



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 1ST FEBRUARY 2010

AT 2.00 P.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

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

(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 and notification of substitutes
2. Declarations of Interest
3. To confirm the accuracy of the minutes of the meetings of the Planning Committee held on 7th December 2009 and 16th December 2009 (Pages 1 - 8)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 09/0844-DK - 22 Bedroom EMI unit and associated facilities - The Leys Rest Home, Old Birmingham Road, Alvechurch - Mr. A. Midha (Pages 9 - 20)
6. 09/0903-CE - Proposed new dwelling adjacent to 22 Orchard Croft, Barnt Green - Mr. H. Woolridge (Pages 21 - 28)
7. 09/0905-JT - Erection of two storey clubhouse building in association with golf course approved under application B/2003/0378, including lounge, kitchens, offices, pro shop, locker rooms, bar, two lounge/bars, lounge, and staff

facilities; provision of car parking for 75 vehicles - Marlbrook Tip, Alvechurch Highway, Lydiate Ash, Bromsgrove - Link Development Ltd. (Pages 29 - 42)

8. Appeal Decisions (Pages 43 - 46)
9. 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
10. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-

"RESOLVED: that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve(s) the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraph of that part, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Item No.</u>	<u>Paragraph(s)</u>	
11	2 and 6	
12	2 and 6	
13	2 and 6	
14	2 and 6	"

11. Confidential Minutes (Pages 47 - 48)
12. Enforcement Officers Updates to the Enforcement Cases reported at the meeting (to be circulated prior to the start of the meeting)
13. Enforcement of Planning Control (Ref.: 20100201-01) (Pages 49 - 58)
14. Enforcement of Planning Control (Ref.: 20100201-02) (Pages 59 - 64)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

25th January 2010

Agenda Item 3

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY, 7TH DECEMBER 2009

AT 2.00 P.M.

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

Observers: Councillors Mrs. M. Bunker, R. Hollingworth and L. J. Turner

Officers: Mrs. D. Warren, Mr. D. M. Birch, Mr. J. Turner, Mr. S. Hawley (Worcestershire Highways) and Mr. A. C. Stephens

84/09 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Miss D. H. Campbell JP.

85/09 DECLARATIONS OF INTEREST

The following declarations of interest were made:-

<u>Member</u>	<u>Application</u>	<u>Nature of Interest</u>
Councillor G. N. Denaro	09/0680-DK	Personal. Acquainted with the applicant.
Councillor Mrs. J. Dyer M.B.E.	09/0680-DK	Personal. Acquainted with the applicant.

86/09 MINUTES

The minutes of the meeting of the Planning Committee held on 2nd November 2009 were submitted.

RESOLVED that the minutes be approved as a correct record.

87/09 09/0618-DK - ERECTION OF 4 NO. 1-BEDROOM FLATS AND A 2 BEDROOM HOUSE WITH ASSOCIATED GARAGES AND PARKING - LAND AT FOREST WAY, HOLLYWOOD - BROMSGROVE DISTRICT HOUSING TRUST

The Head of Planning and Environment Services reported the comments of the Tree Officer.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 15 to 18 of the report.

88/09 **09/0680-DK - ERECTION OF 5 NO. DWELLINGS (APPROVAL OF RESERVED MATTERS) - 27 HOLLYWOOD LANE, HOLLYWOOD - MR. P. LANE**

The Head of Planning and Environment Services clarified the comments of Worcestershire Highways.

RESOLVED that permission be granted subject to the conditions and notes set out or referred to on pages 28 and 29 of the report.

89/09 **09/0758-CE - ERECTION OF A STABLE BLOCK WITH ASSOCIATED PARKING AND TURNING AREA AND CHANGE OF USE OF LAND TO MIXED-USE AGRICULTURAL/EQUESTRIAN - LAND AT LITTLEHEATH LANE, LICKEY END, BROMSGROVE - MISS A. BALDREY**

The Head of Planning and Environment Services reported the receipt of additional correspondence in support of the proposal, and clarified details relating to land levels and other stable developments in the locality of the application site.

At the invitation of the Chairman, Miss A. Baldrey addressed the Committee and spoke in support of her application. Councillor Mrs. M. Bunker also addressed the Committee, as Ward Member for the area in which the application site was located, in support of the proposals.

Consideration was then given to the 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 stable building would not be located in an isolated position and had been designed to integrate with the existing planting and landform. As a result, Members felt that the development would not harm the appearance and character of the landscape or the visual amenities of the landscape in this location.

RESOLVED that permission be granted subject to any reasonable conditions and notes considered necessary by the Head of Planning and Environment Services.

90/09 **09/0714-CE - PROPOSED EXTENSION TO FORM BESPOKE LIVING ACCOMMODATION FOR DISABLED FAMILY MEMBER - THE GRANARY, HIGH HOUSE FARM, SCHOOL LANE, ALVECHURCH - MR. T. D. HOSKING**

The Head of Planning and Environment Services clarified the legal implications which would arise if the Committee were to approve both application ref. 09/0713-CE and application ref. 09/0714-CE.

At the invitation of the Chairman, Mrs. A. Wilkie addressed the Committee and spoke in opposition to the proposals relating to both applications whilst Mr. M.

Worrall and Mr. N. Hosking spoke in favour. Councillor R. Hollingworth also addressed the Committee, as Ward Member for the area in which the application site was located, in support of the proposals.

RESOLVED that permission be refused for the reason as set out on page 49 of the report.

91/09 **09/0713-CE - PROPOSED ANNEXE BUILDING TO PROVIDE SPECIALIST LIVING ACCOMMODATION FOR DISABLED FAMILY MEMBER - THE GRANARY, HIGH HOUSE FARM, SCHOOL LANE, ALVECHURCH - MR. T. D. HOSKING**

Consideration was given to the 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 scheme would not overdevelop the site, nor appear cramped within its context, bearing in mind the setting and juxtaposition of the site within a complex of other conversions and dwellings. Furthermore, Members felt that the design was not seen as harmful or to cause detriment to the character of the area.

RESOLVED that permission be granted subject to any reasonable conditions and notes considered necessary by the Head of Planning and Environment Services, and to include the removal of permitted development rights for any further extensions and alterations.

92/09 **APPEAL DECISIONS**

Consideration was given to a report which outlined the Inspector's decisions in respect of two appeals which had been received since the last meeting of the Committee.

RESOLVED that the report be noted.

93/09 **LOCAL GOVERNMENT ACT 1972**

RESOLVED that under Section 100 I of the Local Government Act 1972, as amended, the public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, as amended, the relevant paragraphs of that part being as set out below, and that it is in the public interest to do so:-

<u>Minute No.</u>	<u>Paragraphs</u>
94/09	2 and 6
95/09	2 and 6
96/09	2 and 6

94/09 **ENFORCEMENT OF PLANNING CONTROL (REF.: 20091207-01)**

Consideration was given to a report which detailed a breach of planning control with a view to obtaining authority to take enforcement action to remedy the planning issues arising.

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

95/09 **ENFORCEMENT OF PLANNING CONTROL (REF.: 20091207-02)**

Consideration was given to a report which outlined details of a suspected breach of planning control which, in terms of current planning legislation, would not give rise to a refusal in the event a planning application were to be received.

RESOLVED that no further action be taken in respect of the suspected breach of planning control, as referred to in the report.

96/09 **ENFORCEMENT OF PLANNING CONTROL (REF.: 20091207-03)**

Consideration was given to a report which outlined the implications of an appeal decision, together with the effect of any consequences which may be taken in the future in respect of enforcement issues.

RESOLVED:

- (i) that the report be noted; and
- (ii) that the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, be authorised to proceed with the most appropriate course of enforcement action to remedy any breach of planning control, as outlined in the report, which may arise on the specified site.

The meeting closed at 3.40 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

WEDNESDAY, 16TH DECEMBER 2009

AT 2.00 P.M.

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

Observers: Councillors Mrs. R. L. Dent, R. Hollingworth and C. B. Taylor

Officers: Mr. D. Hammond, Mrs. C. Felton, Mrs. D. Warren, Mr. A. Coel, Mr. D. M. Birch, Mr. M. Dunphy, Mr. S. Hawley (Worcestershire Highways) and Mr. A. C. Stephens

97/09 **APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Mrs. J. D. Luck.

98/09 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

99/09 **09/0531-DMB - PROPOSED ERECTION OF 49 NO. AFFORDABLE DWELLINGS INCLUDING PROVISION OF NEW ACCESS ROAD AND CREATION OF PUBLIC OPEN SPACE - LAND AT SHAW LANE, STOKE PRIOR, BROMSGROVE - BELLWAY HOMES LIMITED / BROMSGROVE DISTRICT HOUSING TRUST**

The Head of Planning and Environment Services clarified an error in the report relating to the tenure of the proposed dwellings, as detailed on page 21 of the report. In addition, he reported the receipt of an email from the applicant's agent, together with additional supporting information from the appellant, comprising statements by the agent and the Housing Vision Consultancy.

By way of further clarification, the Head of Planning and Environment Services explained the point raised by the applicant as a very special circumstance to justify the proposals relating to "*the absence of any alternative sites within Stoke Prior village for meeting this need in the short term.*"

The Head of Planning and Environment Services also reported additional views received from Worcestershire Highways, which included their comments on a draft agreement in respect of contributions towards the provision of public transport enhancements and highway improvement works. Furthermore, the

comments of the West Mercia Constabulary were reported to Members of the Committee.

The Chairman explained to the Committee that, due to the nature of the application, together with the level of public interest which had been generated by the proposed development, he would exercise his discretion for this meeting only and permit the objectors and the applicant a period of ten minutes for public speaking.

At the invitation of the Chairman, Mr. M. Jones addressed the Committee on behalf of the Stoke Prior Residents' Association and spoke in opposition to the proposed development whilst Mr. M. Brown - Chief Executive of Bromsgrove District Housing Trust - spoke in support of the proposals. On behalf of Stoke Parish Council, Mr. M. Keary also addressed the Committee and expressed the parish council's views on the application.

Consideration was then given to the application which had been recommended for refusal by the Head of Planning and Environment Services. As a preliminary point, Members considered whether the site the subject of the application could be considered as an 'exception site' to allow for the development of affordable housing under policy S16 of the Bromsgrove District Local Plan, and decided that it was not.

Members then examined the various issues arising from the proposals, as detailed in the report, including:

- (a) whether the proposals amounted to inappropriate development within the Green Belt and whether there were any 'very special circumstances' which could outweigh the presumption against development in the Green Belt;
- (b) the design, in terms of form and density, of the development;
- (c) the impact the proposals would have on the amenities of adjoining occupiers, together with its impact upon the surrounding area;
- (d) the effects of additional traffic, and other highways implications, which may arise from vehicle movements to and from the proposed development site and the local road infrastructure;
- (e) the proximity of overhead power cables and pylons, with a view to possible health implications for residents of the proposed development; and
- (f) general drainage, archaeological, ecological and biodiversity issues.

Members considered that the proposed development was not a 'small scale' development, as described in policy S16 of the Bromsgrove District Local Plan, and that, as no valid 'very special circumstances' had been put forward by the applicant, then it should be refused on the basis that it amounted to inappropriate development in the Green Belt. Furthermore, it was felt that the impact of the development, as proposed, would have a negative effect on the amenities of the locality, especially in the absence of any contributions

towards the provision of public transport enhancements and highway improvement works.

RESOLVED that permission be refused for the reasons set out on pages 41 and 42 of the report.

The meeting closed at 3.25 p.m.

Chairman

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Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mr Amit Midha, c/o Mr David Holland, 'A'	22 Bedroom EMI unit and associated facilities The Leys Rest Home Old Birmingham Road Alvechurch Birmingham Worcestershire B48 7TQ	Green Belt	11.02.2010

RECOMMENDATION: that permission be **REFUSED**.

Consultations

- Alvechurch PC Consulted 19.11. Response received: 08.12,
The Parish Council raise the following concerns:
1. The applicant has given the following responses on the application form:
 - 7) Waste and Storage Collection – No to all waste provision.
 - 8) Neighbour & Community Consultation – No to neighbourhood consultation
 - 11) Car parking – the car parking included 9 seems to be inadequate to the number of employees and visitors.
 - 12) Foul sewage - Unknown to both questions on foul and sewage.
 - 13) Assessment of flood risk – No to most questions on flood risk and soakaway for surface drainage. There is also a watercourse for the river Arrow from property to river, but APC are unsure whether it is 20 metres or more.
- There are concerns that no consideration has been given to these important parts prior to the application.
2. Access for emergency services and local traffic – is a traffic report required?
 3. Previous barn conversion for farm dwelling – are there additional development constraints?
- WCC (HP) Consulted 19.11, Response received: 24.11.
Recommends that the permission be **refused** for the following reasons:-
- The development will have an adverse impact on the highway due to the extra traffic generated by the development and its failure to provide sustainable means of access.
- The site will significantly increase car activity for staff, professionals and visitors and the road is narrow and is not suitable for increased trip generation. There is no suitable access provided for pedestrian access

or cycle access and the application does not give regard to access via the public transport network.

The increased trip generation exposes pedestrians to greater risk due to the lack of a footway back towards Alvechurch Village, this applies for persons going to the Leys and using Birmingham Road for recreation.

The existing site access suffers from reduced visibility to the right due to excessive hedge growth in third party ownership and extra trip generation increase the risk of a vehicle to vehicle collision.

There is also insufficient car parking to suit the developments needs. WCC's car parking standards would require 1 space per member of staff and 1 space per 4 bedrooms, notwithstanding the existing building being below these standards the pro rata increase of 31 car parking spaces, 2 disabled spaces and 6 sheltered secure cycle spaces and this parking provision is not provided. The proposed 9 car parking spaces in total are considered to be a significant shortfall that will result in vehicles being displaced onto the Birmingham Road and the adjacent verge, both will disrupt pedestrian and car activity.

As the development relies on car borne access, it fails to provide adequate facilities to cater for these vehicles, also its isolated location and lack of infrastructure to the nearby bus stops, footways and village amenities places vulnerable persons at risk and fails to promote sustainable development.

ENG

Consulted 19.11 Response received: 23.11

No objection subject to the following conditions:

1. The disposal of storm water shall be by means approved by the LPA. The approved system shall be operational before building works commence. Balancing will be required in accordance with EA policy. There is no public surface water sewer available and no surface water will be allowed to discharge to the foul water sewer. Any additional flows that are generated by new structures and hardstanding are to be attenuated before being allowed to discharge to the foul water sewer.
2. The disposal of foul water shall be by means approved by the LPA. There is a need to ensure that the existing pumping arrangements are capable of accommodating additional units ie the correct capacity in relation to pump operation and that there is an adequate maintenance schedule.

LP

Consulted 19.11. Response received 20.11.

The site is in the Green Belt in the Bromsgrove District Local Plan 2004. Therefore PPG2 and the Local Plan policy DS2 are relevant.

The proposal appears from the plan to be a very large extension of the existing building. There is a general presumption against development in the Green Belt and this proposal does not meet the exceptions listed in DS2 or PPG2. It is therefore necessary for the applicant to demonstrate any very special circumstances to outweigh the material harm to the openness of the Green Belt.

I note that a similar application to extend the nursing home to provide 18 bedrooms with en-suites and community day care facilities was refused in 1992 (B/0062/1991).

WCC Public Consulted 19.11. No response to date.
Rights of Way
Ramblers Consulted 19.11. No response to date.
Association
EA Consulted 19.11. Response received 20.01 as follows
Environment Agency objects to the proposal. The flood risk
assessment is inadequate. It is not robust enough to show that the
proposed development is not at risk from flooding.
Natural England Consulted 12.01. No response to date.
Worcestershire Consulted 12.01. No response to date.
Wildlife Trust
Tree Officer Consulted 19.11. Response received:
EH Consulted 19.11. Response received 20.11
(Commercial)

This section has no objections in principle to the above application.

The premises and food business will be required to comply with Food Safety legislation which is enforced by this Council and Health and Safety legislation which may be enforced by this Council depending on the level of medical care provided. The premises will be subject to routine inspection to assess compliance.

I would strongly recommend that advice be sought on detailed compliance with this legislation from the Commercial Team at Bromsgrove District Council (telephone number 01527 881434) at the earliest opportunity.

It is also a legal requirement that the premises be registered with this Department at least 28 days before starting the food business.

EH Annex 2 of Planning Policy Statement 23 states that the developer must
(Contaminated submit "sufficient information" to demonstrate that the site is either not
Land) adversely affected by contamination or that the site can be made
suitable for use with regards to any contamination prior to the granting
of any planning consent, i.e. at the application stage. This applies
where a sensitive receptor is proposed, i.e. where a residential end-use
is proposed.

Records indicate that the above site lies approximately 80m from a former landfill site. Records suggest that this landfill was licensed to accept inert, industrial and special wastes. Records also indicate that some household waste may also have been received at the site.

No objection to the proposed development subject to the following conditions:

Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 have been complied with:

1. A preliminary risk assessment must be carried out. This study shall take the form of a desk top study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors.
2. Where necessary a scheme for detailed site investigation and risk assessment must be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
3. Where necessary detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report is subject to the written approval of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
4. Where necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
5. Where necessary the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
6. Where necessary, following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be

undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason:

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

Publicity

7 letters posted on: 19.11.2009 (expire on: 10.12.2009).

1 letter posted: 26.11.2009 (expires on 17/12/2009)

Site notice posted on 19.11.2009 (expires on: 10/12/2009).

Five letters of objection received 22.11.2009, 08.12.2009, 10.12.2009 and 11.12.2009 summarised as appropriate:

- The peacefulness and seclusion of No. 1 'The Stables' would be adversely affected. This would greatly affect the marketability of the property.
- There would be a significant loss of privacy to No.1 'The Stables' as the proposed development would directly overlook the rear garden and the NE corner of the extension would directly abut the boundary. The area directly to the front of the property would be dominated by the extension.
- The current access is inadequate for the existing care home, for the existing four residential properties and for an extension which would increase the size of the care home by over 200%.
- The scale of the development is enormous with a floorspace 3.6 times bigger than the existing care home. The design of the extension in no way reflects the character of the existing building.
- The proposal would result in a loss of amenity, both in terms of noise generation, smells and light pollution.
- The proposed extension by virtue of its size and bulk would be out of keeping with the character of the existing building
- The proposal is an inappropriate form of development in the Green Belt and would detrimentally affect the visual amenity of the area. It would also result in a greater number of traffic movements and commercial deliveries contrary to Green Belt objectives.
- There has recently been approval for a 30 bed EMI unit in the District so the quantitative need for a 22 bed EMI unit has not been proven.
- The level of car parking proposed (11 spaces) is totally inadequate to deal with 41 residents, 23 staff and large numbers

of visitors. There are four allocated spaces in the parking area for existing residents of the barn conversions but these are most often used for visitors to the care home. There will be potentially 41 sets of visitors at the site.

- The location is not sustainable and most visitors and patients will arrive by car or taxi. The car park is always full to capacity with the existing number of residents. The quality of life for the residents of the converted barns will become unbearable with increased noise from vehicles and service deliveries. Walking and cycling on Birmingham Road would be significantly discouraged through the increased risk posed by additional traffic. The alternative access to the north for the residents is inadequately maintained and is only used by two residents.
- The use of the access on the opposite side of the road from the entrance by agricultural vehicles means that the proposal will result in further traffic conflict at the entrance. The conflict is most critical at the times at which nursing shifts change over.
- There are limited economic benefits from the scheme and there are alternative sequentially preferable sites in the District available. There are safety issues for residents in terms of the proximity of the river and the motorway and there have been instances of residents leaving the site and having to be rescued.
- The access is inadequate for emergency vehicles. There will be random parking on Birmingham Road which is single carriageway and inadequate for the volumes of traffic which would be generated. The site could not be accessed by emergency vehicles in winter conditions.
- The road is dangerous in terms of the speed of vehicles and the proposal will further increase the risk. There has been a fatality on Old Birmingham Road in the recent past.
- The sewage from the existing care home and the five residential properties currently depends on a small shared pumping station and there has been no consultation with residents on the adequacy of this for the extension and the potential financial consequences for residents. It is very unlikely that the existing system will be able to cope with an additional 22 bed unit.

The site and its surroundings

The application site is a large detached building used as a Nursing Home on the south side of Old Birmingham Road. It is an attractive late 19th Century structure with the main elevation facing west to an extensive garden area. The River Arrow flows along the boundary of the garden and there are a range of trees present including cypresses and other, mainly coniferous trees. There are a range of converted outbuildings to the north of the main building and a limited area for parking immediately inside the entrance.

Proposal

The proposal is for a 22 Bedroom EMI (Elderly Mentally Inform) unit and associated facilities. In terms of the scale of the proposal, it will comprise a floorspace of 1028m² in the form of a single storey extension to the South East of the existing two storey building. The extension will be oriented around a central courtyard and the new unit will comprise 22 bedrooms, kitchen, dining, reception and other service areas. The existing building contains 20 bedrooms with a lounge and dining room on the ground floor. These rooms are considerably smaller than any of the rooms in the proposed extension. 11 parking spaces are proposed to the west of the existing building along the boundary of the curtilage close to the *River Arrow*.

Relevant Planning History

- B/0905/1991 Alterations and extensions to create 24 bedroom nursing home. Refused: 12.12.1991. Appeal Dismissed 02.02.1993.
- B/0062/1991 Extension to nursing home to provide 18 bedrooms with en-suites and community day care facilities. Refused: 11.03.1991.
- B/12225/1984 Change of use to private nursing home. Granted 10.10.1984.

Relevant Policies

- WMSS QE3, PA1, PA14.
- WCSP SD2, SD3, SD4, SD8, SD9, D28, D35, D38, D39, T1.
- BDLP DS1, DS2, DS3, DS13, S29, ES4, ES5, E9, TR11, TR8.
- Others PPS1, PPG2, PPS6, PPS7, PPG13.

Notes:

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

- (i) Green Belt
- (ii) Consideration of whether there are very special circumstances
- (iii) Highway Impact
- (iv) Drainage and Flood Risk
- (v) Residential amenity
- (vi) Design

(i) Green Belt

The site is situated in the Green Belt and therefore PPG2, Policies D.39 and D28 of the Worcestershire Structure Plan (1996 - 2011) and Policy DS2 of the adopted Bromsgrove District Local Plan will apply to the development. It is clear that the proposal is not an essential facility for outdoor sport or recreation or for uses which maintain the openness of the Green Belt. It is clear that the proposal is inappropriate development and the

applicant has been invited to submit any very special circumstances which may be present to justify the proposal.

I do not consider that the proposed development would only cause marginal harm to the interests of the Green Belt as stated by the Applicant. There would be a substantial loss of openness to the south of the existing building with an attendant harm to the visual amenity of the rural location. This would be evident from the perspective of Old Birmingham Road, the public footpath to the south of the application site and from the neighbouring residential immediately to the north.

(ii) Very Special Circumstances

Inappropriate Development in the Green Belt should only be allowed in 'very special circumstances'. Members will note that it is very rare indeed for very special circumstances to exist such that the circumstance is so unique that it could never be repeated in other applications for commercial extensions in the Green Belt.

The applicant has submitted a Planning Design and Access Statement to address the issue of very special circumstances. A sequential test has also been presented in this respect. The applicant accepts the position that the proposal is inappropriate development and refers to parts 3.2 and 3.8 of PPG2 in stating that there are a large number of EMI units closing and no sites are suitable outside the Green Belt. It is also stated that the extension is sited in such a position as to minimize its impact on the openness of the area as it is well screened from public points of view. This cannot be considered in the category of the reuse of a building (paragraph 3.8 of PPG2). It is very clear that the proposal is a substantial extension to the existing building and not the reuse of an existing building.

Members should note that the extension of a building in a C2 use (residential institution) in the Green Belt is inappropriate development and the inspector for the appeal of application B/1991/0905 considered the extension of such a building to be inappropriate development before the exigencies of more stringent guidance in PPG2 (1995) came into effect.

The sequential test provided in the Applicant's statement considers alternative sites within and on the edge of Alvechurch. I consider that this assessment has been an unhelpful diversion from the issue as four of the identified sites are currently in use as playing fields and there would be a strong community and policy resistance to changing their designation. Even if the proposal site was considered 'sequentially' preferable in the context of revised PPS4, this would still not overcome the presumption against inappropriate development.

The Applicant contends that the site does not meet the standards outlined by the Care Quality Commission under Section 23(1) of the Care Standards Act 2000. There is pressure from government to enhance the quality of residential care homes. The application of the above Act has caused the closure of a number of care homes. There is no reference made to the Commission for Social Care Inspection (CSCI) to show that the existing facility is so inadequate that such a substantial extension is required.

The Applicant contends that the expansion of the care home is essential for financial viability and that there is currently a waiting list for potential new occupants. Statistics are referred to, but not supplied. It is stated that the nursing home had to decline acceptance of 11 new residents because the existing facility was at capacity. However, there is no assessment of what alternative sites may be available for occupation in the nearby urban areas of Birmingham, Bromsgrove or Redditch which would justify a pressing need to allow a development of this scale in the Green Belt. I would expect detailed data to be provided at the County or Sub-Regional level to substantiate the need referred to. In terms of financial considerations, these have been ruled not to amount to very special circumstances even in the Inspectors decision on this same site in 1991 (B/1991/0905).

In terms of very special circumstances, the Applicant refers to *Vision Engineering vs Secretary of State for the Environment* (1991). This relates to the determination of planning applications in Green Belts and it is incumbent in the case of a development which is inappropriate that the decision maker expresses a view as to the harm to the Green Belt and the lack of weight of countervailing considerations of the advantages of allowing the development. There needs to be consideration of whether the objection to a development could be overcome through conditions. The case arose because of the conflict with the presumption in favour of development in proceeding planning legislation. However, there is now an established and clear presumption against inappropriate development in the Green Belt and the presumption in favour of development in accordance with the provisions of the development plan, now applies. This is the approach taken in the assessment of this application and Members should note that the advice of PPG2 postdates the judgement referred to by the Applicant.

The creation of employment from the proposal is referred to by the Applicant. I consider this to be a purely economic argument and policy and case law are consistent in not accepting that economic arguments are very special circumstances.

In summary, the Applicant has failed to provide any statistical evidence to support the proposal under consideration. It is therefore difficult, if not impossible for Officers and Members to determine that there are very special circumstances in this case or that the advantages of the scheme in meeting any identified need are so great that they outweigh the identified harm.

(iii) Highway Impact

Members should note the views of Worcestershire Highways. Policy TR11 of the BDLP states that all new development needs to make provision for the safe access and egress from the site as well as adequate parking. There is impaired visibility for vehicles leaving the site to the detriment of highway safety. The 11 parking spaces proposed are inadequate for the proposal and will result in displacement onto Birmingham Road.

The Transport Statement provided states that there are currently only two visitors per day for the 20 patients and there would only be four for the new facility. It is inconceivable that there would be such a low level of visitors and these numbers would significantly increase at the weekends.

Members should note the significant and valid concerns of the residents of the converted buildings (No. 1-4 'The Stables') especially in relation to parking and the inadequacy of

the existing access to accommodate these properties, the existing care home and the new extension which is 1.8 times the size of the existing facility. These concerns have been raised with the Applicant and to date there has been no response. As such the proposal is contrary to policy TR11. I note the concerns raised in terms of sustainability by Highways. The site is not in a sustainable location with limited pedestrian or public transport accessibility. The proposal fails policy DS13 and the advice of PPG13. Members should note the updated guidance of PPS4 where more stringent criteria sustainability apply to development. To approve the scheme would be contrary to national planning policy guidance.

(iv) Drainage and Flood Risk

The Environment Agency has been consulted on the application and their views are awaited. The site is very close to the River Arrow, particularly the car parking area. Members should note that a care home is a very sensitive end use. I note the concerns of residents in respect of the adequacy of the sewage pumping facility which serves the care home and the existing residential properties. The Drainage Engineer has stated that the facility may not have the capacity and this facility would need to be improved in order to facilitate the development. This could be resolved by conditions.

Members should note that the Environment Agency object to the proposal on the basis of flood risk. The Flood Risk Assessment provided is inadequate to overcome their concerns. The applicant has failed to consider alternative sites in a sequential test as required by PPS25.

Residential Amenity

Members should note the significant concerns of the residents of 1-4 'The Stables' which are on the northern boundary of the application site. It is reasonable to consider that there is already a significant loss of residential amenity arising from the activities of the existing facility and that amenity would be further eroded if the proposal was approved. Whilst, I do not consider the loss of property value is a significant material consideration per se, the additional vehicle, use of the singular access and movement (as yet unquantified) of commercial service and emergency vehicles would overall result in a significant loss of amenity. As such this breaches policy E9 which states that extensions to commercial facilities should not result in harm to residential amenity through noise, smells vibration or reduced daylighting. As well as the general harm, there would be a specific loss of amenity to the garden of No. 1 'The Stables' because of the proximity of the proposal to the property boundary (approximately 1m). The entire outlook from Nos. 1 and 2 would be radically changed with the windows on these properties facing a new large complex.

Design

I consider that the design of the proposal, while functional for the purposes of a care home is utilitarian in design. The proposal neither reflects the character of the existing attractive Victorian building nor represents an advanced modern design. I consider that the design of the proposal is harmful to the residential amenity for the neighbouring residents and for the wider public amenity. This design would greatly erode the visual

amenity of the site and the Green Belt, further adding to the harm caused by the loss of openness.

Conclusion

The substantial extension of the care home is inappropriate development in the Green Belt. The applicant has not provided any very special circumstances which outweigh the harm caused and the PPG2 makes it very clear that the onus is on the applicant to demonstrate that there are very special circumstances. Thereby, the proposal conflicts with the policies of the Worcestershire County Structure Plan and the Bromsgrove District Local Plan and the advice of PPG2. Furthermore, the proposal does not demonstrate adequate parking, safe means of access and egress from the site and would harm the amenity of existing residential properties. An appeal for a similar proposal was dismissed on this site in 1993 (B1991/0905). On the basis of all of the evidence, I recommend that permission be refused.

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

- (a) The proposal is inappropriate development in the Green Belt and would cause significant harm to the openness and visual amenities of the Green Belt in this location and would conflict with four of the five purposes of including land within the Green Belt as set out in PPG2. No very special circumstances have been put forward or exist that clearly outweigh the harm caused and therefore the proposal is contrary to policies PA1 and PA14 of the West Midlands Spatial Strategy, policies SD.2, D.28, D.38, and D.39 of the Worcestershire County Structure Plan and policies DS2 and DS13 of the Bromsgrove District Local Plan and the provisions of PPG2 (Green Belts).
- (b) No information has been provided to prove that the scheme at present would not jeopardise highway safety and the free flow of traffic upon the local highway network due to an under provision of car parking and lack of an adequate access. As such, the development is considered to be contrary to policy T.1 of the Worcestershire County Structure Plan 2001 and policy TR11 of the Bromsgrove District Local Plan 2004.
- (c) The proposal is not in a location which would be accessible to variety of means of transport and other services contrary to policies SD4 of the Worcestershire County Structure Plan and DS13 of the Bromsgrove District Local Plan 2004.
- (d) The proposal would have a significantly detrimental impact on the amenity of residents adjoining the application site contrary to policies E4 and DS13 of the Bromsgrove District Local Plan 2004.
- (e) The Flood Risk Assessment provided is not robust enough to show that the proposed development is not at risk from flooding or would increase the risk of flooding to third parties. As such, the proposal is contrary to policy ES2 of the Bromsgrove District Local Plan 2004 and the advice of PPS25 (development and flood risk).

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Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
Mr. H. Woolridge "B"	Proposed new dwelling (as amended by plans received 12.01.2010) 22 Orchard Croft, Barnt Green, Birmingham B45 8NH	RES	09/0903 01.02.2010

RECOMMENDATION: that permission be **GRANTED**.

Councillor Mrs. A. E. Doyle and Councillor R. J. Deeming have requested that this application be considered by the Committee, rather than being determined under delegated powers.

Consultations

WH	Consulted – view received 17.12.2009. Recommends conditions HC8, HC14, HC16 and HC35 and notes HN4 and HN5.
Strategic Planning (Policy)	Consulted – view received 18.01.2010. The proposed dwelling is within a residential area in the BDLP and therefore PPS1, PPS3, policy S8 of the BDLP and SPG1 apply. The issue of layout, extensions, plot subdivision and backland development, external space, daylight and sunlight, minimum distances and private communal and amenity space in SPG1 are of particular relevance. The views of the Highways Engineer will be of relevance in relation to surrounding highway capacity and sustainability issues. PPG13 is also of relevance together with policy DS13 of the BDLP.
ENG	Consulted – view received 10.01.2010. No objection subject to a condition requiring the submission of storm water drainage details. No flood risk assessment required. Disposal of foul sewerage shall be to the adjacent foul sewer.
Environmental Health (Contaminated Lane)	Consulted – view received 21.01.2010. It is considered that the proposed end-use of residential housing is a sensitive end-use and would be particularly vulnerable to the presence of any contamination. Conditions suggested . Further comments included below.
Environmental Health (Pollution Control)	Consulted – view received 12.01.2010. No comment.
Barnt Green Parish Council	Consulted – view received 21.12.2009. The application should be refused. SPG1 advises that new dwellings designed for family accommodation should be capable of extension without adversely affecting the character of the street. The application site is very cramped. Even without extension the character of the street will be adversely affected. The proximity of the proposal to 23 Orchard Croft gives an unacceptably cramped appearance and represents a considerable increase in density. The cramped house type will be out of keeping with the area. The proposal will not be attractive and will reduce the amount of garden space and lead to a loss of privacy and amenity, especially to numbers 22 and 23. The depth of the rear garden to number 22 will be reduced from approximately 16.25 to 6 metres. The requirement under SPG1 for a reasonable amount

- of private amenity space has not been met.
- Publicity 2 letters sent 14.12.2009 (expired 04.01.2010).
1 letter sent 21.12.2009 (expired 11.01.2010).
- One response raised no objection to the scheme but requested restrictions be placed on the rooflights facing number 22.
- 7 objections received. The concerns raised in these responses are summarised as follows:
- The proposal is not attractive and would harm the character of the site and surroundings. It is over-development of the plot and the proximity of the new dwelling to number 23 would result in a cramped and high density feel.
 - The proposed house type is incongruous in size and character to the neighbourhood. The frontage of the new building would be nearly half the size of the original buildings in this section of Orchard Croft. All existing dwellings in the road have a garage.
 - The dwelling exceeds the building line which would be detrimental to the appearance of the road.
 - This area of Barnt Green was originally planned as an open style area of living. The size of the plot does not reflect the existing development and the open airy appearance of the road would be adversely affected.
 - Room for property expansion must be possible.
 - The proposal would not benefit neighbours and would ultimately affect the overall desirability of Barnt Green.
 - The proposed dwelling and number 22 would have insufficient garden depth and space.
 - Loss of privacy and amenity to numbers 22 and 23.

The site and its surroundings

This application relates to a piece of land approximately 185 square metres in size, located to the east side of the southern spur of Orchard Croft. The site predominantly consists of part of the enclosed rear garden of 22 Orchard Croft, a detached bungalow. At the front (west side) of the site is an area of grass which slopes down to the garden fence. Although open to the road, this part of the site does fall within the curtilage of number 22. The site is adjoined to the east by the rear garden of number 21 and to the south by number 23. The southern spur of Orchard Croft rises up gently to the south east.

Proposal

This application proposes a three bedroom detached dwelling. The dwelling will be one and a half storeys height. It is also proposed to create a new vehicular access off Orchard Croft to serve the new dwelling.

Relevant policies

WMSS CF2, CF3, CF4, CF6, QE3, T2, T7
 WCSP SD.1, SD.2, SD.3, SD.4, SD.5, CTC.1, CTC.5, D.5, T.1, T.3, T.4
 BDLP DS4, DS13, S3, S4, S7, S8, C17, TR8, TR11, ES7

Others PPS1, PPS3, PPG13, PPS23, SPG1

Relevant Planning History

B6164 Erection of residential building. Refused 16.07.1979. Appeal dismissed 18.04.1980.
BR/1230/72 Erection of house. Approved 23.01.1973.
BR/365/72 Erection of detached house. Refused 26.09.1972.

Notes

The application site lies within an established residential area and falls within the definition of previously developed land, as defined in Planning Policy Statement 3 (PPS3): Housing. PPS3 states that the priority for development should be previously developed land. I am therefore of the view that principle of residential development on the site is acceptable. The main issues in the consideration of this application are housing supply, the impact the proposal will have on the character and appearance of the locality, the amenities of adjoining occupiers and highway safety issues. I have noted the comments of consultees and third parties arising from the consultation and publicity exercises. Concern has been raised by a third party regarding the accuracy of the plans. This has been resolved through the submission of amended drawings.

Housing supply

As Members will be aware, a moratorium on new housing development was put in place in 2003 through the adoption of Supplementary Planning Guidance Note 10 (SPG10) to manage a situation of housing oversupply. Guidance provided in SPG10 has now been superseded by policies contained in PPS3, the adopted Regional Spatial Strategy and the revised housing figures published by the Inspectorate in response to Phase 2 Revision of the RSS. This revised guidance means that SPG10 is no longer enforceable and windfall development of this scale would not result in an over-supply of housing.

Density, form and layout

PPS3 states that a housing density of 30 dwellings per hectare should be used as a national indicative minimum, where no local policies are in place. The proposed development has a density of 35 dwellings per hectare and is therefore in accordance with national policy guidance. Policy S7 of the Bromsgrove District Local Plan 2004 relates to new dwellings outside the Green Belt and requires such proposals to have a density appropriate for the site and a form and layout appropriate to the area. Policy S8 of the BDLP states that proposals for the sub-division of plots will not be permitted where they would be detrimental to the traditional pattern or amenity of the locality. The Parish Council and a number of local residents have raised concern that the proposal will appear cramped within its context, is of an inappropriate design and would be harmful to the character of the road. The Parish council has drawn attention to paragraph 5.0 of Supplementary Planning Guidance Note 1: Residential Design Guide which encourages new housing to be well related in scale and location to existing development. The

position of the proposed dwelling and its relationship with number 22 reflects the position of number 29 (directly opposite the application site) and its relationship with number 30. The 12m plot width of the application is also the same as the width of number 29. I acknowledge that the depth of the application site is less than the depth of other properties within Orchard Croft, but note that this will not be apparent from the street scene. The proposed dwelling will be positioned 2m from the side wall of number 23 and this gap is comparable with other gaps found in Orchard Croft (for example between numbers 10, 11 and 12). Although the proposed dwelling is positioned further forward in its plot than number 23, it does not extend beyond the side wall of number 22. I therefore consider that the proposal respects the existing pattern of development in Orchard Croft and the open-plan character of the road.

The one and half storey design of the dwelling with front and rear facing gables reflects the original form of numbers 23 to 28. The eaves and ridge height of the building have now been reduced so that they fall marginally below those of number 23 allowing the proposal to sit comfortably within its context and follow the gradient of the land. I am therefore satisfied that the design, siting and density of the proposal are appropriate and will not unduly harm or be out of keeping the appearance and character of the locality.

SPG1 advises that family accommodation should be capable of extension to meet the occupier's changing needs. It is acknowledged that due to the size of the site, there will be limited scope for extending the proposed dwelling. However, in my opinion, this does not in itself warrant the refusal of the application. I recommend that the property's permitted development rights be removed to allow the Council to control any future proposals at the site.

Sustainability issues

Policy SD.4 requires development proposals to be located so as to minimise the need to travel and where there is access to different modes of transport. The application site is located in an established village which provides a small collection of shops, a school and rail and bus links. I am therefore satisfied that the proposal is a sustainable form of development.

Residential amenity issues

Policy S7 states that new housing must not adversely affect the existing amenities of adjoining occupiers. SPG1 advises that as a general guide a minimum distance of 12.5m should be achieved between two storey conventional houses where windows overlook adjacent blank walls. This is to prevent overshadowing and a visually intimidating effect. The side wall of the proposed dwelling will be located approximately 11m away from the rear windows to number 22 and 12m from the rear windows to number 21. Lying to the north of the application site and at a slightly lower level, I acknowledge that these two properties will experience loss of light as a result of the proposal. However, given the one and half storey design of the proposal, I do not consider that the impact will be such to unduly harm the amenities currently enjoyed by the occupiers of both houses. Any loss of light to number 23 will be minimal, given its relationship with the proposal.

To protect the privacy of adjoining occupiers SPG1 suggests that there should be a minimum separation distance of 21m between two storey dwellings and that windows should be set back 5m per storey from the site boundary where it adjoins a private garden. First floor windows at normal eye level to the rear of and side elevations of the proposed dwelling would fail to comply with this guidance. To overcome this, the first floor windows to these elevations have been positioned 1.8m above the internal floor level. To protect the privacy of number 22 from the ground floor windows to the proposal, a new fence will be required along the common boundary by way of condition.

SPG1 states that it is usual for 3 bedroom dwellings to have a minimum garden depth of 10.5 metres with an absolute minimum area of 70 square metres for dwellings with 6 habitable rooms. The proposed dwelling will have a rear garden depth of just 6 metres. However, with a total garden area of some 108 square metres, I am content that the new dwelling will have adequate private garden space. Concern has been raised by third parties regarding the loss of garden space to the existing dwelling at number 22. It is understood that number 22 and the application site are already in separate ownership.

Highway safety

Policy TR11 of the BDLP requires all development to incorporate safe means of access and egress appropriate to the nature of the local highway network and to provide sufficient off-street parking. The proposed vehicular access will lead onto a driveway providing space for two cars. Worcestershire Highways has raised no objection to the proposal and I am therefore satisfied that the proposed access does not present any highway safety issues and that adequate parking has been provided.

The development can be properly serviced

Policy S7 requires a new development to be appropriately serviced. The Drainage Engineer has raised no objection to the proposed scheme subject to a condition relating to the disposal of storm water. I am aware that this matter will be dealt with under Building Regulations and therefore consider the condition unnecessary.

Potential land contamination issues

Planning Policy Statement 23 (PPS23): Planning and Pollution Control requires Local Planning Authorities to pay particular attention to development proposals for sites where there is a reason to suspect contamination and to those for particularly sensitive uses such as housing likely to be used by families with children. In accordance with Annex 2 PPS23, a developer must submit sufficient information to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be reduced to a satisfactory level. As the application has not been accompanied by such information, the Council's Environmental Health Officer has recommended that any permission granted be subject to conditions requiring the submission of a risk assessment and site investigation. Where appropriate, remediation work will be required.

Tree issues

Policy C17 of the BDLP requires development proposals to retain existing trees wherever possible. The proposal will involve the removal of a few small trees. These trees are of limited amenity value and I have no objection to their removal.

Other matters

The proposed development falls below the thresholds for play space and affordable housing provision/contributions and education contributions.

Conclusion

Having considered all material considerations to this application, including the impact of the proposal on the character and appearance of the locality and the amenities of adjoining occupiers, I find the proposed development acceptable.

RECOMMENDATION: that permission be **GRANTED**.

1. C99
2. C03
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development permitted under Article 3 and described within Classes A, B, C D or E of Part 1 shall take place without the prior written consent of the Local Planning Authority.
4. C10
5. Prior to the commencement of the development hereby approved, details of a screen to be erected along the common boundary with 22 Orchard Croft shall be submitted to and approved in writing by the Local Planning Authority. The screen shall be erected in accordance with the approved details prior to the occupation of the approved dwelling.
6. Prior to the commencement of the development hereby permitted, drawings shall be submitted and approved in writing by the Local Planning Authority, showing existing and proposed ground levels, including finished floor levels for the proposed dwelling. The development shall then be carried out in accordance with the approved drawings.
7. HC8
8. HC14
9. HC16
10. Unless otherwise agreed in writing by the Local Planning Authority, development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until:
 - a. A preliminary risk assessment has been submitted to and approved in writing by the Local Planning Authority. This study shall take the form of a desk top study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the

- information above and shall include all potential contaminants, sources and receptors.
- b. Where necessary, a scheme for detailed site investigation and risk assessment must be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
 - c. Where necessary, a detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
 - d. Where necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be submitted to and approved in writing by the Local Planning Authority. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 - e. Where necessary, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
 - f. Where necessary, following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any buildings.
11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reasons

3. To protect the amenities of the locality and residential amenities of adjoining occupiers in accordance with policy S7 of the Bromsgrove District Local Plan and policy CTC.1 of the Worcestershire County Structure Plan 2001.

5. To protect the privacy of adjoining occupiers in accordance with Policy S7 of the Bromsgrove District Local Plan 2004.
6. To protect the amenities of the locality in accordance with policy S7 of the Bromsgrove District Local Plan 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001. .
10. & 11. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES7 of the Bromsgrove District Local Plan 2004.

Notes

1. HN4
2. HN5
3. The screen required under condition 5 shall be 2 metres in height above the ground level and shall be designed to form a solid barrier between the two properties. It must not extend forward of the front of the approved dwelling.
4. If the preliminary risk assessment required under condition 10a indicates that land contamination does not exist at the application site, it may not be necessary for the documents required under conditions 10b to 10f to be submitted.
5. New soakaways to serve the new building must be constructed so as not to affect adjacent properties. The disposal of foul sewerage shall be to the adjacent public/private sewer.
6. The granting of planning consent does not supersede the applicant's 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 Badgers Act 1992.

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

WMSS	CF2, CF3, CF4, CF6, QE3, T2, T7
WCSP	SD.1, SD.2, SD.3, SD.4, SD.5, CTC.1, CTC.5, D.5, T.1, T.3, T.4
BDLP	DS4, DS13, S3, S4, S7, S8, C17, TR8, TR11, ES7
Others	PPS1, PPS3, PPG13, PPS23, SPG1

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

Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Link Developments Ltd 'A'	Erection of two storey clubhouse building in association with golf course approved under application B/2003/0378, including lounge, kitchen, offices, pro shop, locker rooms, bar, two lounge/bars, staff facilities, and two self-contained residential units; provision of car parking for 75 vehicles at Marlbrook Tip, Alvechurch Highway, Lydiate Ash, Worcestershire	Green Belt	09/0905-JT

RECOMMENDATION:

That permission be **REFUSED**

Consultations

Worcestershire Highways Consulted: 07.12.2009. Response received: 11.01.2010.

Recommends that the application be deferred. In order to ensure that the car parking provision is appropriate the applicant should provide a schedule of the gross floor area of the key elements of the building.

The car parking ratio for golf courses is 2 spaces per hole (i.e. 18 for this development), with the club house to be separately assessed. Therefore the changing facilities are considered to be provided for in the golf course parking provision, however there should be a parking allocation based on the various uses that create the club house facility.

Specific areas are required for lounges, bars, kitchen, shop and staff facilities/management offices. The residential units will be assessed as a dwelling with 1 space per unit being the required provision.

Worcestershire County Minerals & Waste Consulted: 07.12.2009. No response received.

Severn Trent Water Consulted: 07.12.2009. Final response received: 10.12.2009.

No objection, subject to the imposition of a condition requiring drainage plans to be submitted in the event of approval.

Environment Agency Consulted: 07.12.2009. Final response awaited. Concerns have been expressed verbally in relation to the foundation design of the building given the nature and history of the site and potentially unstable ground.

Strategic Consulted: 07.12.2009. Final response received: 08.12.2009.

Planning

Advises that as the application site is located within the Green Belt the proposals should be assessed against PPG2 and Local Plan Policy DS2. As the proposals are for a clubhouse and car parking PPG13, PPG17, and Local Plan Policies DS13 and RAT2 are relevant. Notes that the application does not demonstrate that the proposals accord with the recommendations of the Council's PPG17 'Open Space, Sport and Recreation Assessment'. For example, the study indicates that the provision of golf courses in the district is above the national average but that there are limited golf facilities for 'pay-and-play' golf.

The applicant should demonstrate how the proposals meet Policy RAT2(a), and in particular justify why two key worker dwellings are needed.

The applicant should carry out an ecological survey of the site and incorporate measures to enhance habitats and to ensure that no adverse impacts are caused to the nearby Roughlands SWS.

Woodland Officer

Consulted: 07.12.2009. No comments.

Commercial Regulation

Consulted: 07.12.2009. Final response received: 08.12.2009.

No objections in principle. Advice is given on the need to comply with Food Safety and Health and Safety legislation which is enforced by this Council and the requirement that the premises be registered with the Council at least 28 days before starting any food business.

Contaminated Land

Consulted: 07.01.2010. Final response received: 18.01.2010.

Recommends that the application is refused until appropriate landfill gas risk assessment is undertaken and associated information submitted to the Council.

The proposed development lies on a former landfill site. A programme of environmental monitoring and risk assessment has been undertaken on the site in relation to planning consent granted for the restoration and capping of the site (B/03/0378). However, risk assessment specifically in relation to the construction of a building on the site is required. Details of any subsequent recommendations and/or proposals for foundation design and gas protection measures are also required.

Planning Policy Statement 23: Annex 2 "Development on Land Affected by Contamination" states that the developer must submit "sufficient information" to demonstrate that the proposed development will not be adversely affected by the presence of contamination, in this case primarily the presence of elevated levels of landfill gas. PPS23 states

that such information should be submitted before the application is determined.

Economic
Development

Consulted: 07.12.2009. No comments.

Engineers/
Drainage

Consulted: 07.12.2009. Response awaited.

Natural
England

Consulted: 07.12.2009. Response awaited.

Health & Safety
Executive

Consulted: 07.12.2009. No response received.

Sport England

Consulted: 07.12.2009. Final response received: 15.12.2009.

Sport England is concerned about the application for the following reasons:

- The English Golf Union, the governing body for golf, has informed me that there is currently an oversupply of courses in the West Midlands, particularly in the south Birmingham area;
- There is no robust business plan;
- A planning statement setting out the special needs for building in the green belt has not been submitted;
- A sports development plan has not been submitted;
- Justification for such a large clubhouse has not been provided;
- There is no needs assessment.

Deputy Head of
Service, Street
Scene &
Community

Response received 18.12.2009.

Comments that the scale of the clubhouse is excessive for a 9 hole course given its Green Belt location. There is no sports plan and the applicant has not clarified whether the facilities would be membership or pay-and-play.

Lickey &
Blackwell
Parish Council

Consulted: 07.12.2009. Final response received: 15.12.2009.

Object to the application. Welcome appropriate development of the site. However, several concerns are raised:

- The drawings accompanying the application are inconsistent. Plan 01 suggests the building and car park would occupy the 1st hole shown on Plan 02. [Officer's note: this is indeed the case – the proposed clubhouse and parking would take up substantially more room than the indicative arrangements shown on Plan 02 and would cover parts of holes 1, 7 and 8.]

- The site is in the Green Belt and adjacent to an Area of Great Landscape Value and a designated SWS. Its prominent and sensitive location requires landscaping or planting schemes.
- Alvechurch Highway is narrow with no footway and has a national speed limit, which the Parish Council considers to be too high. The access arrangements are therefore a concern.
- The car parking covers a large area (75 cars). This level of provision is questioned. The surface should be at least partly permeable.
- Visual impact. The Council would prefer a single storey building. There is no disabled access to the first floor flats and the meeting room. The two flats proposed are excessive for security such a small site. The four offices are also excessive.
- There is no indication of provision of storage for maintenance equipment etc.
- The long opening hours (9am -11pm most days) will demand more lighting and lead to increased noise levels in a rural site.
- The timing of development between the clubhouse and the greens is unclear. The Council recommends that planning permission for the clubhouse should only be granted once the sporting facility is completed.

Lickey
Community
Group

Response received: 27.12.2009.

- Comments that The clubhouse is situated in the green belt and adjacent to an area of "Outstanding Landscape Value" at the highest point of the site, and would be expected to be sympathetically designed as a single storey building.
- The original planning permission was for a much smaller building in line with a "Pay and Play" style golf course. The current proposal shows 2 additional residential properties a number of offices and a social club in the green belt without a proven requirement.
- Car parking for 75 cars is excessive for a 9 hole golf course requirement.
- A stipulation of the planning permission should be that the building of a clubhouse cannot commence until the Golf course has been laid ready for use.
- Lack improved bus service developed or footpath to the site.
- There is no provision for buildings to store ground-keeping machinery.
- The position and size of the proposed building does not match with the current design of the golf course. Hole No. 1,2 & 8 would be on the building/car park site.
- There are significant concerns regarding light and noise pollution.
- No Landscaping / tree planting is shown on the plans.

Publicity

Site Notice posted 21.12.2009; expired 11.01.2010.

Press Notice (Bromsgrove Standard): 10.12.2009; expired 31.12.2009.

Notification letters were sent to 30 adjoining properties. 6 letters of objection have been received. The concerns raised may be summarised as follows:

- The size of the building and level of car parking proposed would be excessive. The needs of the golfers could easily be served with smaller facilities.
- The proposal would be inappropriate in the Green Belt.
- The narrow nature of Marlbrook Lane and Alvechurch Highway, both having no footways, may present a danger to walkers. A perimeter path could be provided inside the course.
- The level of traffic using local roads would be increased.
- At least some of the car parking should be of environmentally-friendly design (i.e. permeable).
- The building is too large and may be used for other purposes (conferences; weddings etc.).
- The clubhouse would cover some of the area intended for golf course.
- Car park lighting should be of low level design.
- The residential element proposed would be unacceptable in the Green Belt, or on contaminated land.
- The construction of the clubhouse should be restricted until the course has been substantially completed.
- Noise and light pollution.
- Facilities for storage and landscaping proposals are not submitted.
- Increased flood risk as a result of the proposals.
- Impact on ecology and biodiversity.
- There is no indication on the plans as to the colour, texture or material to be used in the development.
- The catering facilities shown are insufficient for the scale of development proposed.
- The amount of material imported onto the site has exceeded the 373,000 m³ allowed by the original planning permission.

The site and its surroundings

The application relates to a site of approximately 9.7 ha at the former Marlbrook Tip, bounded by Marlbrook Lane to the west, Alvechurch Highway to the north, and residential properties to the south and south east. To the east is Upper Cottage Farm and open fields, beyond which lies Old Birmingham Road.

The site falls away from north east to south west, and has been extensively re-profiled under planning permission B/2003/0378, which allowed for the remediation of the site

(see below). The Catshill Brook flows into the site in the north western corner to an existing reservoir. An existing culvert runs through a dam south from this pond.

The site is located in designated Green Belt. The Roughland Special Wildlife Site (SWS) is located to the north west, on the opposite side of the Alvechurch Highway. The area to the north of this road is the southern most extent of the Lickey Hills Landscape Protection Area (LPA).

Proposal

The application seeks planning permission for the detailed design of a golf clubhouse is association with golf course approved under application B/2003/0378. The building would be of two storeys with a total floorspace of approximately 941 sq m. The building would be arranged across the two storeys as follows:

Ground floor	First floor
<ul style="list-style-type: none"> • Lounge with bar/servery and toilets • Separate 'spike' bar • Management offices • Main kitchen • Male and female locker rooms • Staff facilities • Pro shop and golf reception area 	<ul style="list-style-type: none"> • Meeting room/lounge with bar/servery, toilets and balcony • A one bedroom self contained residential unit intended for 'resident security' with balcony • A two bedroom self contained residential unit intended for 'club steward' with balcony • Administration and security offices

The building would be brick built and arranged symmetrically with two wings around a central component. The building would have a height of approximately 6 m to eaves with a total maximum height of approximately 9 m to the ridge. A single storey canopy entrance would face onto the Alvechurch Highway.

The building would be accessed via the existing access point on Alvechurch Highway, and a car park to accommodate 75 vehicles would be provided.

Relevant Planning History

B/1991/0993	Replacement of damaged culvert with an open channel. Approved 09.12.1991.
B/2000/1193	New drain culvert, perimeter bunding and balancing ponds. Refused 20.12.2001.
B/2002/0618	New drain culvert and balancing ponds – Resubmission of B/2000/1193. Approved 10.07.2002.
B/2003/0378	Remediation of former landfill site and subsequent creation of golf course. Approved 25.01.2006.
B/2003/1490	Variation of Condition 3 of Planning Permission B/2002/0618 to read: "In addition to 58,500 cubic metres of material required for the engineering works and already deposited on the site, no more than 36,500 cubic metres of material shall be brought onto the site between the

commencement and substantial completion of development for the following purposes: approximately 7,300 cubic metres of subsoil and 6,500 cubic metres of topsoil/soil forming material for landscaping and restoration of the site, and approximately 22,700 cubic metres of inert material (including approximately 7,000 cubic metres of clay-rich material) for temporary water management measures required during the carrying out of the development" - as amended by plans and letter received 4.2.04, 13.2.04 and 27.2.04. Approved 07.04.2004.

The planning history associated with the site is complex. Planning application B/2000/1193 – for new drain culvert, perimeter bunds and balancing ponds – was refused by committee against officers' recommendation in December 2001. In February 2002 the Council obtained an injunction from the High Court to prevent the works proposed by this application from being carried out. The application was resubmitted in May 2002 (B/2002/0618) supported by a Panel Engineer's Report prepared under the provisions of the Reservoir Act 1975. The Council, taking into account the Panels Engineers Report, granted planning permission July 2002. Material continued to be imported into the site until April 2003.

Despite the proposed replacement culvert and balancing ponds not being provided the original Panel Engineer has signed off the works as being satisfactory under the provision of the Reservoir Act. The applicant appointed a new Panel Engineer who required various additional works to take place on the site, including those proposed under planning permission B/2002/0618.

Planning permission B/2003/1490 varied permission B/2002/0618 to allow for the importation of additional material, settlement ponds, collection ditches and temporary bunds.

In 2005, the Environment Agency served two notices (dated 7 and 13 June 2005) under the Reservoir Act requiring the carrying out of measures recommended in the Inspecting Engineer's Report. The first Notice, relating to final earthworks and landscaping across the site, required confirmation in writing to the Agency of work having been begun by 13 June 2005 and completed within 48 months of commencement. The second Notice required that the remaining works must commence by the 16 June 2005 and be completed within 12 months of that date.

Application B/2003/0378 was approved in January 2006 allowed for the remediation of the site, involving removal and reuse of residual top soils over the waste, the provision of a clay-rich capping cover on the waste protected by inert material, and provision of topsoil above. The depth of this soil would be varied across the site to accommodate the restoration scheme, with thicker areas where tree planting is proposed. A programme of environmental monitoring and risk assessment has been undertaken on the site in relation to this permission.

The permission also allowed for the creation of a golf course on the site. This involved landform alterations to facilitate depths of contour cover, together with increases in the depth of cover between fairways and bunds to enable transitional shallow cross-falls to be achieved to the fairways and a rounding out of bund ends. A small club house was also shown on indicative plans.

Relevant Policies

WMSS	T2, T3, T5, T7, PA14, PA1, QE1, QE3, QE6, QE7, QE9
WCSP	CTC.1, CTC.8, CTC.9, CTC.12, CTC.13, CTC.14, D.38, D.39, SD.2
BDLP	DS1, DS2, DS13, C1, C4, C5, C10, RAT2, TR1, TR11, ES1, ES2, ES4, ES7, ES14, ES16
Others	PPS1, PPG2, PPS7, PPS9, PPG17, PPS23, PPG25, Bromsgrove District Open Space, Sport and Recreation Assessment.

Notes

Planning permission B/2003/0378 allowed for the provision of a nine-hole golf course and the formation of a parking for 53 vehicles. An indicative plan was submitted showing a clubhouse of modest footprint close to the access from Alvechurch Highway. It was envisaged that this building would house a pro-shop and changing facilities.

The officer's report accompanying this application noted that:

The proposed golf course is viewed as an outdoor sport and as such is considered to represent appropriate development in the Green Belt. Members will note no new buildings are proposed at this stage. If the application is approved and further application(s) are made for the erection of new building, these structures will be tested against national and local Green Belt Policy at this stage with the emphasis pertaining to essential facilities.

Members are therefore advised that the principle of the use of the site as a golf course is established, as is the remediation strategy for the site.

It is therefore considered that the main issue in determining the application is the acceptability of the proposed clubhouse and parking in relation to national and local policy seeking to preserve the designated Green Belt. The appropriateness of the proposals in a Green Belt location must be determined, and where harm is caused to the Green Belt, any very special circumstances which may outweigh that harm must be considered.

Other important matters include contaminated land, highways and access, flood risk, residential amenity and ecology.

Green Belt

Policy D.39 of the County Structure Plan states that there will be a presumption against allowing inappropriate development in the Green Belt, reflecting the advice contained in national planning guidance PPG2: Green Belts. Inappropriate development is, by definition, harmful to the Green Belt. Policy D.12 and D.38 of the Structure Plan and Policy DS2 of the Local Plan are in general accordance with PPG2 in resisting development in the Green Belt unless proposals fall within a defined list of appropriate development.

One of the objectives of the control 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”. 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”.

Policy DS2 prohibits development in the Green Belt, except in very special circumstances, unless one of a series of criteria apply. Criteria (b) allow development in the Green Belt where proposals are for **essential facilities** for outdoor sport and outdoor recreation.

As is noted above, the use of the site as a golf course has previously been considered acceptable in the context of Green Belt policy. The appropriateness of the current proposals is therefore dependent on whether the proposals can be said to be genuinely essential to support the use of the site for that purpose. In particular, the proposals must be assessed against Local Plan Policy RAT2 (outdoor sport and recreation in the Green Belt).

Policy RAT2 sets out a series of criteria which must be met by outdoor sport and recreation developments, which are as follows:

- a) the proposal must not include new building other than that genuinely required for essential facilities which must be solely related to the main outdoor sports use. Encouragement will be given to locating facilities for outdoor sports in existing buildings;
- b) the proposed site should be within a reasonable walking distance of an existing public transport service;
- c) the proposal should have a safe and convenient access and adequate car parking to the satisfaction of the highway authority;
- d) the scale, design and visual appearance of the proposal should not have an adverse effect upon the character or amenities of the surrounding area;
- e) there must be no adverse impact upon ecological, environmental or archaeological interests;
- f) the proposal must not lead to the generation of excessive noise or other nuisance, such as lighting;
- g) an unrelieved concentration of pitches should not be created.

It is noted that criterion (g) does not apply to the application, as no playing pitches are proposed. The proposals are assessed against the other criteria below.

Need

It is not considered that the applicant has demonstrated that i) the building is genuinely required for essential golfing facilities or ii) that the facilities relate solely to golf club use. No justification has been submitted to justify the need for the accommodation. Sport England advises that the scale of the proposals is excessive to provide the facilities needed to serve a 9 hole golf course, a view which officers share.

The scale and nature of accommodation is of the type associated with a larger members-only golf club. Sport England and the Council's own Open Space, Sport and Recreation Assessment indicate that there is a general oversupply of courses in the area, whilst there are limited facilities for smaller 'pay-and-play' golf. The need for a development of the scale proposed is therefore questionable, as evidence suggests that there is no demand for such a large facility.

The range of accommodation proposed, including two lounge areas with bars, and another stand-alone bar, indicates that the primary purpose of the building would not be related solely to providing for outdoor sports. These facilities suggest that the building would also be used for regular entertainment events, parties, functions etc., which is not considered to be consistent with the aims of Policy RAT2.

Similarly, no justification has been provided for the two residential units proposed. Whilst it is accepted that security of the site may be a legitimate consideration, no evidence has been provided to show why this function could not be provided by a security guard/company. The accommodation for the club secretary is not considered to be essential.

Accessibility

Paragraph 21.9 accompanying Policy RAT2 states that a reasonable walking distance would normally be 400 metres or 5 minutes. The site is close to a bus stop and therefore the proposal is in easy walking distance from an existing public transport service.

Access and parking

WCC Highways advises that the application is not acceptable in the present form. The appropriate maximum car parking ratio is for golf courses (including changing facilities etc.) is 2 spaces per hole, which amounts to 18 spaces for the 9 hole course approved. A further two spaces would be required for the residential units. The parking requirements for the remainder of the accommodation cannot be assessed as a schedule of floorspace has not been provided by the applicant. However, given that the applicant has not demonstrated that i) the proposed development is genuinely required for essential golfing facilities or ii) that the facilities relate solely to golf club use, it is considered that the an excessive amount of car parking is proposed.

The car parking area therefore represents inappropriate development in the Green Belt, which is considered harmful by definition. No very special circumstances have been put forward which outweigh this harm.

Scale design and visual appearance

The proposed building would be located at the higher end of the site and would have a maximum height of approximately 9 m. The site is adjacent to the Lickey Hills Landscape Protection Area (LPA).

Local Plan Policy C4 states that development will not be permitted where it would have a materially detrimental effect on the landscape, in particular within LPAs. The policy requires that special attention is paid to, among other things, prominent slopes or major

ridge lines. Although the design of the building is satisfactory, in this location it would appear overly dominant and would have a harmful, obtrusive impact on the landscape character of the surrounding area. This would also harm the openness of the designated Green Belt.

Ecology, environment and archaeology

As the proposals relate to a former landfill site, the Council's Contaminated Land Officer has advised that gas risk assessment in relation to the construction of a building on the site is required. Details of any subsequent recommendations and/or proposals for foundation design and gas protection measures are also required. No technical information on these matters has been submitted with the application. In the absence of this information, officers are therefore of the view that the proposals are unacceptable in their present form.

No evidence has been submitted in order to judge the impact of the proposals on the biodiversity of the area, including the nearby Roughlands SWS. Furthermore, the application contains no supporting information on contaminated land or flood risk, which are considered particularly important matters in this sensitive location.

Noise and nuisance

Although there may be impacts associated with functions etc. being held at the golf club, these could be controlled by condition (assuming that the facilities to stage the events were considered acceptable in principle) and as such any noise generated by the development would not be such as to warrant recommending refusal of the application. Similarly, an appropriate lighting scheme could be secured by condition.

In summary, the proposals cannot be said to represent essential facilities for outdoor sport and recreation, and represent an overly-dominant development in a Green Belt location. The development would therefore be inappropriate development. 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.

The applicant's submission has provided no evidence to support the scale and nature of the proposals, or to suggest that any very special circumstances to outweigh the harm that would be caused to the Green Belt.

RECOMMENDATION:

That permission be **REFUSED** for the following reasons:

- 1) The application site falls within Green Belt as designated by the Bromsgrove District Local Plan. The range of accommodation proposed indicates that the primary purpose of the building would not be related solely to providing for outdoor sports. These facilities suggest that the building would also be used for regular entertainment events, parties, functions etc., which are not considered to be activities consistent with the restriction of such developments in the Green Belt to only those facilities essential for outdoor sport and outdoor recreation. Similarly, no justification has been provided for the two proposed residential units or the extent of proposed car parking provision, which are not considered to be essential facilities.

The proposals are therefore considered to represent inappropriate development in the Green Belt, which is considered to be harmful by definition. The applicant has not put forward any evidence to support the scale and nature of the proposals, or to suggest that any very special circumstances to outweigh the harm that would be caused to the Green Belt. Furthermore, the scale and location of the proposed building would appear overly dominant and would have a harmful, obtrusive impact on the landscape character of the surrounding area, including the nearby designated Landscape Protection Area and the openness of the designated Green Belt.

As such the proposal represents inappropriate development in the Green Belt that would harm the openness of the Green Belt and prejudice the purposes of Green Belt policy. No very special circumstances exist or have been put forward to outweigh the harm caused. As such the proposal is contrary to Policies CTC.1, D.39 and SD.2 of the Worcestershire County Structure Plan, Policies C4, DS2, DS13 and RAT2 of the Bromsgrove District Local Plan, and the provisions of PPG2, PPG17 and the Council's Open Space, Sport and Recreation Assessment.

- 2) As the proposals relate to a former landfill site, it is necessary for landfill gas risk assessment in relation to the construction of a building to take place. Details of any subsequent recommendations and/or proposals for foundation design and gas protection measures are also required. PPS23 Annex 2 'Development on Land Affected by Contamination' requires that information is submitted prior to the determination of planning applications to demonstrate that the proposed development will not be adversely affected by the presence of contamination. No information has been submitted to enable the Council to assess the impact of the elevated levels of landfill gas present on the site. In the absence of such information, the proposal is therefore contrary to Policy SD.2 of the Worcestershire County Structure Plan, Policies DS13, ES7, ES14 and ES16 of the Bromsgrove District Local Plan, and the provisions of PPS23.
- 3) No evidence has been submitted in order to satisfactorily assess the impact of the proposals on the biodiversity of the area, including the nearby Roughlands Special Wildlife Site. Furthermore, the application contains no supporting information on contaminated land or flood risk, which are considered particularly important matters in this sensitive location. In particular Annex E of PPS25 'Assessment of Flood Risk' requires that planning applications for development proposals of 1 hectare or greater should be accompanied by a Flood Risk Assessment. In the absence of such information, the proposal is therefore contrary to Policies CTC.8,

CTC.9, CTC.12, CTC.13 and CTC.14 of the Worcestershire County Structure Plan, Policies C10, ES1, ES2 and ES4 of the Bromsgrove District Local Plan, and the provisions of PPS9 and PPS25.

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Agenda Item 8

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

1ST FEBRUARY 2010

APPEAL DECISIONS

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

1. SUMMARY

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

2. RECOMMENDATION

- 2.1 Members are requested to note the report.

3. BACKGROUND

	Name of Appellant	Plan Ref. / Proposal / Decision
3.1	Mr. C. Williamson	08/1068-DK - Proposed two-storey extension to front of detached chalet - Jasmine Cottage, 2 Drakes Close, Hollywood, B47 5JX Refused: 11th March 2009 Appeal decision: dismissed - 30th November 2009
3.2	Mr. M. Ashton	09/0467-JT - Proposed erection of a two-storey side extension to provide additional bedrooms, new kitchen, dining room and cloakroom - The Lodge, Walton Pool Lane, Clent, DY9 9PJ Refused: 17th August 2009 Appeal decision: dismissed - 1st December 2009
3.3	Ms. R. Brand	08/0910-MT - Proposed 2-storey domestic extension to provide additional living accommodation to the side of house - Clent Hill Lodge, Hagley Park, Hagley, DY9 9PA Refused: 6th January 2009 Appeal decision: dismissed - 4th December 2009 Application for costs: dismissed - 4th December 2009

	Name of Appellant	Plan Ref. / Proposal / Decision
3.4	Mr. R. Davies	08/1029-MT - Proposed change of use of ground floor shop / store / office (Class A1) to a restaurant (Class A3) - 112/114 New Road, Rubery, B45 9HY Refused: 10th March 2009 Appeal decision: dismissed - 7th December 2009
3.5	Mr. G. Howard	09/0024-MT - Appeal against Condition 2 attached to planning permission 02/0264 (dated 8th November 2002) in order to permit opening on Sundays. Condition 2 states: " <i>There shall be no trade to the public and no customer shall be permitted to be on the premises on Sundays or outside the hours of 1200 - 2200 on other days</i> " (Reason: " <i>In order to protect the living conditions of local residents</i> ") - 131 Worcester Road, Hagley, DY9 0NW Refused: 22nd May 2009 Appeal decision: dismissed - 7th December 2009
3.6	Mr. P. Kemp	09/0567-CE - Proposed demolition of existing garage and construction of a new garage building with studio / bedroom annex in roof space over - 76 Bittell Road, Barnt Green, B45 8LY Refused: 14th September 2009 Appeal decision: dismissed - 14th December 2009
3.7	Mrs. K. Jones	09/0004-MT - Proposed dormer bungalow in rear garden for use by elderly parents - 17 Beacon Hill, Rubery, B45 9QR Refused: 9th March 2009 Appeal decision: allowed - 5th January 2010

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 30th November and 1st, 4th, 7th and 14th December 2009, and 5th January 2010.

CONTACT OFFICER

Name: Andy C. Stephens

email: a.stephens@bromsgrove.gov.uk

Tel: 01527 881410

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