	Consulted 25.10.2007: views awaited.
Ramblers Association	Consulted 25.10.2007: views awaited.
British Waterways	Consulted - views received 13.11.2007: <ul style="list-style-type: none"> No objection.
Cofton Hackett PC	Consulted - views received 13.11.2007: <ul style="list-style-type: none"> No objection.
Publicity	4 letters sent 29.10.2007: no response received (expire 19.11.2007). 2 site notices posted 08.11.2007: no response received (expire 29.11.2007). 2 press notices published 02.11.2007: no response received (expire 23.11.2007).

The site and its surroundings

The application relates to a plot of land some 11.8 hectares located to the south of Groveley Lane. The site forms part of the former MG Rover works at Longbridge known as the Cofton Centre and is accessed via Groveley Lane, with this access shared with the existing buildings (storage and distribution uses) to the northern aspect of the Cofton

Centre. The site is bounded to the west by the main Birmingham to Bristol railway line, beyond which is the former East Works which is currently undergoing site clearance. To the east and south is open countryside located in designated Green Belt. To the north of the site across Groveley Lane, the site adjoins the main outer urban area of Birmingham, including to the north west across a railway bridge, other parts of the former Longbridge works site, much of which in this part of the site is occupied by the Nanjing Automotive Company.

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

The site is located in an employment zone.

Proposal

This application is seeking to modify Condition 2 attached to outline consent B/2007/0356 relating to the timescales for the subsequent submission of Reserved Matters.

Condition 2 on B/2007/0356 states:

Before any development is commenced, approval shall be obtained from the Local Planning Authority in writing of the details of the appearance, layout, scale and landscaping proposals (hereinafter called "the Reserved Matters") of the remainder of the site (illustratively annotated Unit 5 and Unit 6 on the approved site layout plan Drawing 03 Revision P3).

The reason for the Condition is stated as:

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

Relevant Policies

WMSS UR3, PA1, PA3, PA6, QE1, QE3, QE9, T1, T2, T7
WCSP SD.2, SD.3, SD.4, CTC.1, CTC.5, CTC.8, CTC.9, TR.1, TR.11, TR.12
BDLP DS13, E7, E9, TR1, TR11, ES1, ES3, ES4, ES5, ES6, ES7, ES14
Others PPS1, Longbridge Area Action Plan: Issues and Options Report, Circular 11/95

Relevant Planning History

B/2007/1115 Erection of industrial / warehouse unit (Unit 6): Reserved Matters to B/2007/0356: pending
B/2007/0539 Earthwork regrading; approved 15.08.2007.
B/2007/0356 Industrial and warehouse units with use classes B1(a) and (c), B2 and B8 with associated access, parking, service yards and landscaping (outline); approved 02.08.2007.

Notes

Members will recall that outline consent B/2007/0356 refers to an application for industrial and warehouse units within Use Classes B1(b) (research and development of products or processes) and B1(c) (for any industrial process), B2 and B8. The scheme does not relate to the provision of B1(a) offices, other than those ancillary to the principal uses. Within this scheme, all matters were reserved for future consideration except access to the site and except the full details of the first phase of the proposed development comprising the two employment Units 3 and 4. This application represents a hybrid application.

The main issue relating to this application relate to:

- Justification for varying Condition 2 attached to B/2007/0356.
- Implications for varying the Condition 2 attached to B/2007/0356.
- Suggested amended wording of the Condition.

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 condition should not be retained, unless there are sound and clear cut reasons for doing so.

Justification

The applicant's Agent has pointed out that the outline consent effectively granted planning permission in full detail for Unit 3 and Unit 4 and in outline for the remaining two units (Unit 5 and Unit 6). This common approach normally allows the applicant to progress the implementation of the full approved element of the application but flexibility over future phases of the development which would be brought forward at a later stage through Reserved Matters applications, when precise details and requirements for the buildings and their future occupants are known.

As currently drafted, Condition 2 could be read to restrict all development on the site, including Unit 3 and Unit 4 until such time as the Reserved Matters for Unit 5 and Unit 6 are approved. Whilst the Reserved Matters application for Unit 6 has been submitted (pending planning application B/2007/1115), the Agent is of the view that Reserved Matters for Unit 5 could still be some time away before being in a position to submit.

Variation of Condition Wording

The applicant's Agent has suggested the following revision to Condition 2:

With the exception of approved Units 3 and 4, before any development is commenced on each of the respective Units 5 and 6, approval shall be obtained from the Local Planning Authority in writing of the details of the appearance, layout, scale and landscaping proposals (hereinafter called "the Reserved Matters") of each Unit (illustratively annotated Unit 5 and Unit 6 on the approved site layout plan Drawing 03 Revision P3).

Implications

The variation to Condition 2 will eliminate the restriction to the phased implementation of the development and early construction of Unit 3 and Unit 4 and ultimately Unit 6 when approved.

Conclusions

Given the employment status of the site, the provisions of the outline consent and the contents of paragraph 15 attached to Circular 11/95a, I do not consider the proposed variation to Condition 2 attached to B/2007/0356 will create any further issues not considered at the initial outline stage and to be reasonable.

RECOMMENDATION: that permission be **APPROVED** for the modification of Condition 2 attached to B/2007/0356 and its replacement with:

With the exception of approved Units 3 and 4, before any development is commenced on each of the respective Units 5 and 6, approval shall be obtained from the Local Planning Authority in writing of the details of the appearance, layout, scale and landscaping proposals (hereinafter called "the Reserved Matters") of each Unit (illustratively annotated Unit 5 and Unit 6 on the approved site layout plan Drawing 03 Revision P3).

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 UR3, PA1, PA3, PA6, QE1, QE3, QE9, T1, T2, T7
WCSP SD.2, SD.3, SD.4, CTC.1, CTC.5, CTC.8, CTC.9, TR.1, TR.11, TR.12
BDLP DS13, E7, E9, TR1, TR11, ES1, ES3, ES4, ES5, ES6, ES7, ES14
Others PPS1, Longbridge Area Action Plan: Issues and Options Report, Circular 11/95

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 15

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
MR. N. NAVEED 'A'	Cross Roads Garage, Kidderminster Road, Woodcote Green, Bromsgrove - Replacement of flat roof with pitched, tiled roof over east wing	GB	B/2007/1182 26.12.2007

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

Dodford PC	Consulted on 31.10.2007. No response to date.
WCC (HP)	Consulted on 31.10.2007. No response to date.
ENG	Consulted on 31.10.2007. No objection received on 31.10.2007, subject to the inclusion of the following: <ul style="list-style-type: none">• The alterations to the roof structure from a flat roof to a pitch roof may affect guttering etc but the present arrangement of a storm soakaway system should still accept the discharge from the roof.• Drain to ditch to the rear of the property is still contentious in relation to the ownership and this does not offer an appropriate outfall.• No Flood Risk Assessment required.
LP	Consulted on 31.10.2007. No response to date.
EDO	Consulted on 31.10.2007. No response to date.
Publicity	2 letters posted on 31.10.2007 (expires on 21.11.2007). Further letter posted on 15.11.2007 (expires on 06.12.2007). Site notice posted on 07.11.2007 (expires on 28.11.2007). No responses received to date.

The site and its surroundings

The application site lies on the north side of the Kidderminster Road at the junction with Fockbury Road, Dodford, and lies within a designated Green Belt Area.

Proposal

This application refers to an amended application for a proposed car showroom and shop and a further sub-section should be included to briefly explain the history of the site.

Previous relevant history of this site / background

Application B/2004/0890 was granted permission on 14th October 2004. A resubmitted version B/2007/0498 was refused by Members on 20th July 2007 because it was considered that the amended scheme would be of a greater size, scale and bulky appearance than the previous approval which would constitute inappropriate development in the Green Belt.

This application B/2007/1182 appears to be identical to the previous application B/2007/0498 which was refused and an appropriate means of action was authorised to secure the removal of the unauthorised structures.

Relevant Policies

Please note: since the previous application a number of policies from the Worcestershire County Structure Plan have been deleted including SD.6 and SD.7. In addition, policy DS6 of the Bromsgrove District Local Plan has also been deleted.

WMSS	QE3
WCSP	SD.2, SD.3, SD.4, DS.5, SD.8, SD.9, D.28, D.35, D.38, D.39, T.1
BDLP	DS1, DS2, DS3, DS6, DS13, TR8
Others	PPS1, PPG2, PPS6, PPS7, PPS13

Relevant Planning History

B/2007/0498	Amended application - proposed car showroom and shop; refused 20.07.2007 and Enforcement Action authorised.
B/2004/0890	Car showroom and village shop - resubmission of B/2003/0932; granted 14.10.2004.
B/2003/0932	Proposed car showroom, work shop and village shop; refused 17.11.2003.
B/2002/0812	Alternative showroom and workshop with workshop; granted 03.10.2002.
B/2002/0386	Alternative showroom and workshop with toilets; withdrawn 08.05.2002.
B/2000/0189	Projecting icons and shop sign; Advertisement Consent Granted 19.04.2002.

Notes (and Green Belt Policy)

The main issue to take into consideration is whether the impact of the amended scheme would entail any additional or significant harm to the openness / visual amenity of the Green Belt in relation to the previous approved scheme which would be a 'fall-back' position for the applicant. If it is considered that greater harm would be caused, then the proposal would, by definition, constitute inappropriate development in the Green Belt and, as such, it would be necessary to establish whether any 'very special circumstances' exist to clearly outweigh the harm caused.

Fundamental differences between the two applications

For the purpose of assessing the impact between the approved scheme (B/2004/0890) and this amended scheme (B/2007/1182), a table has been used illustrating the differences in dimensions between the two applications. It should be noted that there does not appear to be any difference between this application and the previous refusal, and therefore the figures from B/2007/0498 will be used again.

It is also noted that no reference is made to the previous mezzanine floor but, given that the dimensions are the same, it is considered that weight should be attached to the possibility of this floor area been included at a later date.

The previous application B/2007/0498 referred to a letter which stated that the building had been lowered by 450mm, although no evidence has been presented in this application, and this was to ensure that the ridge levels of the building were no higher than the original approval. The pitch roof also replaces the original flat roof which would be a more attractive feature with the rest of the building.

Existing permission <u>B/2004/0890</u>	Proposed amendments <u>B/2007/0498 and B/2007/1182</u>
<p>Height</p> <p>Front elevation taken from central position to highest part of roof 7.5 metres.</p> <p>Rear elevation taken from central position to highest part of roof 7.5 metres.</p>	<p>Height</p> <p>Front elevation taken from central position to highest part of roof 8.3 metres.</p> <p>Rear elevation taken from central position to highest part of roof 8.3 metres.</p>
<p>Side elevation (East): small pitched roof suitable for the housing of the mezzanine floor.</p>	<p>Side elevation (East): this elevation would involve the continuation of the existing roof line to cater for the proposed first floor provision.</p>
<p>Approximate floor space area of mezzanine floor: 109m²</p>	<p>Total proposed first floor: 256m²</p> <p>Therefore if the floor space of the mezzanine floor is deducted, a total additional floor space area of approximately 151m² would be created.</p>

Is the amended scheme appropriate development in the Green Belt?

The previous building which was granted permission B/2004/0890 was predominantly a single storey building with a comparatively small, first-floor mezzanine floor. This current scheme would involve infilling the existing space at ground floor level to create a significantly larger overall building and first floor level, identical to the previous application B/2007/0498 which was refused permission.

This observation is of fundamental importance when assessing this application. Clearly, the merits of the case would remain the same as the previous application which was refused. This proposal would result in an over-all building which would be of a greater size, scale and bulky appearance. This would be exacerbated further by its highly prominent corner position in the street scene from Fockbury Road and the busy Kidderminster Road. Therefore, the proposal would materially harm the openness / visual amenity of the Green Belt to a greater extent than the original planning permission B/2004/0890, which would constitute inappropriate development in the Green Belt. No 'very special circumstances' have been put forward to the Local Planning Authority to clearly outweigh the harm caused and, on balance, there is no justifiable reason to allow such development in this locality.

What is the justification for this proposal?

There has been no supporting documentation from the applicant or agent concerned to substantiate this case. In addition, no 'very special circumstances' have been put forward to clearly illustrate that the proposal would not unduly harm the openness and visual amenity of the Green Belt.

Conclusion

The fundamental merits of this case remain the same as the previous application. Therefore, it is considered that this proposal would still be of a greater, size, scale and bulky appearance which would be exacerbated further by its highly prominent corner position in the street scene. Therefore, by definition, the proposal would constitute an inappropriate form of development which would unduly harm the openness and visual amenity of the Green Belt. No 'very special circumstances' have been put forward to the Local Planning Authority to outweigh the harm caused and, for the following reasons, it is recommended that permission be refused.

RECOMMENDATION: that permission be **REFUSED**.

- (1) The retrospective scheme would result in a building which would be of a greater size, scale and bulky appearance which would be exacerbated further by its highly prominent corner position in the street scene. Therefore, by definition the proposal would constitute an inappropriate form of development which would unduly harm the openness and visual amenity of the Green Belt. No 'very special circumstances' have been submitted to the Local Planning Authority to clearly outweigh the harm caused and the proposal would be contrary to policy QE3 of the West Midlands Spatial Strategy, policies D.38 and D.39 of the Worcestershire County Structure Plan, policies DS1, DS2, DS3, DS6 and DS13 of the Bromsgrove District Local Plan and the general provisions of PPG2: Green Belts.

Agenda Item 16

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
MR. & MRS. D. WALTERS 'A'	Two storey extension to side, to replace current single storey extension and original garage - 22 Dark Lane, Hollywood	Res	B/2007/1205 31.12.2007

RECOMMENDATION: that permission be **REFUSED**.

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

Consultations

Wythall PC	Consulted 07.11.2007; views awaited.
WCC(HP)	Consulted 07.11.2007; views awaited.
ENG	Consulted 07.11.2007; views awaited.
Publicity	Seven neighbour notification letters sent 08.11.2007 (expires 29.11.2007). No comments received to date.

The site and its surroundings

This application relates to a two storey detached property set in a relatively spacious plot, with a large open plan garden to the front, and a long garden to the rear. The property has a detached garage to the right-hand side with a driveway providing parking for several cars. The property is located in a road that is characterised by mainly detached or semi-detached properties.

Proposal

This is a full application proposing the demolition of the existing garage and single storey flat roof extension to the rear, and the erection of a two storey front and side extension and a single storey rear extension.

Relevant Policies

WMSS	QE3
WCSP	CTC.1
BDLP	DS13, S10
Others	SPG1, PPS1

Relevant Planning History

B/2006/0859	Two storey extension to side and single storey extension to rear; refused 28.09.06
B/2007/0409	Resubmission of B/2006/0859 - two storey extension to side and single storey extension to rear; approved 14.06.2007

Notes

This application is very similar to the scheme that was refused planning permission under application number B/2006/0859 in September 2006. Since then, a revised submission has been granted permission under B/2007/0409.

Planning permission is currently being sought for a two-storey front / side and single storey rear extension. The front / side extension will be 3.85 metres wide and 9.3 metres deep, projecting 2.2 metres ahead of the front main wall and set in 1.8 metres from the rear main wall. The roof will match the main dwelling with the hip over the forward projection subservient to the main ridge by 1.5 metres. The single storey element will be 3.85 metres wide by 3.9 metres deep with the roof reaching 3.8 metres high. The extensions will be set 200mm off the common boundary.

Design / Impact upon the visual amenity of the streetscene

The property sits within a well separated run of development and the proposed extension will be located just 200mm off the common boundary creating a cramped, terracing impact within the streetscene, which is exacerbated further by the extensions non-subservient design. The forward projection will be largely unobtrusive within the streetscene due to a step in the building line; however, the property sits on higher ground to the road and this forward element will be easily viewed by passers-by heading east. The proposed forward projection is considered to be an unsympathetic design, which visually competes with the host dwelling, overwhelming its existing proportions and character. The front / side extension will therefore have a detrimental impact upon the character of the dwellinghouse and the visual amenity of the streetscene.

SPG1 states that side extensions should be subordinate to the main dwellinghouse; however, a non-subservient extension exists on a similar property at 24 Dark Lane and, given the proportions of the semi-detached property to the east, a subservient design would appear incongruous within this particular run of development.

Residential amenity issues

The first floor front / side extension will be set largely adjacent to the flank wall of 20 Dark Lane, which has no side windows. The extension will project approximately 3 metres beyond the rear main wall of 20 Dark Lane but should remain within the 45-degree code. The existing single storey utility/WC element located behind the garage will be demolished and replaced by a new element, which will be 1.7 metres smaller in depth. The replacement extension will be 3.9 metres high, 900mm higher than the existing flat roof; however, the roof will hip away from the boundary at an eaves height of 2.5 metres and, given its reduced depth, it is not expected to create any additional impact. The proposed extensions are not, therefore, expected to be overbearing or create any significant impact upon the amenity of surrounding neighbours.

However, given the detrimental impact upon the character of the dwellinghouse and the visual amenity of the streetscene, I still find this proposal unacceptable.

RECOMMENDATION: that permission be **REFUSED**.

1. The proposed development, by reason of its size and siting, would be detrimental to the character and appearance of the area due to the loss of the gap at first floor between the dwelling and the boundary and would introduce a bulky and incongruous feature into the streetscene. The result would be disruptive to the rhythm of development in the locality and the cumulative effect of similar proposals, which would be all the more difficult to resist, would be to create a terracing effect in the streetscene to the detriment of the visual amenities of the locality contrary to the Council's SPG1, Bromsgrove District Local Plan policy DS13 and the aims and objectives of PPS1.
2. The proposed extension, which projects forward of the front main wall, would introduce an over-dominant feature, which visually competes with the host dwelling, failing to respect the buildings style and character. The proposed extension will appear as a later addition 'tacked-on' to the dwellinghouse and is therefore contrary to the Council's SPG1, Bromsgrove District Local Plan 2004 policies DS13 and S10 and the aims and objectives of PPS1.

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BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

3RD DECEMBER 2007

TREE PRESERVATION ORDER (NO. 8) 2007 - TREE ON LAND AT 48 LEA GREEN LANE, WYTHALL

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

1. SUMMARY

- 1.1 The Committee is invited to consider Tree Preservation Order (No. 8) 2007, which relates to a tree on land at 48 Lea Green Lane, Wythall.

2. RECOMMENDATION

- 2.1 The Committee is invited to consider the following documentation which has been received in relation to the Tree Preservation Order.

- (a) Letter received from OCA UK Limited, dated 10th August 2007.
- (b) A report headed "The Arboricultural Implication Assessment - Preliminary Report on Trees," dated 23rd February 2007, provided by OCA UK Ltd.
- (c) A letter dated 1st August 2007, from Mr. K. C. Butt.
- (d) A bundle of documentation received from OCA Ltd., including a "Statement in Support of Proposal to Fell Tree" and supporting photographs and details submitted by Mr. Keith Butt.
- (e) A letter dated 3rd October 2007 (received 16.11.2007), from Mr. Keith Butt, enclosing photographs.
- (f) A Report from the Council's Tree Officer, Mr. Steve Jones.

The Committee is asked to consider all of the documentation and make a recommendation accordingly.

3. BACKGROUND

- 3.1 The oak tree situated on the land at 48 Lea Green Lane, Wythall, was made the subject of a Tree Preservation Order on the 6th July 2007. The Order was made to protect the tree as it contributed significantly to the amenity of the area and the

Tree Officer (Mr. Steve Jones) was concerned that without the Order the tree would be felled. Some time ago, concerns were raised that the roots of the tree were causing cracking and subsidence to the neighbouring property number 50 Lea Green Lane Wythall. This property is owned by Mr. Keith Butt. The company, OCA UK Ltd., had been instructed by insurers, Cunningham and Lindsey, to investigate the subsidence claim and have provided a letter dated the 10th August 2007 in which they raised objection to the Order being confirmed for the following reasons:-

- "(i) the reasons for the making of the Order are not explained and
- (ii) the tree is implicated in subsidence damage to a neighbouring property."

OCA UK Ltd. also provided a report which was prepared before the TPO was made, dated the 23rd February 2007, in which a conclusion reached was that:-

"In this instance we consider that removal of the Oak Tree (T1 and the group of Cypress trees G1) will be sufficient to mitigate in the current subsidence event."

In addition, Mr. Keith Butt, the owner of the property 50 Lea Green Lane, Wythall, provides a letter of objection dated the 1st August 2007. In this letter he states that:-

"During the hot dry summer of 2006, serious cracks, up to 7mm, opened in my Dining Room which is situated closest to this Oak Tree. I contacted both my Insurance Co. and Mr. Steve Jones who very promptly came to inspect the damage. He agreed the cracking was significant and as bad as he had seen in this area... The appearance of nearby plants and shrubs confirmed that the ground in this area had become extremely dehydrated."

Mr. Butt further confirmed that Cunningham and Lindsey (OCA UK Ltd.) had been instructed and he enclosed part of the report that OCA had prepared in February.

In his letter of the 1st August 2007, Mr. Butt refers to the OCA report and concludes by stating:-

"I am objecting to the preservation order as the evidence presented to me strongly suggests that the Oak tree is the major contributor to the cracking problem. Its removal would minimise the chance of further cracking in periods of very dry weather."

A further set of papers have been received from Cunningham and Lindsey in which they provide a Statement in Support of Proposal to Fell Trees, including photographs and details submitted by Mr. Keith Butt.

A copy of all of the objections and supporting documentation was provided to Mr. Steve Jones, the Council's Tree Officer, and he responds as follows to the objections raised.

4. FINANCIAL IMPLICATIONS

4.1 None.

5. LEGAL IMPLICATIONS

5.1 Town and Country Planning (Trees) Regulations 1999.

6. COUNCIL OBJECTIVES

6.1 To provide a clean safe and attractive environment.

6.2 To protect and improve our environment.

7. RISK MANAGEMENT

7.1 The Tree Officer has reviewed all of the evidence in relation to the Tree Preservation Order and based on the information provided he is satisfied that the TPO should be confirmed as it contributes significantly to the amenity of the area.

8. CUSTOMER IMPLICATIONS

8.1 The protection of the Tree which is the subject of the Order will prohibit any person from cutting down, topping, lopping, uprooting, wilfully damaging or wilfully destroying the tree without first obtaining the consent of the Council.

Any person having any interest either in the land affected by the Order or land adjoining it will be served with a Notice confirming the Order together with a copy of the Order itself.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 None.

10. OTHER IMPLICATIONS

Procurement Issues	None.
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Personnel Implications	None.
Governance / Performance Management	None.
Community Safety including Section 17 of Crime and Disorder Act 1998	Trees are not considered to be a risk.
Policy	None.
Environmental	Amenity Value.

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**

Appendix 1 - Letter from OCA UK Ltd., dated 10th August 2007.

Appendix 2 - Report from OCA UK Ltd., headed "Arboricultural Implication Assessment," dated 23rd February 2007.

Appendix 3 - Letter from Mr. Keith Butt, dated 1st August 2007.

Appendix 4 - Bundle of documentation from Cunningham and Lindsey (received 15.11.2007) including Statement in Support of Proposal to Fell Tree enclosing photographs and details submitted by Mr. Butt relating to his monitoring of the damage.

Appendix 5 - Letter from Mr. K. Butt, dated 3rd October 2007 (received 16.11.2007), including photographs.

Appendix 6 - Report prepared by Mr. Steve Jones. All of the documentation has been provided for Mr. Jones' consideration and he concludes that, based on the information provided, the TPO should be confirmed.

13. BACKGROUND PAPERS

13.1 None

CONTACT OFFICER

Name: Steve Jones

email: steve.jones@bromsgrove.gov.uk

Tel: (01527) 881321

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Appendix 1

10 August 2007

Your Ref: TPO No 8 2007
Our Ref: 37014/2446379/Butt

Mrs C Felton
Head of Legal and Democratic Services
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

Recorded Delivery



4 THE COURTYARDS
PHOENIX SQUARE
SEVERALLS PARK
WYNCOLLS ROAD
COLCHESTER
ESSEX CO4 9PE
Tel **01206 751626/751632**
Fax **01206 855751**
Accounts **0151 485 7272**
Email info@oca-arb.co.uk
Visit www.oca-arb.co.uk

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING (TREES) REGULATIONS 1999
The District Council of Bromsgrove TPO (No8) 2007
Risk address 50 Lea Green Lane Wythall Birmingham B47 6HN

We refer to the above Tree Preservation Order, (the Order) and by way of this letter we object to the Order on behalf of our client Cunningham Lindsey and respectfully request that the Order is not confirmed. This detailed objection is in accordance with Regulation 4(1) of the Town & Country Planning (Trees) Regulations, 1999.

We object to the Order on the grounds that (i) the reasons for the making of the Order are not explained and (ii) the tree is implicated in subsidence damage to a neighbouring property.

(i) The Reasons for Making the Order are not Explained

The current Government advice about the creation and service of Tree Preservation Orders is found in the DETR (now DCLG) publication 'Tree Preservation Orders: A Guide to the Law and Good Practice 2000' (the Blue Book 2000). This publication has largely replaced Circular 36/78 'Trees & Forestry' but the Circular has not been formally withdrawn. Therefore both documents together represent Government advice.

The Council states that the order was made on the grounds that the tree provides special amenity value. However the Council has not stated how it assessed the 'amenity' value of the tree or how it contributes to amenity.

Chapter 3 of the Blue Book 2000 contains detailed advice on making and confirming Tree Preservation Orders. Paragraph 3.3 deals with the issue of reasons and states clearly that:

ALSO AT
GOODLASS HOUSE, GOODLASS ROAD
SPEKE, LIVERPOOL L24 9HJ
Tel 0151 485 7200
Fax 0151 485 7171

UNIT 6, PARKSIDE, 15 HEADLEY ROAD,
WOODLEY, READING, BERKSHIRE RG5 4JB
Tel 0118 901 4646
Fax 0118 901 4458

Bromsgrove District Council

“3.3 LPAs should be able to explain to landowners why their trees or woodlands have been protected by a TPO. They are advised to develop ways of assessing the ‘amenity value’ of trees in a structured and consistent way, taking into account the following key criteria:”

The paragraph goes on to list the criteria as (1) **visibility**; (2) **individual impact**; (3) **wider impact** and (4) **expediency**, with detailed guidance as to what is meant by each of these criteria.

With respect the Council has not provided any evidence nor indicated that it has in fact assessed the ‘amenity’ of the tree. The Council does not say whether it means ‘visual amenity’ or simply ‘amenity’ in the wider context. If it has made such an assessment, it has not provided the evidence to support the making of the Order.

We therefore respectfully suggest that the Council has not acted in accordance with best practice or with Government advice and on that basis we request that based on this ground for objection, the Order is not confirmed.

(ii) The tree is implicated in subsidence damage

The Order seeks to protect T1 however in our opinion T1 should not be protected, due to the qualification under Section 198 (6)(b); that the tree is causing actionable nuisance because the trees is implicated in the damage to the neighbouring risk address.

On this basis also, we formally object to the Order and request that it is not confirmed.

In summary therefore, we formally object to the Order on the above grounds and we respectfully request that the Council gives serious consideration to the grounds of objection as set out herein and reconsiders the confirmation of the Order.

Please acknowledge this objection and address the acknowledgement and any other correspondence in the matter of the objection and this order, to this office.

Bromsgrove District Council

Yours sincerely



**Margaret MacQueen BSc CBiol MIBiol MICFor
Senior Consulting Arboriculturist
D/E Team**

OCA UK Limited

Email: Margaret.MacQueen@oca-arb.co.uk
Tel: 01206 751626
DDI: 01206 224787
Fax: 01206 855751

Cc Mr Butt, Insured
Mr Coney, Neighbour
Cunningham Lindsey

L:37014VTPO ob.doc

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Consulting Arboriculturists

Arboricultural Implication Assessment

Preliminary Report on Trees

For:	Client:	Prudential Assurance	
	Agent:	Cunningham Lindsey (Wolverhampton)	
Site:	Homeowner:	Mr Butt	
	Address:	50 Lea Green Lane Wythall Birmingham W Midlands B47 6HN	
Refs:	OCA Ref:	37014	
	Client Ref:	12749024/01	
	Agent Ref:	2446379	
Survey:	Date:	15 th February 2007	
Report By:	Helen Sullivan		Date: 23 rd February 2007

Goodlass House, Goodlass Road, Speke, Liverpool L24 9HJ
Tel.No: 0151 485 7200 Fax.No: 0151 485 7171

4 The Courtyards, Phoenix Square, Severalls Park, Wyncolls Road, Colchester, Essex CO4 9PE
Tel.No: 01206 751626 Fax.No: 01206 855751

Unit 6, Parkside, 15 Headley Road, Woodley, Reading, Berkshire RG5 4JB
Tel.No: 0118 901 4646 Fax.No: 0118 901 4458

Email: info@oca-arb.co.uk www.oca-arb.co.uk

History and Timing of Damage:

We are advised that damage appeared suddenly during summer 2005. A builder was asked to inspect the damage, reporting it may be subsidence related and that insurers should be notified.

Engineers Description of damage and diagnosed mechanism of movement:

The main area of damage is to the right hand flank of the front right flank of the front right hand extension and takes the form of tapering diagonal cracks externally and internally. The level of damage is classified as category 3 in accordance with BRE Digest 251-"Assessment of damage in low-rise buildings" (1995).

The pattern of damage indicates a mechanism of downwards movement to the right hand side.

Review of Site Investigations:

Excavation in Trial Pit 1 to the front right hand corner of the single storey elevation revealed that foundations extend to a depth of 1000mm. Beyond this depth the ground is described as a very stiff, mid-brown, mottled grey, very silty clay.

Excavation in Trial Pit 2 to the right hand side of the main building elevation revealed that foundations extend to a depth of 1000mm. Beyond this depth the ground is described as a very stiff, mid-brown, mottled grey, sandy, very silty clay.

Modified Plasticity Indices range between 12% and 39% between both Trial Pit/Borehole 1 and 2 to the right hand side of the property. The soil is classified as being of low to medium plasticity (NHBC 4.2 (1999)) i.e. it is capable of significant volume change.

The soils analysis results clearly demonstrate desiccation in both Trial Pit/Borehole 1 and 2 underside of foundations. In particular the Moisture Content of the soil is below that of the Plastic Limit, which results in a negative Liquidity Index. Also the observed Moisture Content Profile displays a characteristic bulge with depth in Trial Pit 2.

Roots were observed in Trial Pit 1 and to a depth of 1400mm and to a depth of 2500mm in Trial Pit 2. Samples of these roots were taken from both trial pits. These samples were formally identified as having emanated from *Quercus* (Oak).

The integrity of the drainage system is confirmed by shear vane analysis of the soils which are classified as stiff indicating that the soils are capable of withstanding the load applied and that damage cannot be attributed to damaged or leaking drains.

Cause of damage:

We are advised by Chartered Engineers that based on the evidence detailed above, in their professional opinion the damage to the property has occurred due to clay shrinkage subsidence. This has been exacerbated by moisture abstraction by roots altering the moisture content of the clay subsoil resulting in volume changes, which in turn have affected the stability of foundations.

Engineers consider that the damage will not progress if appropriate measures are taken to remove the cause.

NB: Recommendations with respect to tree felling are associated only with the risk address following consultation with engineers who must consider the issue of ground heave following tree removal. The owners of trees in third party control must obtain their own advice in respect of the possibility of any damage to their own structure or any other structure outside the control of our client or their insured.

General Observations and Opinion:

The timing, type and mechanism of damage and the description of subsoil as clay are all consistent with vegetation related clay subsidence.

Investigations have revealed that foundations of the damaged property bear onto clay soils of low to medium plasticity i.e. soil capable of significant volume change.

Soils analysis indicates desiccation underside of foundations. In particular the Moisture Content of the soil is below that of the Plastic Limit, which results in a negative Liquidity Index. Also the observed Moisture Content Profile displays a characteristic bulge with depth in Trial Pit 2.

Roots emanating from *Quercus* (Oak) were identified underside of foundations. Taking into account all the available evidence and following our survey of the site it is our opinion that these roots emanate from the Oak tree (T1) as indicated on our plan.

Cypress roots have been identified and associated with subsidence claims at distances of up to 20m (Cutler & Richardson, 1989) however, in the majority of cases the damage occurred when the trees were in close proximity to the property.

In this instance we consider that removal of the Oak tree (T1 and the group of Cypress trees G1) will be sufficient to mitigate in the current subsidence event.

Recommended vegetation management to address the current subsidence:

No:	Species	Works Required	Ownership	*Est.Cost of Tree works
T1	Oak	Fell to ground level and treat stump to prevent re-growth	3P	£750.00
G1	Cypress	Fell to ground level	3P	£350.00

* Estimated cost of tree works should not be regarded as a firm quotation.

We have made enquiries with the local authority to determine if any statutory controls exist in respect of the trees implicated. We are currently awaiting their response.

Recommended vegetation management to address risk of future subsidence:

We do not consider any vegetation to present an imminent foreseeable risk of future subsidence.

NB: Recommendations with respect to tree felling are associated only with the risk address following consultation with engineers who must consider the issue of ground heave following tree removal. The owners of trees in third party control must obtain their own advice in respect of the possibility of any damage to their own structure or any other structure outside the control of our client or their insured.

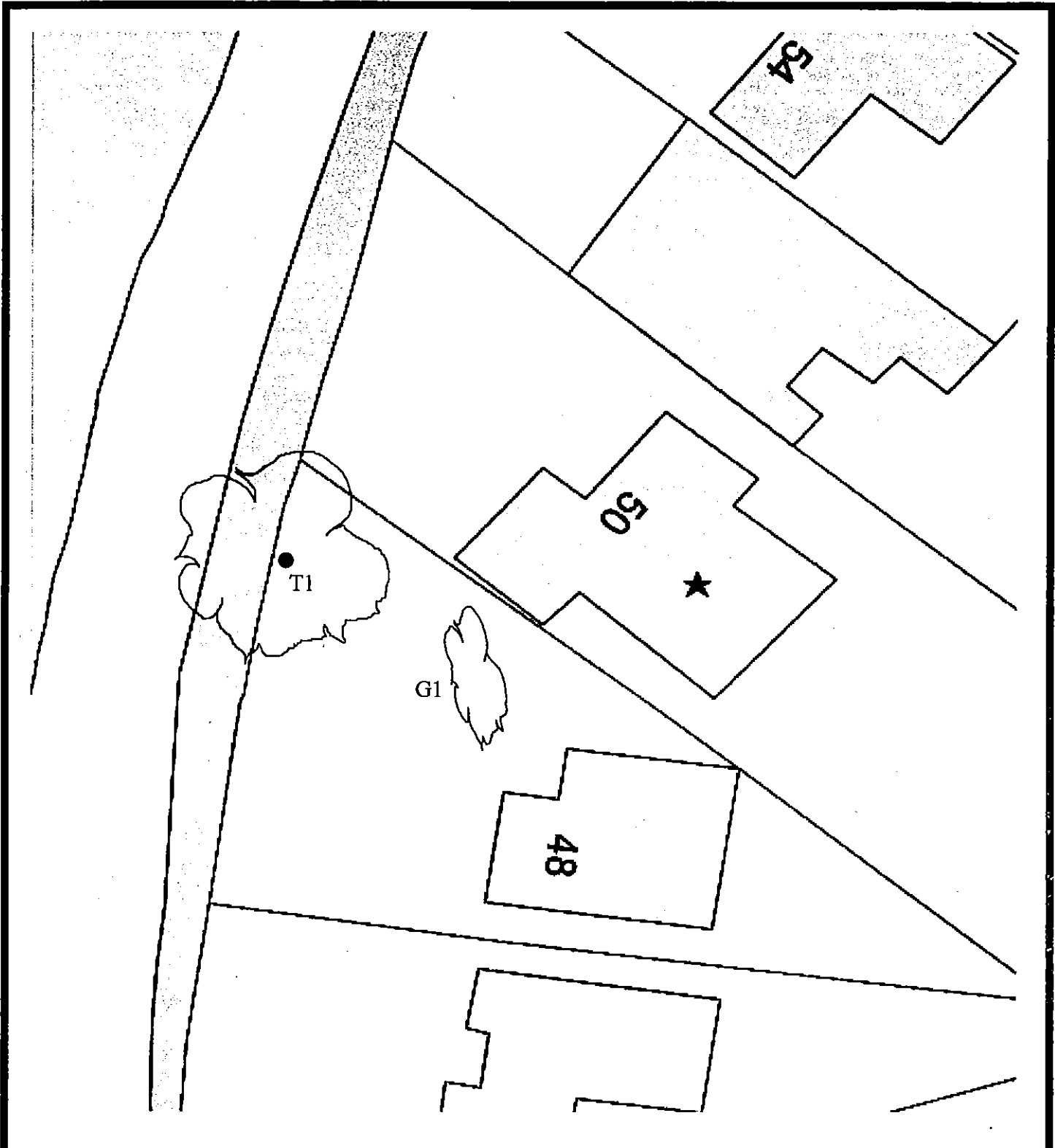
Vegetation Survey

Age Class	Y-Young / EM-Early Mature / M-Mature / FM-Fully Mature / OM-Over Mature
Condition	A - Good / B - Minor problems / C - Major problems / D - Dead / Dying / Dangerous
Height / Crown Spread / Dimensions	Approximate measurements
Owner	(PH) Within property boundary / (3) 3rd Party / (LA) Local Authority / (U) Unknown
Vegetation	(T) Tree / (G) Group / (W) Woodland / (H) Hedge / (S) Shrub / (C) Climber / (St) Stump

The trees have been assessed from ground level

Tree No.	Species	Age Class	Cond.	Height (m)	Crown Spread (m)	Diam. (mm)	Dist.to bldg (m)	Owner
G1	Cypress	EM	B	3.0	-	100	0.75	3P
Comments:								

Tree No.	Species	Age Class	Cond.	Height (m)	Crown Spread (m)	Diam. (mm)	Dist.to bldg (m)	Owner
T1	Oak	EM	B	12.7	10.0	450	9.0	3P
Comments:								



(NB: This plan may not be a comprehensive record of site features.)

<p>Address: 50 Lea Green Lane, Wythall, Birmingham, W Midlands, B47 6HN</p>	<p>Scale: Not To Scale Drawn Date: Feb.2007</p>	<p style="text-align: right;">OCA <small>UK Limited</small> Consulting Arboriculturists</p>
<p>Client: Prudential Assurance</p>		
<p>Ref: 37014/ 2446379/ Butt</p>		

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Appendix 3

50 Lea Green Lane
Wythall
Birmingham B47 6HN
1st August 2007

LEGAL & DEMOCRATIC SERVICES
Tel 01564 824486

Your Ref. PR/PL171

Mrs V Brown
Bromsgrove District Council,
The Council House,
Burcot Lane,
Bromsgrove. B60 1AA

Oak Tree on Land at 48, Lea Green Lane, Wythall, B47 6HW

Dear Mrs Brown,

Like most people these days I am aware of the value of trees to our environment and would normally wish to preserve rather than destroy. On this occasion I wish to object to the Interim Preservation Order (No.8) placed on the tree at 48, Lea Green Lane for the following reasons.

During the hot dry summer of 2006 serious cracks, up to 7mm, opened in my Dining room which is situated closest to this Oak Tree. I contacted both my Insurance Co and Mr Steve Jones who very promptly came to inspect the damage. He agreed the cracking was significant and as bad as he had seen in this area. He was unable to put me into contact with an ex colleague of his who could have given me an independent "expert" assessment on possible causes. The appearance of nearby plants and shrubs confirmed that the ground in this area had become extremely dehydrated.

The Insurance Company appointed Cunningham Lindsey (and OCA) to carry out an assessment in the form of test measurements and trial borings at the front and back of the Dining Room. A copy of this report is being sent to you by OCA but I enclose the 3 relevant pages that describe the contribution of The Oak Tree in drying out the soil, which subsequently led to the cracking.

I am objecting to the preservation order as this evidence presented to me strongly suggests that The Oak Tree is the major contributor to the cracking problem. Its removal would minimise the chance of further cracking in periods of very dry weather.

I look forward to your response in due course and if Mr Jones wishes to inspect the cracks again please feel free to contact me.

Yours faithfully,



K C Butt

History and Timing of Damage:

We are advised that damage appeared suddenly during summer 2005. A builder was asked to inspect the damage, reporting it may be subsidence related and that insurers should be notified.

Engineers Description of damage and diagnosed mechanism of movement:

The main area of damage is to the right hand flank of the front right flank of the front right hand extension and takes the form of tapering diagonal cracks externally and internally. The level of damage is classified as category 3 in accordance with BRE Digest 251-"Assessment of damage in low-rise buildings" (1995).

The pattern of damage indicates a mechanism of downwards movement to the right hand side.

Review of Site Investigations:

Excavation in Trial Pit 1 to the front right hand corner of the single storey elevation revealed that foundations extend to a depth of 1000mm. Beyond this depth the ground is described as a very stiff, mid-brown, mottled grey, very silty clay.

Excavation in Trial Pit 2 to the right hand side of the main building elevation revealed that foundations extend to a depth of 1000mm. Beyond this depth the ground is described as a very stiff, mid-brown, mottled grey, sandy, very silty clay.

Modified Plasticity Indices range between 12% and 39% between both Trial Pit/Borehole 1 and 2 to the right hand side of the property. The soil is classified as being of low to medium plasticity (NHBC 4.2 (1999)) i.e. it is capable of significant volume change.

The soils analysis results clearly demonstrate desiccation in both Trial Pit/Borehole 1 and 2 underside of foundations. In particular the Moisture Content of the soil is below that of the Plastic Limit, which results in a negative Liquidity Index. Also the observed Moisture Content Profile displays a characteristic bulge with depth in Trial Pit 2.

Roots were observed in Trial Pit 1 and to a depth of 1400mm and to a depth of 2500mm in Trial Pit 2. Samples of these roots were taken from both trial pits. These samples were formally identified as having emanated from *Quercus* (Oak).

The integrity of the drainage system is confirmed by shear vane analysis of the soils which are classified as stiff indicating that the soils are capable of withstanding the load applied and that damage cannot be attributed to damaged or leaking drains.

Cause of damage:

We are advised by Chartered Engineers that based on the evidence detailed above, in their professional opinion the damage to the property has occurred due to clay shrinkage subsidence. This has been exacerbated by moisture abstraction by roots altering the moisture content of the clay subsoil resulting in volume changes, which in turn have affected the stability of foundations.

Engineers consider that the damage will not progress if appropriate measures are taken to remove the cause.

NB Recommendations with respect to tree felling are associated only with the risk address following consultation with engineers who must consider the issue of ground heave following tree removal. The owners of trees in third party control must obtain their own advice in respect of the possibility of any damage to their own structure or any other structure outside the control of our client or their insured.

General Observations and Opinion:

The timing, type and mechanism of damage and the description of subsoil as clay are all consistent with vegetation related clay subsidence.

Investigations have revealed that foundations of the damaged property bear onto clay soils of low to medium plasticity i.e. soil capable of significant volume change.

Soils analysis indicates desiccation underside of foundations. In particular the Moisture Content of the soil is below that of the Plastic Limit, which results in a negative Liquidity Index. Also the observed Moisture Content Profile displays a characteristic bulge with depth in Trial Pit 2.

Roots emanating from *Quercus* (Oak) were identified underside of foundations. Taking into account all the available evidence and following our survey of the site it is our opinion that these roots emanate from the Oak tree (T1) as indicated on our plan.

Cypress roots have been identified and associated with subsidence claims at distances of up to 20m (Cutler & Richardson, 1989) however, in the majority of cases the damage occurred when the trees were in close proximity to the property.

In this instance we consider that removal of the Oak tree (T1) and the group of Cypress trees (G1) will be sufficient to mitigate in the current subsidence event.

Recommended vegetation management to address the current subsidence:

No.	Species	Works Required	Ownership	*Est. Cost of Tree works
T1	Oak	Fell to ground level and treat stump to prevent re-growth	3P	£750.00
G1	Cypress	Fell to ground level	3P	£350.00

* Estimated cost of tree works should not be regarded as a firm quotation.

We have made enquiries with the local authority to determine if any statutory controls exist in respect of the trees implicated. We are currently awaiting their response.

Recommended vegetation management to address risk of future subsidence:

We do not consider any vegetation to present an imminent foreseeable risk of future subsidence.

NB: Recommendations with respect to tree felling are associated only with the risk address following consultation with engineers who must consider the issue of ground heave following tree removal. The owners of trees in third party control must obtain their own advice in respect of the possibility of any damage to their own structure or any other structure outside the control of our client or their insured.

Vegetation Survey

Age Class	Y-Young / EM-Early Mature / M-Mature / FM-Fully Mature / OM-Over Mature
Condition	A - Good / B - Minor problems / C - Major problems / D - Dead / Dying / Dangerous
Height / Crown Spread / Dimensions	Approximate measurements
Owner	(P1) Within property boundary / (3) 3rd Party / (L.A) Local Authority / (U) Unknown
Vegetation	(T) Tree / (G) Group / (W) Woodland / (H) Hedge / (S) Shrub / (C) Climber / (SU) Stump

The trees have been assessed from ground level

Tree No.	Species	Age Class	Cond.	Height (m)	Crown Spread (m)	Diam. (mm)	Dist. to bldg (m)	Owner
G1	Cypress	EM	B	3.0	-	100	0.75	3P
Comments:								

Tree No.	Species	Age Class	Cond.	Height (m)	Crown Spread (m)	Diam. (mm)	Dist. to bldg (m)	Owner
T1	Oak	EM	B	12.7	10.0	450	9.0	3P
Comments:								

Appendix 4

Cunningham Lindsey United Kingdom

Vulcan House Pendeford Business Park Wobaston Road Wolverhampton WV9 5HA
Telephone 01902 396000 Facsimile 01902 396039

Cunningham
Lindsey

For the attention of Mrs V Brown
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire B60 1AA

15 November 2007

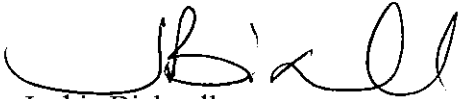
Our Ref: WOHPA/JB/2446379
Your Ref: PR/PL.17

Dear Mrs Brown

Tree Preservation Order (No 8) 2007
Tree on land at 48 Lea Green Lane, Wythall, B47 6HW

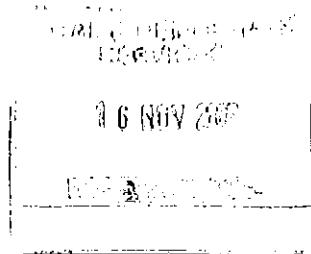
With reference to the above, please find attached the information in support of the case for the Tree Preservation Order not to be upheld. Our Engineering Manager, Simon Davy, will call you on Friday 16 November 2007 to discuss the information.

Yours sincerely



Jackie Bicknell
Project Management Services - Customer Support
Direct dial: 01902 396038
E-mail: PMSwolverhampton@cl-uk.com

c.c. Mr Butt



Statement in support of Proposal to Fell Tree

A claim was submitted by the Home owner Mr K Butt in August 2006

The Building

The property is a detached dwelling dating from 1972 with a single storey extension to the front, believe to have been constructed in 1981.

The Damage

The damage was initially noted by Mr Butt in Spring 2006.
It took the form of cracking to the front and rear walls of the single-storey front extension.

We attach the following documents:-

The site notes from the original site by our Project manager. (Appendix A)
These show the general site layout and the type of damage

Photographs taken at that initial visit. (Appendix B)

Additional photographs, indicating the current level of damage. (Appendix C)
We have attempted to match the position from which the original photographs have been taken in order show the cracking in equal light.

Details submitted to us by Mr Butt relating to his monitoring of the damage.
(Appendix D)

Site Investigations

Investigations reveal the property to have foundations at a depth of 1.0m in the area of damage. This is sufficient to withstand normal seasonal effects and meets the minimum standards related to the time of construction.

The foundations are set within clay ground which is susceptible to shrinkage with extraction of moisture. Tests show the clay to have a range of shrinkage potential from low to high. It is also showing a moisture deficiency confirming the moisture within it.

The investigations also reveal the presence of roots proven by testing to derive from an Oak tree. There is an Oak tree of sufficient magnitude to develop such a root presence sited within the adjacent garden of the adjacent property.
(Appendix E)

Monitoring

During the case the cracking has been monitored, either visually or more precisely by measurement. The formal monitoring did not start initially and this has weakened the ability to show the movement relating to the recovery of ground moisture. However, it is clear that the crack widths have visibly reduced by reference both to the photographs presented by ourselves, but also in the account forwarded by Mr Butt.

In this instance we have been fortunate that the period from October 2006 to July 2007 has resulted in the West Midlands experiencing total rainfall at 149% of the normal average for the area. This is evident in the degree to which the cracks have closed.

(Appendix F)

Note: All of this information is typical of what would be collected and presented in support of a Recovery claim against a Third Party who's tree is found to be influencing a property on which we are dealing with a claim.

Other Supporting info

In addition to the above, we are aware that the adjacent property has been extended to the left-hand side. This is not only the side nearest the property we are considering, but also the one with the Oak tree in the front garden.

The extension has been built quite recently and we understand that in order to achieve approval the Building Inspector required the new foundations to be excavated to a depth of 2.0m entirely due to the presence of the Oak tree.

The above has secured the neighbour property against the influence of the Oak tree, as there is no evidence of similar damage even though the building is just as close as the single-storey extension to Mr Butt's property.

Heave Assessment

As part of our assessment, we have also considered the possibility of heave of the ground, which could in theory occur as a result of removing the tree. This is fully accepted because our greater concern is the potential for significant movement within the main building as the tree develops.

It should be noted that whilst the tree is likely to pre-date 1970, its' growth has been affected by significant crown reduction by the neighbour within the last 5 years. It is believed that it will tend to try to regenerate this earlier growth and therefore the influence of the tree will increase.

The evidence of the site investigation is that there is already root activity from the Oak beneath the front right hand corner of the main building in the vicinity of the chimney stack within the lounge.

Other Damage

A question has been raised we believe about damage to the junction between the chimney and the main building.

It is understood that the chimney is an addition to the original construction and the gap between this and the main building is the result of shrinkage within the fabric of the chimney as it dried. It anticipated that with removal of the tree and repair of the vertical joint to the main building, no further movement will occur.

The Future

Whilst we understand that the removal of the tree will affect the immediate area, there is sufficient other vegetation in the area, including a good specimen Oak in the Farmland on the opposite side of the road.

In terms of the damage to Mr Butt's property, it is our professional duty to represent him and his Insurers in this matter. This is the reason for our submission. In addition, we would confirm that given our concerns for the future, if the Tree Preservation Order is upheld, then it would be our duty to seek recompense against the Local Authority for the cost of future damage should it occur. We confirm such damage is going to occur, whether next year or a subsequent year; it is just dependent on the weather pattern.

We confirm that cost for stabilising the complete building could be in the order of £50,000 to £70,000, dependant on the requirements of Building Control and the extent of crack repairs and redecoration required.

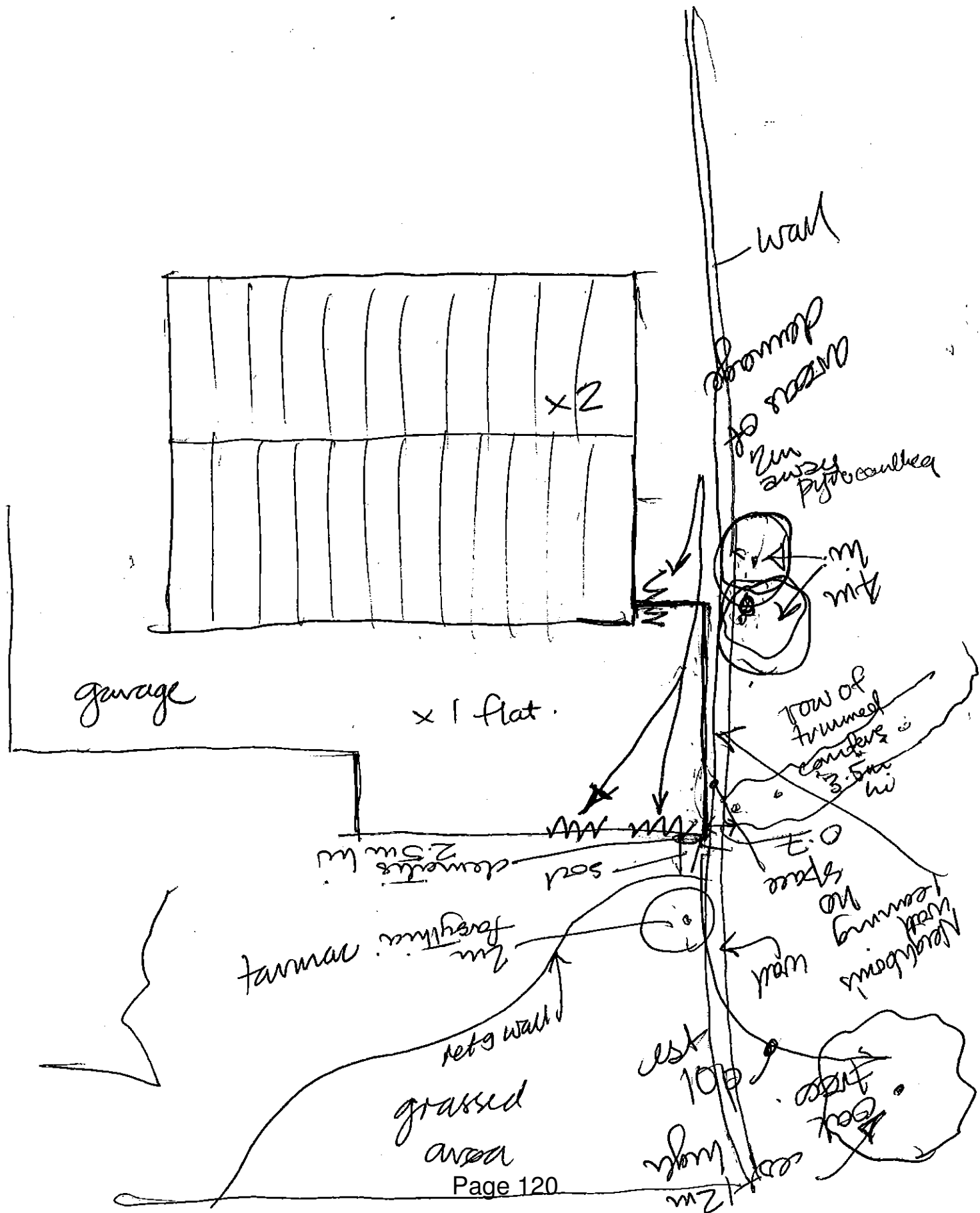
We very much hope that this situation will not be allowed to develop.

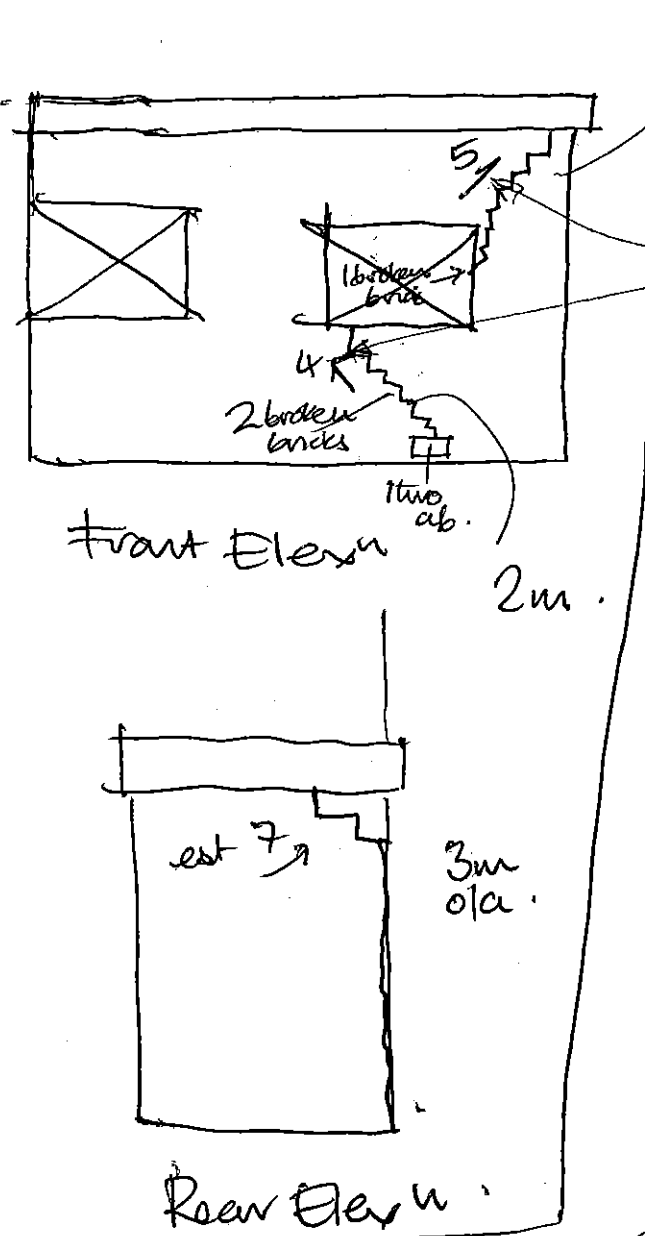
Finally, it should be noted that whilst there are other means of dealing with Mr Butt's property at this time, current legal advice confirms that this alone should not be the reason for upholding the Preservation Order. The proposal we put forward is we believe based on reason and evidence as the most logical and effective way of limiting the issues. If the Preservation Order is not upheld, there is currently no financial implication for the Authority

APPENDIX A
Original Site Sketches

Site Plan

22/03/06



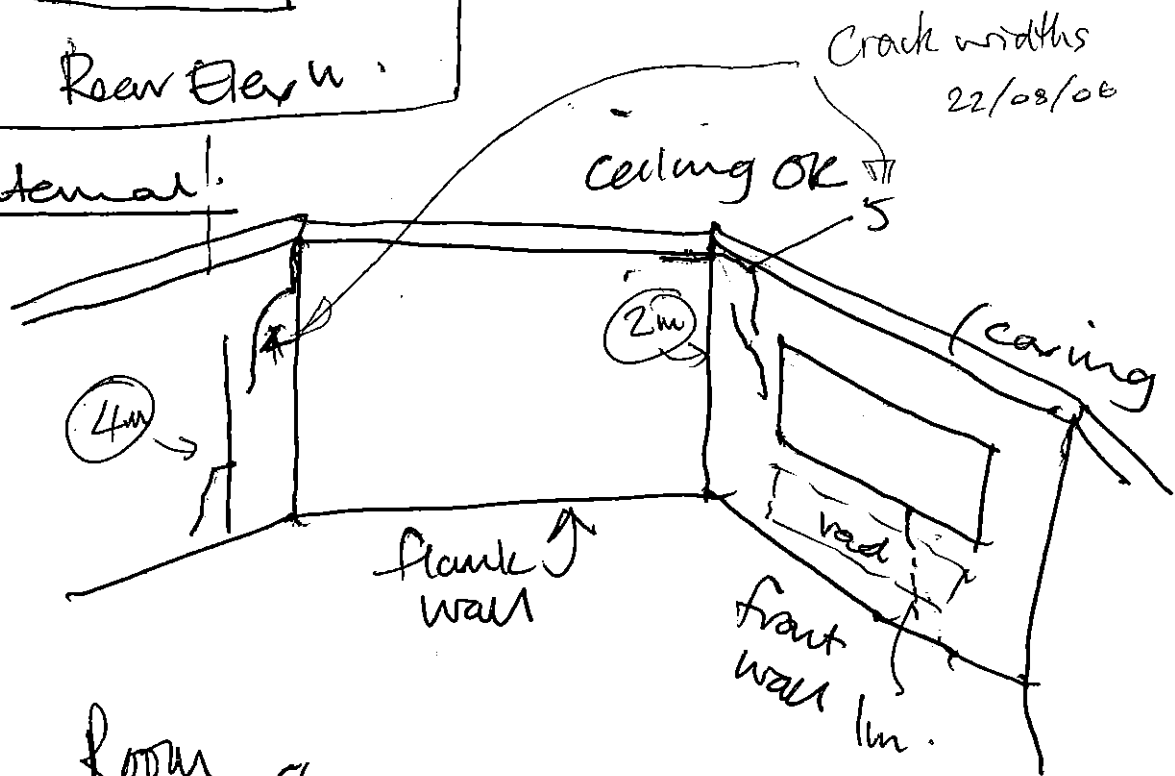


crack widths
22/08/06

external
 att 1000
 repair 1000
 int 1000
 repair 1000
 decs 1000

4000-1000
 £3K.

Internal



Crack widths
22/08/06

Room
 4 x 4.8
 x 2.4 high

papered / emulsion
 Page 121

Please note: *Appendices B and C comprised scanned photographs which were not of sufficient quality for distribution.*

APPENDIX D

Submission from Mr Butt

From: "Keith Butt" keithbutt@waitrose.com
To: simon.davy@cl-uk.com
Subject: Cracking Lea Green Lane

Following your visit today 3rd October 2007 to reassess the current situation I enclose photographs which were taken on 26th August 2006 together with measurements of crack width, which illustrate the extent of cracking at that time.

The numbered photos represent the following:-

No.	Description of Location	Crack Width mm (my measurements)
14.	Under front window,cracked air brick	2nd Course 4mm 7th Course 2mm.
15	Front right corner	1st Course 5mm 7th Course 2mm
16	Side Wall to right of trees	-
17	Close up of side wall	-
18	Close up of back wall of extension	3bricks out 6mm
19	Back wall extension	6mm
20	Measuring front right corner	5mm
21	Measuring under front window	4mm
22	Back wall	6mm
23	Measuring internal left corner (equiv to outside back wall)	3.5mm
25	Measuring internal right corner (equiv to front wall)	5mm
	Internal wall under window (no photo)	4mm

The photos and measurements clearly show that the cracks have reduced significantly since August 2006.

Simon is this information sufficient or do you require a more official letter?. Please let me know.
regards
Keith Butt

(Note. photo 17 is repeated, and order on each attachment not necessarily in correct order)

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Appendix 5

50 Lea Green Lane
Wythall
Birmingham
B47 6HN
3rd October 2007
Tel 01564 824486

Mrs V Brown
Legal and Democratic Services
Bromsgrove District Council
Burcot Lane
Bromsgrove B60 1AA

**Town and Country Planning Act 1990
Preservation Order (No. 8) 2007-11-15
Tree on Land at 48 Lea Green Lane**

Dear Vanessa,

I would like the following original photographs to be submitted to the Planning Committee, as further evidence of the significant cracking that occurred at 50, Lea Green Lane during the summer of 2006. These photographs were taken on 26th August and 3rd September 2006.

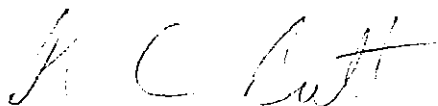
The photographs illustrate:-

- 1) The Front Elevation - Under window.
- 2) The Front Elevation - Right Corner
- 3) Right Side Elevation
- 4) Rear Elevation
- 5) Inside – Front Wall
- 6) Inside – Rear Wall

Measurements up to 5mm were obtained which have been submitted separately.

If I can be of further assistance please do not hesitate to contact me.

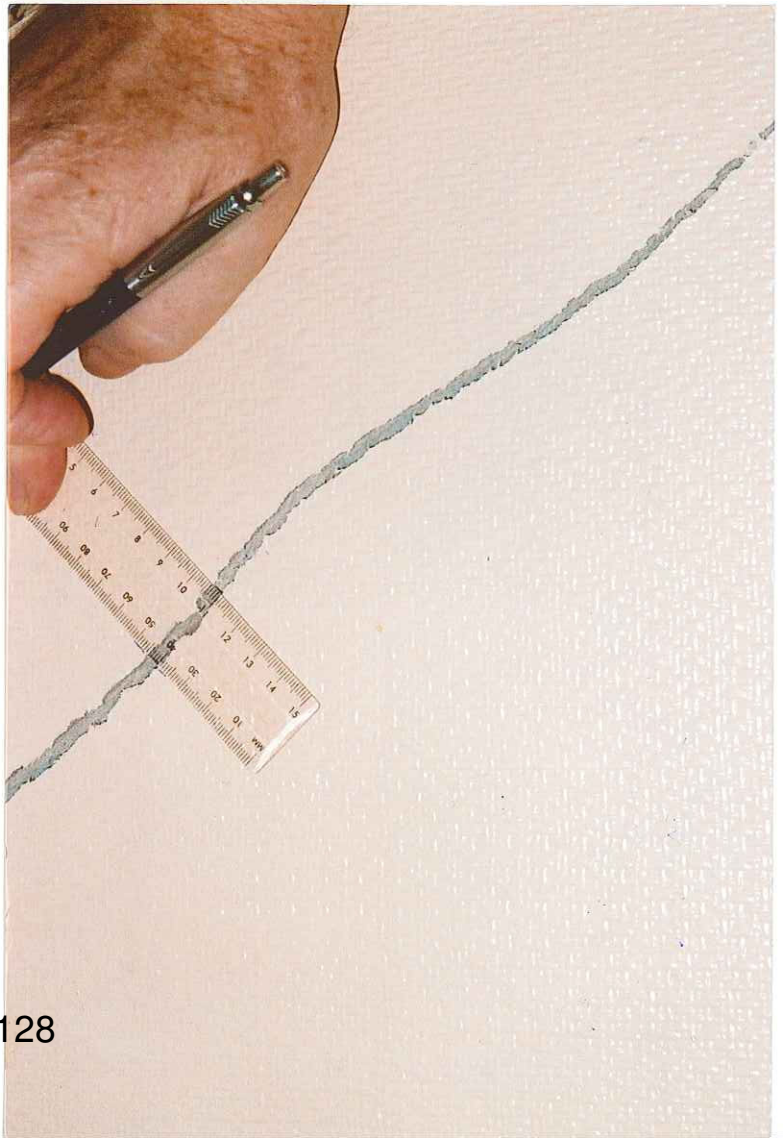
Yours faithfully



K C Butt.









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Appendix 6

Tree Preservation Order at 50 Lea Green Lane, Wythall

The Council accepts that there is an obvious crack in the adjacent property to the protected oak tree, and has been requesting conclusive proof of its cause for almost 12 months, but to date all that has been received from the Insurance Assessors are conflicting reports blaming either the oak tree, a conifer hedge (now removed) or both.

No long term crack monitoring has been presented, the clay content of the soil has been stated ranging from low to high shrinkability. Without this information the Council cannot make a reasonable informed decision on this highly significant tree, and therefore it requires the protection until the evidence is forthcoming.

**S Jones
Tree Officer
16.11.07**

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BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

3RD DECEMBER 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	A. and J. Thompson	B/2006/1360 - proposed extension and modification to dwelling, detached garaging with ground works at Giles House Farm, Bromsgrove Road, Hagley DY9 9TY	Appeal dismissed (23rd October 2007)
3.2	Donna Harris	B/2007/0150 - proposed single storey extension to existing barn conversion - retrospective application (building works completed) - Owl Barn (Plot 6), Tack Farm Barns, Hewell Lane, Redditch, B97 6QH	Appeal dismissed (29th October 2007)
3.3	Mr. T. Copeland	B/2006/0850 - proposed amendments to previously approved alterations and two storey extension at Druids Farm, Druids Lane, Birmingham, B14 5SU	Appeal allowed (1st November 2007)
3.4	Mr. J. Cannon	B/2006/1229 - erection of concrete panel walling to compound boundary at High House Farm, Alcester Road, Beoley, B98 9EL	Appeal dismissed (7th November 2007)

- 3.5 Mr. P. Hodgetts B/2007/0135 - proposed single storey rear extension at Six Oaks, Stonehouse Lane, Hopwood, Alvechurch, Birmingham, B48 7BA Appeal dismissed (7th November 2007)

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 23rd and 29th October 2007, and 1st and 7th November 2007.

CONTACT OFFICER

Name: Andy C. Stephens

email: a.stephens@bromsgrove.gov.uk

Tel: 01527 881410

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