



## **BROMSGROVE DISTRICT COUNCIL**

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

**MONDAY 19TH APRIL 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

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.

Members of the Committee are requested to arrive at least fifteen minutes before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least **forty-eight hours notice** of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting.

### **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 at 1.00 p.m. on Monday, 29th March 2010, and at 2.00 p.m. on Monday 29th March 2010 (Pages 1 - 8)

4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 09/0996-JT - Erection of 5,049 sq.m. warehouse to replace former poultry sheds at rear of premises - Oakland International Ltd., Seafeld Lane, Portway, B98 9DB - Mr. D. Attwell (Pages 9 - 22)
6. 09/1003-JT - Erection of two wind generators and creation of associated access track - Land at Kidderminster Road / Berry Lane, Dodford, Bromsgrove - Mr. P. Hirons (Pages 23 - 50)
7. 10/0103-DK - Three two storey office units with associated car parking and landscaping (extension of time for permission B/2006/1249) - Regal Garage, 18 Buntsford Drive, Bromsgrove, B60 3AJ - Mr. T. Mayneord (Pages 51 - 54)
8. 10/0128-CE - Proposed new tractor shed and implement store (re-submission of application 09/0448-CE) - Fox Haven, Old Birmingham Road, Marlbrook, Bromsgrove, B60 1NU - Mr. G. Vale (Pages 55 - 60)
9. 10/0130-JT - Proposed new wind turbine - Calcot Hill Farm, Calcot Hill, Romsley, DY9 9RX - Mrs. J. McMinn (Pages 61 - 68)
10. 10/0195-CE - Proposed erection of three new bungalows and one two storey dwelling and alterations to existing house to provide access - 46 Alcester Road, Hollywood, B47 5NB - Mr. N. Wicklen (Pages 69 - 80)
11. Appeal Decisions
12. 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
13. 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 item(s) of business on the grounds that it/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>	
14	2 and 6	"

14. Confidential Minutes (Pages 81 - 82)

K. DICKS  
Chief Executive

The Council House  
Burcot Lane  
BROMSGROVE  
Worcestershire  
B60 1AA

9th April 2010

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## BROMSGROVE DISTRICT COUNCIL

### MEETING OF THE PLANNING COMMITTEE

MONDAY, 29TH MARCH 2010

AT 1.00 P.M.

PRESENT: Councillors E. C. Tibby (Chairman), Mrs. J. M. Boswell, Miss D. H. Campbell JP, S. R. Colella (substituting for Mrs. J. Dyer M.B.E.), R. J. Deeming, D. Hancox (substituting for B. Lewis F.CMI), Mrs. J. D. Luck, E. J. Murray, S. R. Peters, C. J. Tidmarsh and C. J. K. Wilson

Observers: Councillors Mrs. C. M. McDonald and P. M. McDonald

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

#### 129/09 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs. J. Dyer M.B.E. and B. Lewis F.CMI.

(Note: Councillors G. N. Denaro and P. J. Whittaker were present in the public gallery at the commencement of the meeting but then left the Chamber and, therefore, were not present during the consideration and voting.)

#### 130/09 DECLARATIONS OF INTEREST

No declarations of interest were received.

#### 131/09 09/0729-JT - DEMOLITION OF EXISTING INDUSTRIAL BUILDING AND ERECTION OF NEW SINGLE STOREY (CLASS A1) FOOD RETAIL STORE INCORPORATING CAR-PARKING AND LANDSCAPING - BGW BUSINESS PARK, 76 - 88 SHERWOOD ROAD, BROMSGROVE, B60 3DR - ALDI STORES LIMITED

The Head of Planning and Environment Services clarified the address of the site and post code. He also reported the receipt of an additional letter of objection, the applicant's response to the objection and the additional comments of Worcestershire Highways, together with his own comments on this correspondence.

At the invitation of the Chairman, Mr. A. Bharaj addressed the Committee and spoke in opposition to the application, whilst Mr. N. Dennison spoke in favour of the proposals. Councillor Mrs. C. M. McDonald also addressed the Committee in respect of the application.

Consideration was then given to the application, together with the issues relating to the proposals, as detailed in the report, with specific reference to:

- (a) the change of use of the land from employment use to retail use;
- (b) possible alternative sites and related retail policy considerations;
- (c) highways and access issues, including the effects on air quality; and
- (d) monetary contributions in respect of pedestrian access and town centre improvements.

**RESOLVED:** that, subject to the applicant entering into an appropriate legal mechanism under Section 106 of the Town and Country Planning Act 1990 relating to monetary contributions to be made towards:

- (a) a controlled pedestrian crossing on the A.38 to provide better access to Stoke Heath; and
- (b) town centre improvement measures to safeguard the vitality and viability of the town centre and / or improve links between the town centre and Stoke Heath / Charford area,

permission be granted subject to the conditions and notes set out or referred to on pages 25 to 34 of the report.

132/09 **10/0120-MT - CHANGE OF USE FROM MARKET HALL TO CAR PARK - MARKET HALL, ST. JOHN STREET, BROMSGROVE, B61 8QY - BROMSGROVE DISTRICT COUNCIL**

The Head of Planning and Environment Services referred to this application and stated that it had been withdrawn.

The meeting closed at 1.45 p.m.

Chairman

# **BROMSGROVE DISTRICT COUNCIL**

## **MEETING OF THE PLANNING COMMITTEE**

**MONDAY, 29TH MARCH 2010**

**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, S. R. Colella (substituting for J. Dyer M.B.E.), R. J. Deeming (not present during Minute Nos. 139/09 to 147/09), D. Hancox (substituting for B. Lewis F.CMI), Mrs. J. D. Luck, E. J. Murray, S. R. Peters, C. J. Tidmarsh (not present during Minute Nos. 138/09, 139/09, 146/09 and 147/09), P. J. Whittaker and C. J. K. Wilson

Officers: Mrs. D. Warren, Mr. D. M. Birch, Mr. J. Turner, Mr. A. Bucklitch and Mr. A. C. Stephens

### 133/09 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs. J. Dyer M.B.E. and B. Lewis F.CMI.

### 134/09 **DECLARATIONS OF INTEREST**

No declarations of interest were received.

### 135/09 **MINUTES**

The minutes of the meeting of the Planning Committee held on 1st March 2010 were submitted.

**RESOLVED:** that the minutes be approved and adopted.

### 136/09 **09/0920-SC - TWO STOREY EXTENSION WITH CAR PORT AND OAK FRAME CONSERVATORY - 1 POUND LANE, FRANKLEY, B32 4BB - MR. D. GLOVER**

Consideration was given to the application which had been deferred at the meeting of the Committee held on 1st March 2010 in order for Members of the Committee to undertake a site visit.

The application had been recommended for refusal by the Head of Planning and Environment Services but Members considered that the proposals would have a negligible impact on the openness of the Green Belt given the relationship of the proposals to the surrounding land levels adjacent to the application site. Furthermore, Members felt that the proposed car-port did not represent habitable floor space in the assessment of the measured floor area of the property. Members considered that these reasons represented very

special circumstances to override the presumption against inappropriate development in the Green Belt.

**RESOLVED** that permission be granted subject to any reasonable conditions and notes considered necessary by the Head of Planning and Environment Services, to specifically include appropriately-worded conditions attached to the Decision Notice to:

- (a) remove the ability of the owner of the property to utilise the car-port structure for any other purpose other than that as a car-port; and
- (b) remove any permitted development rights for external changes to the extension.

(Note: Councillors Mrs. J. M. Boswell, S. R. Colella, E. J. Murray and P. J. Whittaker did not take part in the consideration or voting on this application because they were not present at the meeting held on 1st March 2010, when the application was initially considered by the Committee. Councillor Miss D. H. Campbell did not take part in the consideration or voting on this application because she had not attended the site visit.)

137/09 **09/0983-MT - EXTENSIONS AND ALTERATIONS TO NURSING HOME TO PROVIDE ADDITIONAL GUEST AND STAFF ACCOMMODATION - FORESTERS NURSING HOME, WALTON POOL, CLENT, DY9 9RP - REDWOOD CARE HOMES LTD.**

At the invitation of the Chairman, Mrs. J. Revell addressed the Committee and spoke in opposition to the proposals, and Mr. A. Dennison spoke in favour of the application.

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 -

- there was an on-going need in the Bromsgrove area for new and enlarged nursing home facilities as a result of the aging population, with no available nursing home bed-spaces in the local area;
- the proposal would enable the Foresters Nursing Home to meet the minimum standards set by the Commission for Social Care Inspection;
- the continued existence of the nursing home would be secured given the on-site staff accommodation, thereby providing an adequate and reliable source of nursing staff;
- the proposal would have limited harm to the streetscene due to the current boundary treatment;
- no adverse impact on residential amenity would occur due to the location of the proposal;
- the proposal would facilitate the removal of the caravan currently used for staff accommodation; and
- the proposal would comply with Paragraph EC12 of PPS4.

Members were of the opinion that these points constituted very special circumstances which outweighed the harm that would be caused to the

openness of the Green Belt and the purposes of including land within the Green Belt, and other harm, and that planning permission should be granted.

**RESOLVED:**

- (a) that the application be referred to the Government Office for the West Midlands under the "departure" procedure; and
- (b) that, in the event that the application is not "called-in" by the Government Office for the West Midlands, permission be granted subject to any reasonable conditions and notes considered necessary by the Head of Planning and Environment Services, to specifically include appropriately-worded conditions attached to the Decision Notice to:
  - (i) secure the removal of the existing staff accommodation caravan; and
  - (ii) ensure the retention of boundary treatments.

138/09 **09/0985-JT - CHANGE OF USE TO APPROXIMATELY 4,510 SQ. M. USE CLASS B1A AND B1C, NEW ACCESS AND ASSOCIATED WORKS (RENEWAL OF B/2005/0352) - WILDMOOR MILL FARM, MILL LANE, WILDMOOR, BROMSGROVE, B61 0BX - MR. RICHARDS**

The Head of Planning and Environment Services clarified the details of highway improvement works agreed under previous planning approvals ref. B/2001/0379 and B/2005/0352.

**RESOLVED** that permission be granted subject to the conditions and notes set out or referred to on pages 32 to 36 of the report.

139/09 **10/0016-CE - NEW DETACHED ANNEX FOR FAMILY SUPPORT, THERAPY AND EDUCATION - PRIMROSE HOSPICE & CANCER HELP CENTRE, ST. GODWALDS ROAD, BROMSGROVE, B60 3BW - MR. A. ROBINSON, PRIMROSE HOSPICE**

The Head of Planning and Environment Services reported the comments of Natural England, the contents of which had given him sufficient grounds to change the recommendation on pages 43 and 44 of the report from one of approval to refusal.

**RESOLVED** that consideration of the application be deferred in order for the applicant to undertake the surveys advocated by Natural England in their consultation response.

140/09 **10/0101-MT - CONVERSION OF INDUSTRIAL BUILDINGS TO RESIDENTIAL USE (9 UNITS, COMPRISING SIX 2-BED UNITS, TWO 3-BED UNITS AND ONE 4-BED UNIT) WITH ACCESS ROAD, CAR PARKING AND AMENITY SPACE - 2/4/6 HARTLE LANE, BELBROUGHTON, DY9 9TG - ROWANMOOR TRUSTEES LTD. (MR. P. MASON / MRS. C. MASON)**

The Head of Planning and Environment Services reported the receipt of a letter in support of the application, together with additional comments received

from Worcestershire Highways and the Conservation Officer. He also stated that an amended draft agreement in respect of contributions towards education and play space provision had also been received.

At the invitation of the Chairman, Mrs. E. Mitchell addressed the Committee and spoke in support of the proposed development. Mr. J. M. Bradley spoke on behalf of Belbroughton Parish Council and stated that, although the Parish Council had no objection to the scheme in principle, there was opportunities for the proposals to be improved.

**RESOLVED** that consideration of the application be deferred to a future meeting of the Committee, and that in the meantime -

- (a) the applicant be requested to undertake the necessary ecological surveys; and
- (b) the design of the proposals be reviewed by the Head of Planning and Environment Services, in respect of the rear elevation facing the Talbot Public House car-park and the High Street.

141/09 **10/0140-DK - PROPOSED REFURBISHMENT / UPGRADE OF FACILITIES AND NEW AMENITY BUILDINGS - HOUNDSFIELD LANE CARAVAN SITE, HOUNDSFIELD LANE, HOLLYWOOD, B47 5QR - MR. D. HANNON**

The Head of Planning and Environment Services clarified that the application related to the formation of five permanent at the existing transit site in addition to the provision of new amenity blocks. He also stated that comments had been received from the Drainage Engineer and the Environment Agency.

**RESOLVED** that permission be granted subject to the conditions and notes set out or referred to on pages 60 and 61 of the report, together with two appropriately-worded conditions relating to:

- (a) the perimeter security fencing; and
- (b) dense perimeter screening, including the mounded area to the front aspect facing Houndsfield Lane (subject to land ownership issues)

142/09 **BREACH OF CONDITION - REPLACEMENT TREE PLANTING AT THE OLD VICARAGE, VICARAGE CLOSE, FINSTALL, BROMSGROVE, B60 2ED**

Consideration was given to a report which referred to a breach of condition attached to planning permission reference B/2003/1053 in respect of the scheme of replanting of trees on land on the western boundary of The Old Vicarage, Vicarage Close, Finstall, Bromsgrove.

**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 condition, as outlined in the report.

143/09 **APPEAL DECISIONS**

Consideration was given to a report which outlined planning appeal decisions which had been received since the last meeting of the Committee.

**RESOLVED** that the report be noted.

144/09 **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, in each case, being as set out below, and that it is in the public interest to do so:-

<u>Minute No.</u>	<u>Paragraphs</u>
145/09	2 and 6
146/09	2 and 6
147/09	2 and 6

145/09 **ENFORCEMENT OF PLANNING CONTROL (REF.: 20100201-02)**

Consideration was given to a report which outlined 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 any breach of planning control, as outlined in the report, which may arise on the specified site.

146/09 **ENFORCEMENT OF PLANNING CONTROL (REF.: 20100329-01)**

Consideration was given to a report which updated Members on the enforcement proceedings in relation to the site referred to in the report and to seek the Committee's approval for a revised scheme to regularise the breach of planning control which had taken place.

**RESOLVED** that the Head of Planning and Environment Services, in consultation with the Head of Legal, Equalities and Democratic Services, be authorised to vary the enforcement notice previously served on the property referred to in the report.

147/09 **ENFORCEMENT OF PLANNING CONTROL (REF.: 20100329-02)**

Consideration was given to a report which outlined 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 any breach of planning control, as outlined in the report, which may arise on the specified site.

The meeting closed at 4.15 p.m.

Chairman

# Agenda Item 5

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. D. Attwell 'A'	Erection of 5049 sq.m. warehouse to replace former poultry sheds at rear of premises - Oakland International Ltd., Seafield Lane, Portway, B98 9DB	GB	09/0996-JT 15.04.2010

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

## Consultations

WH

Consulted: 04.01.2010. Final response received: 15.02.2010.

Recommends that the permission be refused for the following reasons:-

Following discussions with the planning officer the position on the lawful use of the existing barns for storage, it is not accepted that there is a lawful activity occurring, therefore the evidence provided as the existing position is not appropriate.

The submitted Transport Assessment considers the existing buildings to be lawful and the extra floor area to be insignificant against the existing position and therefore concludes that the development is acceptable. This position is not supported by the Highway Authority. The fact that there is not a lawful certificate confirming the activity that is occurring and there is no separate permission for it, that the development represents a significant increase in gross floor area, and the transport assessment does not reflect this. As the Transport Assessment makes the assumption of the GFA being a small increase against the existing which is not the case, the transport assessment is flawed and does not consider the impact of the development on the road network it is considered that the increased trip generation has not been adequately assessed and mitigated.

The application is considered to have an adverse impact on highway safety and it will have a detrimental impact on the structural condition of Seafield Lane. It is recommended that the application be refused for the reasons set out above.

Further comments are awaited assuming that lawful use can be demonstrated.

Economic  
Development

Consulted: 04.01.2010. Final response received: 04.01.2010.

Economic Development supports the application. Oakland International is one of the leading companies and employers in the district and constantly needs to upgrade its facilities to remain competitive in its area of business.

Engineers /  
Drainage

Consulted: 04.01.2010. Final response received: 10.01.2010.

No objections subject to the imposition of a condition in relation to the disposal of storm water and drainage details.

Environmental Health Consulted: 20.01.2010. Comments received: 11.01.2010; 29.01.2010.

No objections subject to a condition stating that the noise from the compressors must not increase the existing background noise level as measured 1 metre from the facade of the nearest residential property.

Commercial Regulation Consulted: 20.01.2010. Final response received: 06.01.2010.

No objections in principle to the application. This is an alteration to premises currently Approved Premises under food safety legislation (Regulation EC 853/2004). In addition the premises and food business will be required to comply with health and safety legislation. The premises will be subject to routine inspection to assess compliance.

Beoley Parish Council Strongly recommends 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. Consulted: 04.01.2010. Final response received: 13.01.2010.

No objection as long as conforms with all planning regulations. Concerned that this larger building with more staff will entail additional traffic on this already very busy "country lane".

Advantage West Midlands (AWM) It is noted that the Parish Council has previously reported concerns to the District in relation to HGV movements, both from the Oakland site and other sites in the area. Comments received: 22.03.2010.

AWM is the Regional Development Agency for the West Midlands, with the role of working with partners to promote sustainable economic development. The Corporate Director of Economic Regeneration has commented.

Advises of Oakland International's appearance at the Examination in Public of the West Midlands Regional Spatial Strategy Phase 2 Review in June 2009. Further details of this are given below.

Oakland International performs an important role to the regional and local economy, in employing 150 people and helping to support the wider farming and produce (food and drink) manufacturing sector. The company's business model also helps to cut road miles and carbon emissions.

AWM acknowledges that there is a limited portfolio of land within Bromsgrove capable of meeting the requirements of Oakland International, and hence supports the application to allow the business to be retained in a more efficient operation on its existing site.

Bromsgrove's local economy predominantly provides service sector and high technology jobs, which AWM supports and has helped promote through Bromsgrove Technology Park. There is, however, a need to

provide a balanced portfolio of employment uses and accommodate a number of existing businesses to allow them to prosper. This includes providing local, rural employment opportunities.

This planning application could both assist in consolidating the existing business (and the support it provides to other small and medium sized enterprises) and provide additional employment at the site (with a potential 100 new jobs being created). AWM requests that these factors are taken into consideration in the determination of the application.

#### Publicity

Site Notice posted 29.01.2009; expired 19.02.2010; further Site Notice posted: 23.03.2010; 13.04.2010.

Press Notice posted: 25.03.2010; expires 15.04.2010.

No objections received.

#### The site and its surroundings

The application relates to the Oakland International site located on a former farm to the east side of Seafield Lane, a narrow lane without footways. The site is located approximately 650 metres north of the junction of Seafield Lane with the B4101 Beoley Lane, which provides access onto the main A435. The site is located in the designated Green Belt and is surrounded by open countryside.

The buildings on the site are broadly in three categories. Modern buildings to the front of the property (understood to be allowed under B/18923/1990 and B/2001/0039) were built specifically for packing and storage purposes. The building directly to the rear of the frontage buildings is a large former agricultural shed. Beyond this are five further sheds of thin and long shape, with a combined footprint of approximately 4,709 sq.m. It is understood these buildings were erected between 1974 and 1977. It is to these buildings that the application relates. At the time of the officer's site visit, these buildings had been converted for warehouse use.

Although the site is a former farm, the present business conducted on the site is not connected with agriculture. According to the applicant's statement, Oakland International has operated a "case consolidation process" for chilled and frozen food products since 1998. The applicant states that the site employs 150 people, the majority of whom live in the local area, and the company is the third fastest growing in its sector in the country. The company currently has over 200 contracts including with a range of major supermarkets and convenience stores, is one of the five main consolidation providers in the UK, and, in spite of extremely tough trading and economic conditions, has a projected turnover for the end of November 2009 of £12 million.

#### Proposal

The application seeks full planning permission for the replacement of five former poultry sheds with a single building to be used for storage and distribution purposes. The building would have a footprint of 5,049 sq m, and would be 75 metres long and 66 metres wide. The building would be configured with two roofs hipped at both ends, running in an easterly direction. The ridge eaves of the building would be 9.9 metres, rising to a ridge of 10.5 metres.

The building would be of steel frame construction, clad in timber. The roof would be finished with steel panels finished in a pale grey colouring. 10 HGV loading bays would be provided. The buildings would provide a rationalisation and extension of the existing storage and distribution use taking place at the site. The applicant explains that the 'case consolidation' process taking place at the site involves amalgamating different producers' stock on shared pallets with a common destination (e.g. large supermarkets).

The business does not own and operate its own vehicles as collection is made by retailers and other shared user transport providers, which collect the pallets from the site and transport them to Regional Distribution Centres.

The applicant's Planning Statement estimates that the development has the potential to create 100 jobs. The applicant's Managing Director has subsequently put the figure at 150 (see 'letter from applicant's Managing Director' section below).

### Relevant Planning History

The site has a long planning application history, with multiple applications relating to poultry farming for laying, battery and rearing houses etc. dating back to the 1960s, 1970s and 1980s. The most relevant more recent applications are as follows:

- B/10987/1983 Extension to grading/packing shed and link for egg conveyor. Approved 18.07.1983.
- B/17745/1989 Erection of extension for farm offices. Approved 10.04.1989.
- B/18923/1990 Erection of replacement/extension to egg packing station and erection of storage building. Approved. 09.04.1990.
- B/1994/0053 Two storey extension to existing offices ancillary to farm business and retrospective change of use of existing areas to office use.
- B/1994/0321 Continued use of building as a shop. Refused: 06.06.1994.
- B/1994/1027 Formation of car park for staff. Refused 11.03.1996. Appeal allowed 21.10.1997.
- B/1998/0468 Retrospective permission for 10 lights which have been installed with orange glow lights mounted on 4 metre tall lamp posts. Refused 14.09.1998.
- B/2000/1029 Steel portal frame building (notification under prior approval procedure for agricultural development). Prior approval required 02.11.2000.
- B/2000/1337 Extension to existing food processing facility and extension to car park (northern). Refused: 09.04.2001.
- B/2001/0039 Hygienic covered extension to cold store within existing Oakland Foods premises (as amended by plans received 12.02.01). Refused 12.03.2001. This development was allowed at appeal in August 2001.
- B/2003/0269 Directional information signs. Advertisement Consent refused 24.04.2003.
- B/2004/0744 Road-side traffic signs. Advertisement Consent refused 03.08.2004.
- B/2008/0121 Erection of a temporary 60m anemometer mast for the purpose of measuring wind speed and direction. Approved 21.05.2008.

Enforcement notices were served on 12.01.2001 (PI/1998/05556) requiring that the following breaches of planning control were remedied:

- change of use of land from a mixed use as a staff car park and agricultural to a use for the parking of goods vehicles and trailers;
- change of use of the land from use as a staff car park to a use for the parking of goods vehicles and trailers;
- the extension of the existing staff car park; and
- the construction of an extension to the existing cold store building in the position shown coloured green on the plan attached to the notice.

Each of these notices was appealed. The appeal relating to the cold store was allowed at the same time as planning permission B/2001/0039.

### Relevant Policies

WMSS	QE1, QE2, QE3, QE6, PA6, PA14, PA15.
WCSP	CTC.1, CTC.8, D.16, D.19, D.24, D.29, D.38, D.39, D.43, SD.2, SD.3, SD.4, T.1, T.3, T.4, T.9.
BDLP	C4, C27, C31, C32, DS2, DS8, DS13, E9, ES1, ES2, ES4, TR1, TR8, TR11.
Others	PPS1, PPG2, PPS4, PPS7, PPG13, PPS23, SPG4, Bromsgrove District Employment Land Review - Final Report (June 2009).

### Notes

The application was submitted on the basis that it represented a reconfiguration and extension of the existing Class B8 storage and distribution use. However, there is at present dispute about whether the lawful use of these particular buildings has been established for Class B8 purposes (i.e. they have been used continuously for that purpose for a period of 10 years and are therefore immune from enforcement action).

No planning permission has been granted to change the use of these buildings. However, it is understood that agricultural activities at the site were declining from the mid-1990s onward, and had ceased by the time of the Inspector's decision in 2001 (B/2001/0039). The Inspector commented that:

*"the current business of Oakland Foods is unconnected with agriculture. The fields are rented out and egg production was declining from 1997 and has now ceased. The business includes storage, packing and distribution, and food processing."*

It is noted that these comments date from 2001, which does not demonstrate that the use has continued for 10 years.

The applicant was advised prior to the submission of the application that a certificate of lawfulness to establish the use of the buildings should be sought under section 191 of the Town and Country Planning Act 1990 (as amended) before any application for the improvement of facilities at the site could be considered. The applicant declined to do so.

On being advised of the Council's concern over this issue, in light of the views expressed by WCC Highways (see above), the applicant was offered the opportunity to withdraw the application in order that the question of lawfulness be addressed. However, the applicant expressed concerns over the implications of any delay on the viability of the business and initially requested that the application be reported to the 29th March Planning Committee. The applicant subsequently agreed to delay the application to allow an application for a certificate of lawfulness to be submitted.

An application for a certificate of lawfulness (10/0238) for the storage/distribution use of the buildings was registered by the Council on 16th March 2010, and is currently under consideration by officers. If a decision is made on this application in the interim, the outcome of this application will be reported to the Planning Committee.

For the avoidance of doubt, at the time of writing, the application is therefore to be determined on the basis that 5,049 sq m of new Class B8 storage and distribution floorspace is proposed. However, if in the meantime the storage and distribution use of the existing buildings is proved to be lawful, the application should be judged as proposing a net increase in storage/distribution floorspace of 340 sq m.

#### Assessment of issues

The main issues in determining the application are:

- 1) the appropriateness of the development in the context of Green Belt policy, and whether any harm to the Green Belt would be caused;
- 2) if harm is caused to the Green Belt, whether any very special circumstances exist to outweigh that harm;
- 3) whether any alternative sites exist in non-Green Belt locations that could accommodate the proposed development; and
- 4) the impact of the proposals on the local highway network.

#### Harm to the Green Belt

The applicant acknowledges that the proposal does not conform to any of the categories of appropriate development in PPG2: Green Belts, and therefore constitutes 'inappropriate' development within the Green Belt. Policy D.39 of the Worcestershire 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. Inappropriate development is, by definition, harmful to the Green Belt. Policy 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.

The extent of the harm caused to the Green Belt must therefore be determined. According to paragraph 1.5 of PPG2, the purposes of including land in the Green Belt include checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns from merging into one another, and assisting in safeguarding the countryside from encroachment.

The applicant argues the proposals would not conflict with any of these principles, and that:

*"the visual impact of the proposed building will be no greater than the sheds it is to replace which, owing to their original agricultural use, are of functional design which contribute little to the Green Belt. The creation of a more compact and coherent built form resulting in only a minor increase in the building footprint is shown in the submitted drawings, while the use of timber cladding will provide a more recessive appearance than currently exists."*

Officers broadly agree with this assessment: the proposed building would have a similar footprint to those being replaced, and, although warehousing of the type proposed would normally have an urbanising impact, the timber cladding proposed would reduce the harm caused. However, the building proposed is significantly taller than the former poultry sheds to be replaced. The ridge height of the building would be comparable to the existing hoppers on the site as well as the larger building immediately to the south of those proposed for demolition.

The applicant contends "that the proposed development will incur minimal harm to the Green Belt". As is explained above, the maximum height of the proposed buildings would be 10.5 metres, sloping away with a shallow pitch to 9.9 metres. The existing buildings are variable in size, but typically have a ridge height of approximately 7.5 metres, with a steeper pitch down to a height of approximately 6 metres at eaves level. It is therefore considered by officers that the increase in height proposed would have an impact greater than 'minimal', and would result in a building of greater bulk and mass than the individual sheds that would be replaced. However, this harm would be mitigated to some extent by the materials proposed and the fact that the overall development footprint would not significantly change.

#### Consideration of 'very special circumstances'

As the proposals are by definition harmful to the Green Belt, the application should be refused unless very special circumstances exist which outweigh the harm caused. The applicant has put forward several very special circumstances in relation to the application, which are categorised into three themes - economic, environmental and social benefits. These are summarised for the benefit of Members below.

#### *Economic benefits*

The applicant contends that, in the event that the application is unsuccessful, the company will have to "take measures to retract the business resulting in the loss of existing contracts, loss in market share and industry confidence ... [which would] eventually translate into the reduction in its profitability and the loss of jobs at a time when unemployment levels are especially high in the District."

The applicant states that the demand for chilled and frozen storage as offered at the application site continues to rise and that projections by the company's Independent Business Advisor indicate that it has the capability to grow to a point where turnover reaches £20 million by 2012 and over 250 people are employed. However, the site is within months of reaching its operational capacity for chilled and frozen goods. The

company has sought to maximise capacity through internal reconfiguration and therefore the scope for any further reconfiguration is restricted by the size and shape of the buildings proposed for demolition.

The applicant notes that the Panel Report on the RSS Phase Two Revision endorses the economic case for the continued expansion of the business and acknowledged Oakland's difficulties in finding a suitable site to which to relocate, stating:

*"Having had the issues publicised we trust that AWM [Advantage West Midlands, the Regional Development Agency] and the relevant planning authorities will work together with the company to solve such needs in the context of the RES [the West Midlands Regional Economic Strategy]..."*

In summary, the applicant contends that the needs for the business to grow, in order to safeguard its market position and continued growth, amounts to a very special circumstance in assessing the merits of the proposal in the context of Green Belt policy.

#### *Environmental benefits*

The applicant states that continued reductions in road miles and carbon emissions will result as food producers continue to utilise the case consolidation process offered by the applicant, in line with the vision for the region to move to a low-carbon economy, including through maximising efficiency in travel and logistics practices. Sustainability and ecological features such as the reed bed which currently exists on the landholding might not be achievable on other sites. The inclusion of a recessive colour scheme and materials will enhance the visual amenity of the site.

#### *Social benefits*

The applicant contends that the projected expansion of the workforce employed by the company can only occur if sufficient room is provided for the business to expand. At present a significant proportion of the workforce comes from the local area, making it a key generator of employment for the east of Bromsgrove and Redditch. Assuming existing employment patterns are reflected in future recruitment, a significant proportion of these additional jobs would benefit occupants of the closest settlements of Beoley, Branson's Cross and Holt End in Bromsgrove District. It would be undesirable in terms of staff retention and sustainability to move the business too far from this workforce.

The replacement of a modern, bespoke building in full compliance with current food hygiene legislation will improve the working environment at the site for present and future employees. The applicant also operates a corporate social responsibility policy and is extremely active in the local community, dedicating time and financial resources to sponsoring charitable, sporting and educational links at local and county level. Growth of the business will allow it to continue making such contributions to the community.

#### Alternative sites

One of the key arguments made by the applicant in favour of the proposal is that no other sites exist within the District that are suitable in scale and/or configuration and that the

proposed development of the existing site is therefore the only realistic option for the applicant to achieve its projected growth in the immediate and longer-term future.

There are two alternatives to the expansion of the existing site: 1) the disaggregation of part of the business to another site; or 2) the relocation of the business to a completely new site.

According to the submitted Planning Statement, the applicant has previously attempted to rent a warehouse of a similar size to that proposed at the Ravensbank Business Park for 'ambient' (i.e non-temperature controlled) storage. However, the parties were unable to agree due to stringent lease requirements, and particularly a stipulation that the profit generated had to be double the level of rent payable.

Premises were subsequently found in a purpose-built warehouse in Alcester, on which the company entered into a five-year lease. However, the applicant contends that running two separate sites has proved 1) costly to the business, 2) problematic, with the need for certain key staff to travel frequently between both sites and security presenting a huge drain on resources (e.g. theft of stock occurred at the Alcester premises in early 2009), and 3) undermining to the efficiency savings which are a key benefit of the case consolidation process. The applicant therefore argues that any further disaggregation between different sites would not be practicable.

The other alternative of moving the entire operation has also been investigated. Site selection is governed by three factors: 1) location close to the geographical optimum for servicing the UK's network of Regional Distribution Centres; 2) proximity to the existing workforce; and 3) the need to meet operational requirements (internal floor area not less than 8,360 sq m (90,000 sq ft), eaves height of 10 m with clear span, land or buildings for future expansion, available or adaptable for chilled stock).

Officers have previously suggested sites at Longbridge (including the Cofton Centre) and Ravensbank Business Park as possible sites. The Cofton Centre, at 7,400 sq m, is the largest undeveloped site identified in the District Employment Land Review. The applicant states that this would barely cater for the company's immediate requirements, and would not offer the space required for ongoing expansion. All other existing, allocated or committed sites in the District have been discounted, mainly on the grounds of insufficient floorspace.

The only other sites capable of accommodating the scale of development needed by the applicant are in the Areas of Development Restraint (ADRs), which, under policy S8, are at present subject to full Green Belt restrictions, unless or until strategic decisions about their release are made. These sites are therefore not presently available.

In summary, due to the specific geographical and operational needs of the applicant, no other identified site within the District appears to be capable of accommodating a wholesale relocation of the business to another site.

#### Conclusion on Green Belt issues

It has been identified that the proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. The harm caused would be

limited to a significant extent by the fact the development footprint would not be significantly different to that of the existing buildings, and to a lesser extent by the materials used. However, Members should be aware that the proposed building would have a greater height and mass than the existing low level sheds, which would increase the prominence on the building in comparison to those it is to replace.

The applicant has put forward several very special circumstances, all of which are considered to be valid considerations. Officers place varying degrees of weight upon each of these matters. Officers consider the requirements of the applicant's business to represent a very special circumstance of significant weight. The applicant is one of the leading companies and employers in the District and the need for it to constantly upgrade its facilities to remain competitive is recognised. The proposal is also likely to lead to the creation of in the region of 100 - 150 new jobs, many of which could be filled by local people.

Officers acknowledge that the case consolidation process performed by the applicant is likely to result in environmental benefits through reduced road miles and carbon emissions. However, only limited weight should be placed on this consideration, as the benefits at a District level would be minimal, and would equally hold regardless of the location of the business. Nevertheless, such a business model is to be encouraged.

The need to comply with food hygiene legislation and improve the working environment at the site, and the applicant's social responsibility objectives, are also recognised. However, no evidence that the existing arrangements are unsatisfactory in relation to health and safety procedures has been submitted - the application is made on the basis that operational efficiency needs to improve in the interests of the business. Officers therefore consider only limited weight should be attached to these factors. Similarly, the applicant's charitable and community interests, although laudable and welcome, do not amount to a planning consideration sufficient to outweigh Green Belt harm in its own right.

A key consideration in assessing whether these circumstances outweigh the harm caused to the Green Belt is whether the business could viably continue in the District if the business cannot expand at the present site. The applicant contends that the disaggregation of activities to other sites is not practical for their business for a number of reasons. Officers have no reason to dispute these arguments. Similarly, the District Employment Land Review does not identify any site (excluding those in Areas of Development Restraint) large enough to accommodate even the existing operation. By inference, if the applicant is to expand to the levels projected in the short term, this must either take place at the existing site, or else at another site outside of the District.

On balance, officers consider that the very special circumstances put forward by the applicant are sufficient to outweigh the relatively limited harm that would be caused to the Green Belt if the proposals were to proceed.

#### Highways implications

Policy E9 states that all applications for new employment development will need to demonstrate that traffic to be generated by the development will not overload the capacity of the highway system or adversely affect residential or other non-industrial development.

Where this is likely to occur the applicant will be required to carry out amendments to overcome the problems otherwise created.

Worcestershire Highways has objected to the proposals. The reason for the objection is that the increased traffic generation calculated by the applicant is on the basis of a modest increase in floor area, rather than as a standalone new development (as is noted above, officers are not at present satisfied that the application buildings are lawfully in storage/distribution use, as no planning permission has ever been granted for the use of these buildings and no certificate of lawfulness exists for their use). The submitted Transport Assessment is therefore flawed as it does not adequately consider the impact of the development on the road network, and the increased trip generation associated with the development has not been adequately assessed and mitigated. It is considered that the proposal would have an adverse impact on highway safety and the structural condition of Seafield Lane.

The Transport Assessment states that "since there is no material change in the size of the facility, it is predicted that the overall traffic generation in a worst case scenario would not change". A Travel Plan is recommended to secure a number of strategies to encourage a reduction in car traffic to the site. These include:

- An incentive for employees who live near the bus route to use public transport as a means of travelling to work.
- The provision of secure cycle storage and changing facilities.
- A Travel Plan Co-ordinator (TPC) to organise and encourage car sharing, with a target car occupancy of 4.
- A limit on the number of car parking spaces to 50, with an overflow facility to prevent parking on Seafield Lane. The TPC would investigate when the overflow is used and review travel plan initiatives.
- A route plan for employees and all hauliers using the site to oblige them to approach from the south. All HGVs leaving the site should be obliged to turn toward the south.

Although these measures would be likely to reduce the proportion of car based trips associated with the site, officers nevertheless question the findings of the Assessment, and in particular the assertion that traffic generation would not change. The application is predicated on encouraging greater operational efficiency, and could result in an increase in the numbers employed at the site by up to 150, approximately doubling the existing employment at the site. It is considered that the Assessment does not adequately take account of this factor, and officers therefore see no reason to depart from the recommendation from Worcestershire Highways that permission be refused. This is particularly important in this particular location given the narrow rural roads in the vicinity of the site.

#### Residential amenity

The submitted Noise Assessment indicates that there will be no increase in the level of noise at the site from vehicle movements. Any noise pollution from the proposed plant rooms and compressors could be controlled by the imposition of suitable conditions. With the exception of the highways issues identified above, the proposal would therefore not result in harm to the amenities of any nearby residential property.

## Ecology

The submitted Extended Phase 1 Habitat Survey confirms that the application site itself has extremely limited ecological value as it comprises buildings and hard surfaces. No designated species will be subject to direct impacts as a result of the proposal. The agricultural land surrounding the site is under intensive pastoral management and therefore contains no habitats that are considered to be of conservation significance. The proposal is therefore considered not to present any issues with respect to ecology.

## Regional Spatial Strategy Phase 2 Revision

Oakland International's Managing Director appeared at the Examination in Public (EiP) of the Regional Spatial Strategy Phase 2 Review in June 2009. The subsequent Panel Report commented (at para. 5.33) as follows:

*"Finally, before turning to town centre uses we need to refer to the very illuminating contribution to the EiP from Oakland International, a specialist multi-temperature haulier to the retail and food trade in the West Midlands. Having been precluded to date from expansion on their own Green Belt site, they had been unable to secure funding to enable development on commercially provided estates in their area of operation. While it could be pointed out that the scale of activity sought would fit within the portfolio of sites detailed under Policy PA6/PA6A rather than the very large scale logistics operations addressed under Policy PA9, it appeared that neither the commercial property market nor attempts to seek a bespoke solution had so far answered the needs of this successful company. Having had the issues publicised we trust that AWM and the relevant planning authorities will work together with the company to solve such needs in the context of the Regional Economic Strategy. There are no doubt other Small and Medium sized enterprises (SMEs) that may require similar assistance and not necessarily only in current economic conditions."*

## Letter from applicant's Managing Director

As is noted above, the application is being reported to Members at the specific request of the applicant. The Managing Director of the company wrote to the case officer on 10th March to explain the reason for not withdrawing or delaying the application. The points raised in the letter are summarised below:

- **Timing:** Errors made by the Council have resulted in a delay of one month in the reporting of the application to committee. [Officer's note: the application was accepted as a minor application subject to a statutory 8 week decision deadline on the understanding that the case for the lawfulness of the existing use of the buildings would be substantiated by the submission. When it transpired that the application should more appropriately be considered as a major application, due to the questions over lawfulness, the decision deadline was changed to 13 weeks.]
- **Certificate of lawful use:** An application for certificate of lawful use is to be submitted in the week beginning 15th March. The Council has not advised there will be a problem in getting the certificate of lawful use if sufficient evidence is supplied so this is simply a rubber-stamping exercise. [Officer's note: an application for a certificate of lawfulness has now been made and at the time of writing is under consideration by officers.]

- **Highways objection:** The lack of support from WCC is born from the technical standpoint that the buildings that are to be replaced have no certificate of lawful use. If there was a certificate then there would be no objections. [Officer's note: the formal comment from WCC objects to the proposal. To the case officer's knowledge, WCC has not explicitly advised there would be no objection if the existing use had been established as lawful.]
- **Recommendation for refusal:** When the certificate of lawful use is approved, Highways can offer no objection and Planning Officers will recommend the application is approved. Refusing the application based on the technical aspects of whether or not the building will be classed as lawfully certificated, when you will have the information in your possession that will prove that lawful use should be granted, would be fundamentally wrong and seriously prejudicial to the interests of the business and the subsequent employment capabilities of the site.
- **Withdrawal or delay of current application:** This was suggested in February to allow the time for a certificate of lawfulness to be submitted and determined. This would delay the timeline for demolition and construction from May-October / November 2009 based on approval in March 2009, to September 2009 - February / March 2010, based on approval in July 2009. The Alcester depot must be vacated in October 2010 with nowhere else to relocate stock. The Alcester lease would therefore need to be renewed for a further 12 months, costing the business £300,000 in rental, rates and other overheads. Additionally, the business would have nowhere to expand, would not achieve the economies of scale and efficiencies necessary to survive and compete in the marketplace, thus jeopardizing not only the potential creation of 150 new jobs but also the safeguarding of the existing 140 strong workforce.
- **WMRSS Examination in Public:** Reference is made to the comments expressing support for the company noted above in response to the Managing Director's appearance at the WMRSS EiP.
- **Concluding remarks:** Requests absolute recognition from Planning Officers that the grounds for recommendation of refusal are minor technical irregularities that will be resolved and that subject to the certificate being approved, Oakland will have the permission to begin construction. A decision in favour of the application should therefore be given, albeit subject to the condition of lawful use being rubber stamped, knowing that the evidence will be in the Council's possession at the time of the 29<sup>th</sup> March planning committee. [Officer's note: as is explained above, the applicant has since agreed to hold the application in abeyance for consideration at the April planning committee.]

## Conclusion

It has been concluded that the proposals represent inappropriate development in the Green Belt, and that a moderate amount of harm would be caused as a result of the replacement building. However, very special circumstances exist sufficient to outweigh the harm caused. Specifically, it is recommended that the principle of the development is supported, as it would allow for the retention and expansion of a large local employer, in circumstances where alternative accommodation in a non-Green Belt site is not easily available.

However, the application is recommended for refusal on highways grounds, as the applicant has not satisfactorily demonstrated that the traffic generated by the development would not overload the capacity of the highway system or adversely affect

residential or other non-industrial development. In particular, the submitted Transport Assessment is flawed as it does not adequately consider the impact of the development on the road network, and the increased trip generation associated with the development has not been adequately assessed and mitigated. It is therefore considered that the proposal would be likely to have an adverse impact on highway safety and the structural condition of Seafield Lane.

**RECOMMENDATION:**

That permission be **REFUSED**

The applicant has not satisfactorily demonstrated that the traffic generated by the development would not overload the capacity of the highway system or adversely affect residential or other non-industrial development. In particular, the submitted Transport Assessment is flawed as it does not adequately consider the impact of the development on the road network, and the increased trip generation associated with the development has not been adequately assessed and mitigated. It is therefore considered that the proposal would be likely to have an adverse impact on highway safety and the structural condition of Seafield Lane. The proposals are therefore contrary to policies T.1, T.3, T.4 and T.9 of the Worcestershire County Structure Plan (WCSP) June 2001 and policies E9, TR1 and TR8 of the Bromsgrove District Local Plan (BDLP) January 2004.

# Agenda Item 6

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. P. Hirons 'A'	Erection of two wind generators and creation of associated access track at E:391641 N:271551 - Land off Kidderminster Road, Woodcote Green, Bromsgrove	GB	09/1003-JT 29.04.2010

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

## Consultations

WH Consulted: 22.12.2009. Response received: 23.12.2009. No objection.

Further comment received 23.02.2010 in relation to request by objector for a condition relating to construction access as follows:

I do not consider that a condition is necessary in this instance as I do not believe that construction would be a sustained movement. The site is very close to the principal road network so access is good and there is only a short distance on country lanes to access the site. How the materials access the site should be handled at the construction planning stage (post planning decision) and we should be aware of section 59 of the Highways Act 1980 that allows for recovery of expenditure due to damage of a highway.

EA Consulted: 22.12.2009. Response received: 07.01.2010.  
Does not wish to comment on the proposals.

EHO Consulted: 22.12.2009. Response received: 27.01.2010; further comments received: 28.01.2010.

No objection to the proposals subject to a condition restricting noise emissions from the turbines to a level no greater than  $L_{A90,10min}$  of 35dBA, in accordance with ETSU-R-97 'Assessment and Rating of Noise from Wind Farms'.

Paragraph 25 of ETSU-R-97 states that if the noise is limited to this level, a condition alone should offer sufficient protection of amenity, and background surveys would be unnecessary. This simplified condition is advocated for such situations as single turbines, or wind farms with large separation distances from residential properties.

Engineers / Drainage Consulted: 22.12.2009. Response received: 10.01.2010.

No objection, subject to the imposition of a condition on the disposal of storm water.

Woodland Officer Consulted: 22.12.2009. No response received.

Climate Change Manager Consulted 28.01.2010. Response received: 02.02.2010.

Wholly supportive of the application. Notes the following:-

The renewable energy policy background, nationally, is very robust. The Climate Change Act (2008) places a legislative duty on the UK to reduce its CO<sub>2</sub> emissions by 80% from 1990 levels by 2050. In addition, its delivery plan, the 'Low Carbon Transition Plan' indicates development of renewable energy will be a key element of achieving this target. The Renewable Energy Strategy (2009) sets out how the UK will achieve 15% energy from renewables by 2020 under the EU Renewable Energy Directive - a seven-fold increase on 2008 levels. Any contribution made to this locally will be relevant and welcomed, based on diversifying the UK energy mix away from fossil fuel derived power and promoting security of supply.

As part of the Local Strategic Partnership, the Bromsgrove Community Strategy (2010 - 2013), under the Environment theme, has two priorities, both relating to climate change but one specifically relating to NI186 - reducing per capita CO<sub>2</sub> emissions in the area, of which this proposal would contribute - (specifically the *PRIORITY*: To increase energy efficiency and increase the proportion of energy generated from renewable sources).

In addition, the Council, along with the Worcestershire Local Strategic Partnership's Local Area Agreement, has an agreed target to reduce overall CO<sub>2</sub> emissions by 3% year on year. Any locally installed renewable energy system will contribute significantly to this aim.

Worcestershire County Council's Technical Working Paper on Renewable Energy (2009) indicates that wind power is one of the most appropriate renewable energy technologies for our County and is a proven technology: "Large areas of the County have average wind speeds sufficient for the generation of energy from wind turbines, with the greatest potential in Bromsgrove and Wychavon districts." Their associated Renewable Energy Capacity Study (2008) indicates that wind speeds are strong and consistent enough in the area of the planning application to provide viable wind energy generation.

In terms of the benefits of wind turbine derived power over other renewables include the low overall life cycle impact of manufacturing, maintaining and eventual disposal of the wind turbine components (which are almost entirely reusable or recyclable) so this type of renewable energy technology is particularly low in terms of environmental and resource impact.

The ongoing benefits of clean electricity generation from wind are very high and as such, in my opinion, over-ride any objection based on visual disruption. I also note Natural England's favourable response to the plans.

Natural  
England

Consulted: 22.12.2009. Response received: 08.01.2010.

No objection to the proposed development. Landscape and visual impacts are limited as the area is not within a nationally or locally

- designated landscape and views for those enjoying the countryside are primarily short distance from local public rights of way. The ecological appraisal does not consider the turbines to pose any risk to ecology. Recommends that the turbines are installed with Natural England's interim guidance on bats and onshore wind turbines.
- Worcestershire Wildlife Trust Consulted: 22.12.2009. Response received verbally: 31.03.2010.  
No objection to the proposals.
- Dodford with Grafton Parish Council Consulted: 22.12.2009. Response received: 26.01.2010.  
Objects to the proposals. Comparable reference is made to the consented turbines at Brine Pits Farm, Wychbold, which are smaller and feel that the noise impact is less of a problem in that location, than it would be on the subject application, because of the relentless noise from the M5 motorway.
- Whilst this Parish is in support of sustainable and renewable energy (e.g. the Parish support of the sustainable bio-mass boiler in the Village Hall), the application would still remain in the Green Belt and would have direct impact on neighbouring golf range and potential detrimental effect on the golf range.
- Application site does not fall within a landscape protection area but it is close to it.
- It is recognised that each application has to be judged on its merits. In the absence of specific local development policy with Bromsgrove District with regards to wind turbines we would judge that there are no very special circumstances to justify approval of this development in this location.
- Wychavon DC Consulted: 22.12.2009. Response received: 23.12.2009.  
The application site is in the Green Belt outside the boundary of Wychavon District Council. The application should be considered in line with PPG2 - Green Belts.
- Any affected neighbouring residents within Wychavon District should be notified of this development also. [Officer's note: it is not this Council's policy to consult residential properties unless they immediately abut the application site, which is not the case in this instance.]
- Wychavon has approved 3 similar wind turbines within Upton Warren Parish earlier this year. [N.B. these applications are referred to in the report below.]
- Councillor Mrs. J. A. Pearce (Wychavon DC ward councillor) Consulted: 22.12.2009. Response received: 12.01.2010.  
The existing turbines in Wychavon are considerably smaller at about 33 metres than the present proposal at 42 metres to the blade tips, and are not on rising ground, both factors which I would suggest would greatly

increase the impact of the proposed turbines on the openness of the Green Belt. Additionally, there are several residential and business properties well within a 500 metres radius of the proposal where amenity may well be affected by shadow flicker.

If the Council is minded to grant permission, conditions should be attached similar to those imposed on Wychavon DC permission 07/00513 in June 2007. This permission was to the same applicant on an immediately adjoining site, and the conditions restricted hours of operation for construction, and access to and from the site only via Kidderminster Road as Berry Lane southwards and lanes off it (New House Lane, Timberhonger, and Swan Lane and Coley Pits Lane to the A38) are totally unsuitable for heavy construction and maintenance traffic.

[Officer's note: this application related to the retention of a mixed use agricultural and depot operation, including a base for a drilling, cabling and trenching contractor. The effects of such a use would be significantly different to the proposed use, and are therefore considered to be of only limited relevance to the application proposals. In the absence of any objection from County Highways, conditions controlling hours of operation and access arrangements are not considered to be necessary.]

Several further emails have been received from Councillor Pearce reiterating concerns over the suitability of lanes to the south of the site for heavy construction access and the request for a condition controlling construction access. The Worcestershire Highways's response to this request is given above. Officer's views are further set out in the 'Highways' section below.

The Joint Radio Company Ltd. Consulted: 22.12.2009. Response received: 23.12.2009.

JRC analyses proposals for wind farms on behalf of the UK fuel and power industries. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements. JRC does not foresee any potential problems based on known interference scenarios and the data provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.

National Grid - Transco Consulted: 22.12.2009. No response received.

NATS (Civil Aviation Authority) Consulted: 22.12.2009. Response received: 05.02.2010.

NATS is responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK. It has no safeguarding objection to the proposals.

Publicity Site Notice posted 08.01.2010; expired 29.01.2010. (NB. The notice was reported as removed / damaged in week commencing 25.01.2010.

Another notice was posted 29.01.2010 with an extended consultation deadline of 05.02.2010.)

Press Notice (Bromsgrove Standard): published 01.04.2010; expires 15.04.2010.

No notification letters were originally sent, as the identified application site does not immediately abut property in third party ownership. A further consultation has been carried out in response to members' request for additional neighbour notifications to be carried out.

Objections were originally received from 10 nearby properties. The following points are raised:

- The proposal would be a blot on the landscape and an eyesore to all neighbours. Views from houses would be adversely affected.
- When one turbine is erected it will be likely that more will get planning approval compounding the nuisance.
- Noise generated will develop into a constant and never relenting nuisance. There is evidence that suggests wind turbines emit high levels of low frequency noise from the mechanical gearing systems but more importantly the majority of the noise is from the wind going through the rotating blades.
- There are several papers that have been written that give evidence that the wind turbines produce noise pollution and can have a detrimental effect on the well being of humans that live within a 1.5km proximity. These papers are as follows: Wind Turbines: Noise and Health by Dr. A. Harry; Noise Radiation from Wind Turbines Installed near Homes: Effects on Health by B. J. Frey, M. A. and P. J. Hadden BSc FRICS; and Wind Turbine Syndrome by Dr. N. Pierpont.
- Light flickering as a result of the rotation of the blades.
- This sort of installation should be designated to specially selected "wind farm" sites away from residences.
- They are far too tall.
- Total power provided by wind generation is 1/10th of 1% of all power produced in the UK. This will add nothing apart from nuisance.
- Distraction and a hazard for passing motorists.
- Danger to micro light and hot air balloon pilots who frequently use the route.
- RAF jets carry out low flying exercises across the route.
- There is no technical information that supports the application (e.g. how much electricity would be generated against the energy expended in importing and erecting the turbines.)
- There are no calculations on the viability of the project.
- Impacts on birds and wildlife. A full study should be undertaken. [Officer's note: the application is accompanied by an Ecological Appraisal.]
- The planning application does not state the amount of MW installed capacity the wind turbines will have.

- The position of the wind turbines can infringe on the human rights local residents, since they will affect people's homes and privacy rights.
- Surely wind turbines are better sited in open countryside / costal areas, where there are no residential dwellings and so therefore cannot have an adverse impact on the health of nearby residents.
- In principle support from two objectors for the proposals for environmentally friendly energy.
- Officers' attention is drawn to the requirements of PPS22 on Renewable Energy and, in particular, the need to assess renewable energy projects against specific criteria set out in development plans. It is suggested that, if the Council has not yet produced such criteria, the application should be put on hold. [Officer's note: The recommendation to planning committee is made in light of the requirements of PPS22. The Worcestershire County Structure Plan has a specific criteria-based policy on wind turbines (EN.2) and landscape assessment criteria are set out in Structure Plan policies CTC.1 and CTC.2, and Local Plan policy C4. The proposals have been assessed against these criteria, as is set out in the report.]
- The turbines are to be placed in close proximity to an area of outstanding natural beauty at Woodcote Green where the Chaddesley Woods are a designated National Nature Reserve forming part of the Worcestershire Wildlife Trust. [Officer's note: the site is not near to any designated Area of Outstanding Natural Beauty (AONB). As is noted below, the area to the north of Kidderminster Road is a designated Landscape Protection Area.]
- The area is already blighted by the erection of a network of electricity pylons that crisscross the landscape in all directions - the erection of large wind turbines would add insult to injury with the landscape and will further blight this area of outstanding natural beauty.
- There will be alternative areas to place wind turbines where the landscape is not so sensitive to the erection of such large electronic structures. Therefore placing them next to an environmentally important national nature reserve should be seen as unacceptable. Alternative sites should therefore be sought.
- In addition the Chaddesley Woods are a significant nature conservation area, where key research programmed by Birmingham University into the habitat and ornithological wildlife has been ongoing for several years - the wind turbines will be of harm and represent an unwelcome intrusion into an area that is sensitive for breeding and habitat purposes.
- Those in close proximity to the turbines have not been notified.
- The proposals would be a considerable eyesore in this Green Belt location and may have a detrimental effect on property values.
- Whether the proposals will work as a green energy generator is open to doubt.
- The application should be deferred to allow time for local residents to consider, discuss and prepare a detailed response to the proposals.

2 letters were received from the proprietor of the adjacent Woodcote Golf Driving Range:

- The nearest generator would be approximately 130 metres from the driving range buildings and 15 metres from the boundary with the driving range. [Officer's note: the owner of the site later agreed verbally during a site inspection that the former distance is an underestimate, and the distance is actually approximately 170 metres.]
- The proprietor and his wife spend a significant amount of time at the premises, and are therefore concerned about noise levels.
- The bays in the driving range face southward looking towards the generators, which could be a distraction and result in sun shadow flicker.
- No objection in principle, but the location is unacceptable when there is a larger field to the north and an additional field to the south.
- The business would be blighted and would possibly not be viable due to loss of trade. The business is the owner's main livelihood and losing it would be a significant financial burden.

A further letter from the proprietor of Woodcote Golf Driving Range has since been received. It comments that when a customer is on the range about to drive a ball from the mat, they need to have concentration using both eye and hand co-ordination along the driving line to the south - the constant rotation of the turbine blades 150 metres to the south west in conjunction with the sun shade flicker would be a complete distraction when about to hit the ball. Noise levels being so close are also of great concern and probably injurious to health. The proposals may lead to the demise of the golf range business.

2 letters of support have been received from nearby properties making the following comments:

- The UK is faced with a significant energy crisis in the next ten years and it will take extraordinary efforts to provide sufficient electrical capacity to meet our national needs. It is essential that the decline in supplies of coal and oil be offset by new energy sources and that, to the largest degree possible, those new energy sources be renewable resources.
- It is not unusual in situations like this for everyone to agree but then to individually state - "not in my backyard". If we are to rise to the challenge of increasing UK energy production the NIMBY response is unacceptable.
- The turbines will not be of any detriment to, or an eyesore in, the local landscape which already has electricity pylons located in the vicinity.

Since additional consultation was carried out, at the time of writing, 4 further objections have been received from individual local residents. The comments made may be summarised as follows:

- Papers prepared by eminent people indicate that it is not safe to reside within 1.5 km of a wind turbine (these are the papers

referenced above). This clearly must be taken seriously by Bromsgrove District Council and be understood by all who might suffer - not just those living within 350 metres. Has everyone within 1.5 km been told of the risks and if not, why not?

- There must be more suitable sites for wind turbines in the District outside of Green Belt land. The Worcester County Council's Technical Working Paper & Renewable Energy (2009), referred to by the Climate Change Officer, indicates that large areas of the County have average wind speeds sufficient for the generation of energy from wind turbines, so other non-Green Belt site should be considered.
- The proposed surplus energy benefits are likely to be significantly exaggerated. Therefore, the very special circumstances identified do not exist. Copies of articles from the Daily Telegraph have been submitted in support of this argument.
- Approving the application in advance of an Overall Climate Change Plan is inappropriate and possibly negligent. The Council must consider all the serious implications for its local residents and established where best it can meet its Renewable Energy targets with the least number of turbines, damage to the landscape and risk to people's health. It would be negligent to do otherwise and leaves Bromsgrove District Council and its Officers open to complaints and claims for damages. It would also set an extremely dangerous precedent which could prove disastrous as other applications follow, as they will when the lucrative subsidies become clear to financially struggling farmers and landowners.
- Given the serious implications the Overall Climate Change Plan for Bromsgrove District Council must come first and it must be widely published, with all local residents informed and consulted. Then future applications can be fast tracked and approved according to the agreed plan.
- Concern over indiscriminate placing of turbines across the countryside, as odd turbines are an eyesore. The countryside needs to be protected and not scarred with random turbines.
- Light flicker directly into home. A survey on this matter is requested.
- The turbines will seriously impair outlook from residential properties.

A letter has been received containing the names of 36 residents of Berry Lane, Kidderminster Road, Woodcote Green and Woodcote Lane. This letter has been copied to Members of the Planning Committee. The letter requests that the applicant should be refused to avoid setting a dangerous precedent, until such time as the Council has considered its overall Renewable Energy Strategy, it has been broadly published and its implications have been discussed with interested members of the public. It also states the application should be refused as:

- The site is Green Belt land - officers concede that the development is inappropriate development in the Green Belt, would have a material impact on the openness of the Green Belt, and would be harmful to the Green Belt.

- Residents supporting the objection mostly live to the north of Kidderminster Road, designated a Landscape Protection Area - there will be considerable visual landscape damage from some properties and for walkers enjoying the hills adjacent to Chaddesley Woods.
- There is evidence to suggest that wind turbines produce noise pollution and can have a detrimental effect on the well being of humans that live within a 1.5 km proximity. Press reports have indicated that one in six wind farms prompt noise complaints.
- The site is only 350 metres away from residential properties, posing potential health hazards.
- Given worries over health it is outrageous that consultation has only been extended to 500 metres. Surely it is negligent of Bromsgrove District Council not to extend to 1.5 km as a minimum and advise residents of the serious effects of property blight and potential harm to health.
- The applicant has demonstrated absolutely no very special circumstances. [Officer's note: the very special circumstances put forward by the applicant are set out in the 'Environmental benefits' section below.]
- The land is unsuitable for wind generation.
- The driving force for approval of the application should not be a lucrative subsidy scheme set up by the Government for individual applications.
- The residents will enlist the support of the new prospective Conservative MP for Bromsgrove, inform the media on these important issues and risks, and obtain outline legal advice. If necessary, in due course, the residents may refer the matter to the Secretary of State to seek his / her views on whether 'very special circumstances' exist in this case to allow 'inappropriate development on allocated Green Belt land'.

### The site and its surroundings

The application site lies at the edge of Bromsgrove District, approximately 400 metres south of Kidderminster Road near to Woodcote Green. The site is a similar distance east of Berry Lane, from which it is accessed, which runs in a southerly direction from Kidderminster Road. The site is in agricultural use and is located within the designated Green Belt. The land on the holding which the proposal relates to is relatively flat in all directions, rising gently to the north.

It is surrounded by open countryside with sporadic agricultural and residential buildings. Immediately to the north of the site lies the Woodcote Green Golf Driving Range. A National Grid pylon power line runs approximately 350 metres to the south west of the site.

### Proposal

The application seeks planning permission for two wind generator turbines each having a height of 30 metres to the top of the pole. The turbines would have three rotor blades,

with a radius adding a further height of 12 metres, giving a total height of 42 metres when the rotation of the blade is at its fullest extent. The pole would have a diameter of approximately 2.5 metres at the base, tapering to 1.5 metres at the top. The turbines would be programmed to run when the wind speed is greater than 3 metres per second (m/s). According to the applicant, Government information indicates that the average wind speed at the site is 5.5 m/s.

The turbines would be located approximately 350 metres away from residential properties to the west of Berry Lane (the nearest to the site), 400 metres away from Little Durrance Farm and 500 metres to developments at Dodds Corner on Kidderminster Road. As is noted above, the buildings associated with the golf driving range are approximately 170 metres away.

According to the applicant's statement, the wind generators would provide sufficient energy to power the farm and deliver surplus energy to the National Grid. The farm is currently powered by a geothermal pump so only a small amount from the turbines will be used by the house with the greater part being surplus. The applicant has stated that the annual output for the turbines will be 525,600 kWh/y.

According to the Technical Annex to the Companion Guide to PPS22, a typical three blade turbine with of a similar size to those proposed would have an installed capacity of 100 kW, and would be capable of generating approximately 260,000 kWh per year, or enough electricity to supply 64 homes (based on the average UK household consumption of 4100 kWh/y). This would give a total figure of 520,000 kWh/y (or 128 homes), which broadly confirms the applicant's figure above. The Council's Climate Change Manager advises that average household consumption of electricity is around 3,300 kWh/y, which would mean that the proposal would generate enough power to serve approximately 157 homes.

#### Previous planning committee and new information

The application was brought before the 1st March Planning Committee, at which it was deferred in order that:

- a) further publicity could be given to the application by way of a press notice in a suitable local newspaper and an extraordinary neighbour notification process to encompass identifiable neighbouring occupiers within a 500 metre radius of the proposed wind generator masts; [NB. This has since been carried out, up to a distance of 600 metres at the case officer's discretion, to ensure that each property in the nearest groups of houses was encompassed. Subsequent responses are set out in the consultation section above.]
- b) a request be made of the applicant to provide clarification of siting and scale issues, to include suitable photographic montage perspective illustrations, together with clarification of issues concerning noise levels arising from the development; and
- c) a request be made of the applicant to investigate alternative sites for the proposed wind generator masts.

The applicant has confirmed in writing that no changes will be made to the scheme and that the application should therefore be determined as submitted, and that no photo-montage is to be prepared. However, the applicant has submitted further information in support of the application set out in the following paragraphs.

*Planning Policy Statement: March 2010 Planning for a Low Carbon Future in a Changing Climate*

- Since the 1st March Planning Committee a Draft Planning Policy Statement on Planning for a Low Carbon Future in a Changing Climate has been published.
- Its objectives are to ensure that Councils plan for renewable energy. It states all planning strategies, and the decisions taken in support of them, must reflect the Government's ambition to help business and communities build a low carbon future and prepare for the impacts of climate change.
- Policy LCF 14.1 seeks to ensure local planning authorities development management does not prevent, delay or inhibit proposals for renewable and low carbon energy, and associated infrastructure, which could be permitted having regard to the objectives and policies in this PPS.
- Policy LCF14.2 states that in determining planning applications for the development of renewable or low carbon energy, and associated infrastructure, local planning authorities should:
  - i) expect applicants to have taken appropriate steps to mitigate any adverse impacts through careful consideration of location, scale, design and other measures, including through ensuring all reasonable steps have been taken, and will be taken, to minimise noise impacts;
  - ii) give significant weight to the wider environmental, social and economic benefits of renewable or low-carbon energy projects whatever their scale, recognising that small-scale projects provide a valuable contribution to cutting greenhouse gas emissions, and not reject planning applications simply because the level of output, or number of buildings supplied, is small;
- Targets to be met nationally and locally are viewed as minimal.
- The applicant has had regard to the issues in Policy LCF 14.2i and the proposal would make a tangible contribution to renewable energy generation.

In the opinion of officers, as this document is only in draft form at present, only limited importance may be attached to it. Nevertheless, it is considered that the document adds some further weight to the officer's recommendation. In particular, Members should note that Draft Policy LCF14 states that local planning authorities (1) should not unnecessarily prevent, delay or inhibit renewable projects which could be permitted; (2) should give significant weight to wider environmental, social and economic benefits; (3) expect applicants to have taken appropriate steps to mitigate any adverse impacts and demonstrate very special circumstances (such as wider environmental benefits) in the Green Belt. An application should not be refused simply because it falls outside the broad area for renewable energy development identified in Regional Strategies or renewable energy targets have been reached. Also, applicants should not be required to demonstrate the overall need for proposals.

### *Ecology*

- An amended version of the Ecological Appraisal has been submitted setting out further information on the national nature reserve and SSSI along with consideration of the impact of the proposal on these areas. These are noted in the main report below. This concludes there will be no adverse impact.

### *Noise at the Driving Range*

- Under the terms of PPS22 the driving range is not 'noise sensitive' development as it is not an outdoor activity where a quiet environment is highly desirable.
- An update from the acoustic consultant who prepared the Noise Assessment has been received, which considers the noise impact of the proposal on the golf driving range, concluding that the level of noise would be well below the lowest level of noise at which people might be annoyed as set out in the World Health Organisation Guidelines for Community Noise (1999). This is set out in further detail below.

### *Visual Impact on the Driving Range*

- The blades of the generators will be viewed at an acute angle for the majority of the time because the driving range lies north of the site and the prevailing wind direction is from the south west.
- The acute angle of view would mean any potential for disturbance as sighted by the driving range operator is misconceived.

### *Economic Impact on the Driving Range*

- This a private facility visited by golf enthusiasts. It has no public benefit and is of appeal only to people with a specific interest in golf. It offers a recreational activity available in a number of locations around the District and is not unique or offering a facility of more than local interest. Any perceived harm to the operation of the driving range would be outweighed by the acknowledged benefits in terms of renewable energy generation.

### *Alternative Locations*

- Certain criteria make this location highly suitable for the proposal when considered against other locations and constraints in the District. The generators can only be located where natural resources allow; i.e. where the wind blows, where a connection to the National Grid can be provided and where there is a willing landowner.
- This location is outside of the more sensitive areas of the District which are designated as Landscape Protection Areas, nature reserves and SSSIs. It is outside of any conservation areas, away from listed buildings or scheduled ancient monuments. The whole District is within the Green Belt so no alternatives outside Green Belt are available.
- The quality and value of the landscape in this location is limited.

### *The Balance*

- The benefits of the proposal outweigh the harm to the amenity of residents, the landscape impact, and the visual and economic impact on the recreational activity at the driving range. The economic and environmental benefits outweigh the environmental impacts.

### Relevant Planning History

No planning history relates to the site. The adjacent Woodcote Golf Driving Range was allowed at appeal under reference B/2003/1139 and amended by permission B/2005/1083.

Also of relevance are two recent planning permissions granted by the neighbouring Wychavon District Council for similar developments to the application proposals at Brine Pits Farm, Brine Pits Lane, Wychbold. This site is located approximately 3 miles to the south of the application site. The first (08/02650) allowed for two turbines with a poll height of 22 metres with rotor blades of 10.8 metres - i.e. a total height of 32.8 metres. This scheme has since been implemented. The second (09/02140) allowed a single turbine with poll height of 30 metres, blade height 13.5 metres - total height 43.5 metres. This permission has not to date been implemented.

### Relevant Policies

WMSS	QE1, EN1, EN2, Draft Policy SR1c
WCSP	CTC.1, CTC.2, CTC.7, D.38, D.39, EN.2, SD.2
BDLP	C1, C4, C31, C32, DS1, DS2, DS13, ES1, ES6, S19
Others	PPS1, PPG2, PPS22, Planning for Renewable Energy: A Companion Guide to PPS22, ETSU-R-97 Assessment and Rating of Noise from Wind Farms, Draft Planning Policy Statement: Planning for a Low Carbon Future in a Changing Climate

### Notes

It is considered that the main issues in determining the application are:

- the appropriateness of the development in the Green Belt;
- the extent to which the proposal would help to achieve wider environmental benefits, such as reducing harmful emissions to the atmosphere and increasing energy generation capacity from renewable sources;
- the impact on the landscape and visual amenity, and areas of ecological or historic significance;
- the impact on surrounding residents and properties, including noise issues; and
- the compatibility of the proposals with farm diversification policies.

### Appropriateness in context of Green Belt policy

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.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.

Para. 13 of PPS22: Renewable Energy states that:

*"when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development, which may impact on the openness of the Green Belt. Careful consideration will therefore need to be given to the visual impact of projects, and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."*

The applicant's statement argues that the proposal is appropriate development in the Green Belt as it complies with criteria (a) and (c) of Local Plan policy DS2, as these criteria allow developments respectively 'for the purposes of agriculture and forestry', and essential facilities in connection with 'other uses of land which preserve the openness of the Green Belt and which do not conflict with the purpose of including land in it', provided that developments are environmentally and ecologically acceptable.

The applicant contends that:

*"the proposed wind generators are to serve the farm and associated buildings with power and as such can be considered to be for the purposes of agriculture as they are associated with the agricultural use. If it were not for the agricultural use the proposed wind generators would not be necessary and the application would not be submitted."*

Whilst the fact that energy generated by the turbines would be used in connection with the applicant's farm to the south west is not in dispute, it is considered that energy generation has only a tenuous connection to traditional agricultural activities. The proposals cannot therefore be said to comply with criterion DS2(a).

Whether the proposal complies with DS2(c) involves a judgement on the part of the decision maker as to whether the development is for an essential facility for a purpose preserving the openness of the Green Belt, and whether or not it conflicts with the purposes of including land within the Green Belt. Paragraph 3.5 of PPG2 defines 'essential facilities' as only those genuinely required for such uses, giving the examples of small changing, spectator facilities or stables for outdoor sport.

#### Harm to the Green Belt

The two turbines would each have a height of 30 metres to the top of the pole. The rotor radius would add a further height of 12 metres, giving a total height of 42 metres when the rotation of the blade is at its fullest extent. This is significantly smaller than the type of equipment used by commercial wind farm operators which may have a height up to 120 metres. Nevertheless, the turbines would still be significantly taller than any structure in the immediate vicinity, and would be relatively bulky, with a diameter at the base of 2.5 metres. Officers therefore consider that on balance, the turbines would have a material impact on the openness of the Green Belt.

According to Paragraph 1.5 of PPG2, the purposes of including land in the Green Belt include checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns from merging into one another, and assisting in safeguarding the countryside from encroachment. Although the proposals would not contribute significantly to urban sprawl or the merger of any settlements, it is considered that the turbines would add a modern feature to a rural landscape, and would therefore not 'safeguard the countryside from encroachment'. Furthermore, the proposals include the laying of hardstanding to access the turbines for maintenance purposes.

It is therefore considered on balance that the proposals cannot be said to completely preserve the openness of the Green Belt, and would not be wholly consistent with the aims of including land in the Green Belt. The proposals are therefore considered inappropriate development in the Green Belt. Such development is by definition harmful to the Green Belt, and may only be approved where very special circumstances can be demonstrated that outweigh any harm potentially caused as a result of the proposals.

### Environmental benefits

The applicant contends that 'the wider environmental benefits associated with the increased production of energy from renewable sources' maybe considered very special circumstances to justify the approval of the application. Such an approach is consistent with PPS1 and PPS22, which specifically identifies this factor as a potential very special circumstance in determining Green Belt applications. The need to increase energy efficiency and to derive a greater proportion of the energy used from renewable, sustainable sources, and to reduce carbon emissions, is well enshrined in national policies.

PPS22 explains that the Government's approach, as set out in the energy White Paper 'Our Energy Future - creating a low carbon economy', is to cut carbon dioxide emissions by 60 per cent by 2050, including a target to generate 10 per cent of electricity from renewable sources by 2010, and 20 per cent by 2020. It also states that local planning authorities should support and 'specifically encourage' small scale renewable energy schemes.

Although the generator turbines proposed are relatively small (i.e. not the larger commercial type associated with wind farms) the applicant contends that the turbines will provide sufficient energy for the farm, with excess being fed back to the National Grid. According to PPS2 Companion Guide, the two turbines should be capable of providing energy equivalent to the needs of approximately 128 homes, or more depending on the calculation used. Although this figure is inevitably open to variations caused by differences in energy consumption, the location and efficiency of the equipment, local climate variations etc. this figure is considered to represent a significant - albeit modest - contribution to the District's efforts to meet the Government's renewable energy targets, the Worcestershire Local Strategic Partnership's Local Area Agreement's agreed target to reduce overall CO<sub>2</sub> emissions by 3% year on year, and the aim of increase in energy efficiency and the proportion of energy generated from renewable sources, which are identified as priorities in the Bromsgrove Community Strategy (2010 - 2013). All contributions to these aspirations should be considered cumulatively.

It is therefore considered that the wider environmental benefits associated with the increased production of energy from renewable sources may be considered to be a 'very special circumstance' of significant weight in determining this application. This must be weighed against the harm to the Green Belt caused, and also other factors including impact on domestic properties, impact on the adjacent golf range, ecology, highways, and the Council's farm diversification policies.

Structure Plan policy EN.2 supports the provision of individual wind turbines or small clusters where they:

- do not cause unacceptable harm to the surrounding environment, in particular sensitive landscapes;
- do not cause unacceptable harm to nature conservation interests;
- do not result in excessive noise pollution; and
- are acceptable in relation to other policies in the Structure Plan.

These matters are discussed in turn below.

### Landscape impact

Para. 3.15 of PPG 2 states that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which might be visually detrimental by reason of their siting, materials or design.

The site is not located in a designated Landscape Protection Area (LPA). However, the area to the north of Kidderminster Road, extending to the west of Dodford to the southern edge of Belbroughton is a designated LPA. Paragraph 15 of PPS22 states that local landscape designations should not be used in themselves to refuse planning permission for renewable energy developments, and that applications in such areas should be assessed against criteria based policies set out in local development documents.

Paragraph 20 acknowledges that, of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, it advises that in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines.

Structure Plan policy CTC.1 sets out criteria for the assessment of proposals relating to landscape. The implications of such development will be assessed having regard to the degree to which they would:

- be appropriate to, and integrate with, the landscape character of the area;
- safeguard or strengthen the features and patterns that contribute to the landscape character and local distinctiveness of the area with particular attention being paid to existing buildings, other manmade features and seminatural vegetation; and
- relate to the sensitivity of the particular landscape, and location, and to accommodate change.

Policy CTC.2 states that proposals should demonstrate that they will not have an adverse effect on skylines and hill features, including prominent views of such features. Where development will have a significant adverse impact they will not normally be allowed.

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. When assessing the effect on the landscape, special attention will be given to:

- prominent slopes or major ridge lines;
- woodland and hedgerows including ancient areas;
- water features where these are an important component in the landscape.

The proposals would not be located on a prominent ridge line, or near to any important woodlands and hedgerows or water features. Although, by definition, the proposed turbines would be visible within the local landscape, wider visibility would be restricted by the topography of the site and surrounding vicinity, and local features such as hedgerows. As part of the application submission, the applicant has submitted a photographic assessment of the area which demonstrates that the location of the turbines comprises an area of relatively flat ground in a largely flat landscape with short views available rather than long views. Land is rising slightly to the north and south of the site which ensures views are contained. The photographs highlight the dominant feature on the landscape is the electricity pylons to the south west of the application site.

The turbines would not have a significant effect on the wider skyline of any hill features, including prominent views of such features. In general, the turbines would not be widely visible from the Landscape Protection Area, and would not significantly affect views into the LPA. Where they would be visible, at the southern extent of the LPA, they would be viewed against the backcloth of the pylons, which would have a height similar or greater to the proposed turbines.

A Photographic Assessment of longer distance views was submitted by the applicant prior to the 1st March Planning Committee meeting. This demonstrates that only limited long range views of the proposed turbines would be possible. The site would be visible against the backdrop of pylons from the south end of Woodcote Lane, and also views from the south. From higher ground near Monsieurs Hall Lane longer views are likely to be obtained, but the turbines would be shielded to some extent by the topography of land in the near ground. It is noted that the applicant has not submitted photomontage images of the proposed turbines and their effect on the landscape, as requested by Members.

In summary, although the turbines would inevitably have an impact on the landscape, it is not considered by officers that the overall open character of the Green Belt in this locality would be significantly compromised. Wind turbines are usually to be found in rural areas, because of the need to harness the wind away from buildings and other obstructions to the flow of wind, and in the future are likely to become a far more common scene. This particular locality has accommodated landscape change in the past in the form of the pylons, which are now well assimilated in the rural scene. In this sense, the turbines may be said to be appropriate in the landscape of the area.

Objectors raise the prospect that a landscape precedent for such development would be created in the area. Whilst it is acknowledged that a greater number of turbines would

have a concomitant impact on the landscape, applications for any future proposals would have to be assessed on their merits and the Council would have the ability to refuse them if the harm to Green Belt was too great, or was not outweighed by very special circumstances. This application should therefore be judged in isolation on the merits or otherwise of the proposals.

### Ecology

The collection of wooded areas near to the site - including Chaddesley, Randan, Nutnells, Santery Hill and Pepper Woods are part of the designated Feckenham Forest / Chaddesley Woods Sites of Special Scientific Interest (SSSIs), with parts locally designated as Special Wildlife Sites (SWS). The southern extent of this wooded area is approximately 0.6 miles (1 km) north of the site. Chaddesley Wood (which is located within the boundaries of Wyre Forest DC) is approximately 1 mile (1.6 km) is a designated National Nature Reserve (NNR).

It is noted that both Natural England and Worcestershire Wildlife Trust have raised no objection to the application. The submitted Ecological Appraisal concludes that the proposal will have no effect on terrestrial species, and little if any effect on airborne mammals or birds. In particular, the survey indicates that the turbine blades would be sufficiently high above the ground to avoid the foraging behaviour of most bat species, whilst low enough to avoid high-flying species (e.g. Noctules). Furthermore, the blades would not be turning when there is little or no wind, the conditions for peak bat activity. It is therefore considered that the proposals raise no specific ecological issues.

The applicant's ecologist states that both SSSIs and the NNR are physically separated from the site by topography and intervening land use, including a main road and agricultural land under continuous cultivation, and that as such neither will be impacted by the proposals.

### Impact on domestic properties

A number of objectors have raised concerns about the harm to residential amenity, in particular with regard to noise and 'shadow flicker'.

### *Noise*

Paragraph 41 of the PPS22 Companion Guide states that well-specified and well-designed wind farms should be located so that increases in ambient noise levels around noise-sensitive developments are kept to acceptable levels with relation to existing background noise. It confirms that noise levels from turbines are generally low and, under most operating conditions, it is likely that turbine noise would be completely masked by wind-generated background noise.

Paragraph 25 of ETSU-R-97 'Assessment and Rating of Noise from Wind Farms' states that if noise from wind farms is limited to a level no greater than  $L_{A90,10min}$  of 35dBA, a planning condition should offer sufficient protection of amenity, and background surveys would be unnecessary. This simplified condition is advocated for such situations as single turbines or wind farms with large separation distances from residential properties.

The applicant has submitted a Noise Assessment confirming that noise from the wind turbines is estimated to be no greater than 33<sub>L<sub>A90</sub></sub> (35<sub>L<sub>Aeq</sub></sub>). The Environmental Health officer advises that such an assumption is acceptable and realistic, and has recommended the use of a condition as per the recommendations of ETSU-R-97.

The PPS22 Companion Guide sets out a table of comparative sound levels, which is reproduced below for the reference of members:

Source / Activity	Indicative Noise Level dB(A)
Threshold of Pain	140
Jet aircraft at 250 metres	105
Pneumatic drill at 7 metres	95
Truck at 30 mph at 100 metres	65
Busy general office	60
Car at 40 mph at 100 metres	55
Wind farm at 350 metres	35 - 45
Quiet bedroom	20
Rural night-time background	20 - 40
Threshold of hearing	0

This information demonstrates that the noise experienced at the nearest residential properties as a result of the proposals would not be dissimilar to that experienced at typical rural night-time background levels, and would be significantly less than a car travelling at 40 mph heard from a distance of 100 metres. Although, in accordance with guidance, a full survey of background noise has not been carried out by the applicant, the officer's site inspection revealed that noise from the Kidderminster Road and / or the M5 motorway (located approximately 3 miles to the east) was discernable, though by no means obtrusive. The turbine noise would be further masked by this factor, as well as the windy conditions experienced at the times when the turbines are in use.

In these circumstances, it is concluded that the noise generated by the proposal would have no significant impact on the amenity of residential properties.

#### *Shadow flicker*

The PPS22 Companion Guide explains that, under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off - the effect is known as 'shadow flicker'. It only occurs inside buildings where the flicker appears through a narrow window opening. The seasonal duration of this effect can be calculated from the geometry of the machine and the latitude of the site. Although problems caused by shadow flicker are rare, for sites where existing development may be subject to this problem, applicants for planning permission for wind turbine installations should provide an analysis to quantify the effect. A single window in a single building is likely to be affected for a few minutes at certain times of the day during short periods of the year.

The likelihood of this occurring and the duration of such an effect depends upon:

- the direction of the residence relative to the turbine(s);

- the distance from the turbine(s);
- the turbine hub-height and rotor diameter;
- the time of year;
- the proportion of day-light hours in which the turbines operate;
- the frequency of bright sunshine and cloudless skies (particularly at low elevations above the horizon); and
- the prevailing wind direction.

Because the nearest residential properties are located approximately 350 metres away, and the tips of the rotor blades would have a maximum height of 42 metres, such an effect would only be possible when the sun is very low (i.e. early mornings and late afternoons / evenings) meaning that a long shadow is cast. Given this situation, the fact that the possibility of such an effect occurring is rare, and that the impact would only be experienced for very short periods if at all, it is not considered that such an effect is significant enough to warrant refusal of the application.

### Impact on golf range

The owner of the adjoining golf range has expressed concerns about the effect on this business. The main concerns are noise, shadow flicker, distraction, and also the fact that the owner spends a significant amount of time at the property and consequently has amenities in the same way as a residential property. The range and its associated buildings are located approximately 170 metres due north of the eastern proposed turbine.

Appendix 3 of the Noise Assessment submitted with the application is a noise contour plan, which shows that the predicted noise levels at the property would be between 40 - 45 dB(A). This would be little different to the typical rural background levels, and significantly less than a car travelling at 40 mph heard from a distance of 100 metres. The noise emissions experienced at the driving range are therefore likely to be little different to the existing background levels, which are likely to be slightly higher than typical for a rural setting because the well-trafficked Kidderminster Road running approximately 220 metres to the north.

The update to the Noise Assessment submitted since the 1st March Planning Committee notes that the World Health Organisation Guidelines for Community Noise (1999) states:

*"To protect the majority of people from being seriously annoyed during the daytime the outdoor sound level from steady, continuous noise should not exceed 55  $L_{Aeq}$ . To protect the majority of people from being moderately annoyed during the daytime, the outdoor sound level from steady, continuous noise should not exceed 50  $L_{Aeq}$ ."*

This indicates that, even if the driving range is to be considered a noise sensitive use, it would not be affected even to the 'moderate annoyance' level set out above. It is therefore considered difficult to argue that the driving range would be demonstrably harmed as a result of noise pollution created by the proposed development.

At a distance of 170 metres, as is explained in the previous section of this report, in the event that shadow flicker occurs, it is only likely to be possible when the sun is at oblique angles to the turbines when the sun is low in the sky. As the sun would only be in such a

position in an easterly direction (in the morning) or westerly direction (in the evening) any flicker created would not affect the driving range, which is directly to the north.

It is acknowledged that the rotation of the blades of the turbine might present a distraction to golfers. There is no objective way to gauge such an intangible effect. However, the range is oriented in a south / south westerly direction, and therefore the majority of golf shots would not be played directly towards the turbine, and would therefore not be directly in the eye line of players. Whilst the western edge of the driving range would be closer to the turbines, the areas potentially affected could be reoriented to minimise the impact on golfers, and some degree of low level screening / baffling could be used if the turbines are considered to present a problem. It would also be technically feasible for the entire range to be re-orientated to face in a more easterly direction, or reversed so that shots are taken from the southern end of the site in a northerly direction. In summary, whilst officers sympathise with this concern, it is not considered sufficient to warrant refusal of the application.

Finally, the owner of the driving range implies that the effects on him, his wife and employees should be judged in broadly the same way as residential properties, owing to the amount of time spent on the site in working hours. It is considered that, although there must be an expectation that no member of the public suffers unduly as a result of a planning proposal, the conditions required for the quiet enjoyment of a residential property do not equally apply to an employment use. In any event, as is explained above, there is unlikely to be any significant impact on neighbour amenity. Although the golf range is located nearer to the application site than residential properties, the effects (in terms of noise and flicker) are unlikely to be significantly worse to the point that refusal of the application is required.

The owner of the golf range has suggested that the turbines could be relocated to the larger field to the north or an additional field to the south. This has been put to the applicant, who has pointed out that locating the turbines in the north field would bring them closer to the residential properties at Dodds Corner and Little Durrance Farm, which may raise other issues in respect of noise. Officers agree that this solution would be less favourable than the present proposed location. In any event, this land falls within Wychavon DC and is beyond the scope of control of this Council. The southern field has been discounted by the applicant as the land slopes further downward and would therefore be a less efficient location for wind turbines.

Prior to the 1st March Planning Committee, the applicant expressed a willingness to relocate the easternmost turbine slightly southwest if it could be demonstrated that there would be significant benefits in terms of impact on the landscape and the neighbour at the driving range. However, the applicant has since indicated that the application should be considered in its current form.

### Highways

The publicity for the application has raised the possibility that the turbines may present a hazard to drivers. However, the turbines would be located around 400 metres from any road and the County Highways officer has raised no objection to the scheme. Similarly, no objection has been raised in relation to access and traffic generation.

Several emails have been received from Wychavon DC ward Councillor Mrs. J. A. Pearce expressing concerns over the suitability of lanes to the south of the site for heavy construction access. These emails request that a condition is imposed to control access during the construction phase. A further opinion from the County Highways officer has therefore subsequently been sought with regard to the specific matter of construction access. The officer does not consider that a condition is necessary in this instance as the construction would not be undertaken over a sustained period. Also noted is the ability to recover expenditure due to damage to the highway under section 59 of the Highways Act 1980.

Members should note the contents of paragraph 71 of Circular 11/95: The Use of Conditions in Planning Permissions states that:

*"Planning conditions are not an appropriate means of controlling the right of passage over public highways. Although negatively worded conditions which control such matters might sometimes be capable of being validly imposed on planning permissions, such conditions are likely to be very difficult to enforce effectively. It may be possible to encourage drivers to follow preferred routes by posting site notices to that effect, or by requiring them to use a particular entrance (or exit from the site). But where it is essential to prevent traffic from using particular routes, the correct mechanism for doing so is an Order under either Section 1 or Section 6 (as appropriate) of the Road Traffic Regulation Act 1984."*

Members should also be mindful that the status of all nearby roads as adopted public highway should ensure that accessibility to the site cannot lawfully be impeded or revoked.

In these circumstances, it is considered that the imposition of a condition to control construction access would not comply with the guidance set out in Circular 11/95, as it would be difficult to enforce and unnecessary given the relatively short period of time that over which any inconvenience would be caused. Officers are therefore of the view that, if Members are minded to grant permission, such a condition should not be imposed.

#### Farm diversification

Structure Plan policy CTC.7 states that any development on agricultural land should not prejudice the viability of farming operations on the remaining agricultural land. Local Plan policy C31 supports farm diversification schemes where proposals are of an appropriate scale, can be accommodated within a rural location without detriment to the environment and are consistent with Green Belt policy. Policy C32 sets out the criteria against which such applications will be judged, including impact on high quality agricultural land, landscape impact, cumulative effect with other activities, and the minimisation of visual impact. It is considered that the proposal is consistent with these policies in allowing an agricultural holding to further diversify its business activity.

#### Emerging policy on climate change and renewables

Several objectors and members have expressed the view that no wind turbines should be approved without some form of District-wide policy on the matter. As is noted in the report above, several development plan policies (RSS policies EN1 and EN2 and

Worcestershire Structure Plan policy EN.2), as well as government guidance in PPS22: Renewable Energy and the PPS1 Supplement on Climate Change, set out very clear policies for the consideration of applications for renewable energy projects. In particular, policy EN2 of the Structure Plan is a specific policy relating to turbines, setting out a criteria-based approach to their assessment.

Government guidance, as set out in PPS22 states that:

*"planning policies that rule out or place constraints on the development of all, or specific types of, renewable energy technologies should not be included in local development documents without sufficient reasoned justification. The Government may intervene in the plan making process where it considers that the constraints being proposed by local authorities are too great or have been poorly justified."*

Officers are therefore of the view that the criteria-based approach used in assessing the current application is fully consistent with national policy, and that to introduce areas of development restraint for renewable energy projects, especially outside of designated sensitive areas, would not be a reasonable and proportionate approach.

The Strategic Planning Manager has advised that there is presently no intention to adopt such a policy as it would not be consistent with national policy, which sets out a broadly positive approach to renewable energy technology. If such a policy included specific site locations and areas of restraint, it would have to take the form of a Development Plan Document to be prepared following the adoption of the Core Strategy. Therefore it is not feasible that such a document could be adopted in the short / medium term future.

In summary, officers are of the view that it would be unreasonable to resist applications for renewable energy technology pending the adoption of a policy which in any event the Council presently does not intend to adopt.

#### Alternative sites

Several nearby residents are concerned that the site is not appropriate for the proposed development and that other locations for wind turbines should be considered. Members are advised that there is no strict obligation on the part of the applicant to consider alternative sites - this application must be considered based on the merits or otherwise of the proposal.

It has been suggested that a non-Green Belt location could be found. However, the majority of the District (with the exception of Bromsgrove and some other settlements) is designated as Green Belt land. Assuming urban areas are discounted for reasons of residential amenity, officers consider it likely that Green Belt locations must be considered for such developments if the District intends to grant planning permission for wind generation technologies at all.

#### Efficiency of turbines

The claims made by wind energy operators have been questioned by local residents. A recent press report entitled 'weak wind farms generate just a fifth of full power' points to the fact that the majority of wind farms produce electricity at around 25 to 30 per cent of

their capacity, with the best achieving 50 per cent efficiency and the worst less than 15 per cent (the lowest given is 7.9 per cent). This report has been cited as evidence that the claims of the applicant with regard to surplus energy benefits are likely to be 'significantly exaggerated'.

As wind is not constant or continuous, the efficiency of any turbine is self-evidently unlikely to be near 100 per cent. The figure of 260,000 kWh per year per turbine given above is taken from the PPS22 Companion Guide and 'based on an average capacity factor of 0.3' (i.e. 30 per cent efficiency). Therefore, the assumptions made with regard to the potential environmental benefits of the proposals are considered to be as accurate as is possible, and therefore reasonable. Indeed, the press report itself confirms that the majority of wind farms operate with an efficiency of around 25 to 30 per cent.

### Conclusion

It has been determined that on balance the proposals would represent inappropriate development in the Green Belt, would not completely preserve the openness of the Green Belt, and would not be wholly consistent with the aims of including land in the Green Belt. The proposals are therefore considered inappropriate development in the Green Belt and such development is by definition harmful.

However, the wider environmental benefits associated with the increased production of energy from renewable sources is considered to be a 'very special circumstance' of significant weight. The proposals are also in general accordance with the aim of encouraging the diversification of the rural economy.

Although the turbines would inevitably have an impact on the landscape, it is not considered that the overall open character of the Green Belt in this locality would be significantly compromised and landscape impact would generally be limited to local views, and in the context of the existing electricity pylons. No significant views into or out of any protected area would be significantly harmed. It is therefore considered on balance that the impact on the landscape would be acceptable.

The proposals would not result in any significantly detrimental effects to the amenities of residential properties in the area, the viability or amenity of the adjacent golf driving range or the ecological resources of the area.

Though it is noted that the proposals are opposed by a significant number of local residents, two other neighbouring properties have expressed support for the proposals, which points to the fact that such applications raise necessarily subjective and emotive issues.

Taking these matters into account, in light of national and local targets on renewable energy, and the absence of any special landscape or ecological designation on the site, it is considered on balance that the benefits of the proposal exceed the relatively minor harm caused to the openness of the Green Belt.

It is recommended that conditions are attached to the permission to ensure that a landscaping scheme, the finished colour of the turbines and the details of the

hardstanding area are submitted for approval, to ensure that any impact on the Green Belt and landscape character is minimised.

### Referral to the Secretary of State

It is noted that the Town and Country Planning (Consultation) (England) Direction 2009 directs that, where the Council does not propose to refuse planning permission for certain categories of development, it should consult the Secretary of State. One such category (as listed at Paragraph 4(b)) is inappropriate development on allocated Green Belt land "where the development, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt".

As the above assessment indicates, officers are of the view that the development would have a material impact on the openness of the Green Belt. However, this would not amount to a 'significant' impact for the purposes of the Direction, and the decision would therefore not need to be referred in the event that Members to resolve grant planning permission.

**RECOMMENDATION:** that permission be **GRANTED**, subject to the following conditions:

- 1) C001 - Standard time - three years
- 2) The disposal of storm water shall be by means submitted to and approved in writing by the Local Planning Authority and be operational before building works commence.

REASON: In order to secure the satisfactory drainage conditions in accordance with Policies ES1 and ES6 of the Bromsgrove District Local Plan 2004.

- 3) The scheme shall be so designed, installed, operated and permanently maintained to ensure that the resultant combined noise level from the installation does not exceed the background noise level by an  $L_{A90,10min}$  of 35dBA (free field) up to wind speeds of 10 m/s (at 10 metres height) at any noise sensitive premises. Noise levels shall be measured in accordance with ETSU-R-97 'Assessment and Rating of Noise from Wind Farms', including the addition of a tonal penalty if required in accordance with Figure 16.

REASON: To ensure that residential amenity is not adversely affected by the noise emitted by the wind turbines, in accordance with Bromsgrove District Local Plan Policy S19.

- 4) If the wind turbines hereby permitted are decommissioned or otherwise cease to be used they shall be removed from the site and the site reinstated to its former condition in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority.

REASON: In order to ensure that the landscape character of the area is not unnecessarily affected by disused wind turbines, in accordance with Worcestershire Structure Plan policies CTC.1 and CTC.2 and Bromsgrove Local Plan policy C4.

- 5) Details of the colour and finish of the wind turbines hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The turbines shall be finished in accordance with such details as are agreed prior to being erected on site, and this finish shall thereafter be permanently maintained.

REASON: In order to secure the satisfactory appearance of the development and to protect the landscape character of the area in accordance with Worcestershire Structure Plan policies CTC.1 and CTC.2 and Bromsgrove Local Plan policies C4 and DS13.

- 6) Before the commencement on site of any works which are the subject of this permission, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-
- a) Full details of all existing physical and landscape features on the land in the applicant's ownership including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
  - b) A scheme of new planting including a plan showing the layout of proposed planting within existing hedgerows surrounding the site and the thickening of any roadside hedgerows within the applicant's ownership, in positions to be agreed with the Local Planning Authority.

The approved scheme shall be implemented in full within 12 months from the date when the hereby approved development is completed.

Any trees / shrubs / hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

REASON: In order to protect the trees and hedges which assist in screening the development and to protect the landscape character of the area, in accordance with Worcestershire Structure Plan policies CTC.1 and CTC.2 and Bromsgrove Local Plan policy C4.

- 7) Prior to the commencement of any development on the site full details of the surface treatment of the hereby approved driveway / access track shall be submitted to and approved in writing by the Local Planning Authority. The surface shall be laid in accordance with the approved details.

REASON: in order to minimise harm to the character of the Green Belt in accordance with policy D.39 of the Worcestershire County Structure Plan, policy DS2 of the Bromsgrove District Local Plan and the provisions of PPG2.

**Recommended reason for approval:**

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

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

WMSS	QE1, EN1, Draft Policy SR1c
WCSP	CTC.1, CTC.2, CTC.7, D.38, D.39, EN.2, SD.2
BDLP	C1, C4, C31, C32, DS1, DS2, DS13, ES1, ES6, S19
Others	PPS1, PPG2, PPS22, Planning for Renewable Energy: A Companion Guide to PPS22, ETSU-R-97 Assessment and Rating of Noise from Wind Farms

The proposals would represent inappropriate development in the Green Belt, would not completely preserve the openness of the Green Belt, and would not be wholly consistent with the aims of including land in the Green Belt. The proposals are therefore considered inappropriate development in the Green Belt and such development is by definition harmful.

However, it is not considered that the overall open character of the Green Belt in this locality would be significantly compromised and landscape impact would generally be limited to local views, and in the context of the existing electricity pylons. No significant views into or out of any protected area would be significantly harmed.

The wider environmental benefits associated with the increased production of energy from renewable sources is considered to be a 'very special circumstance' of significant weight. The proposals are also in general accordance with the aim of encouraging the diversification of the rural economy.

The proposals would not result in any significantly detrimental effects to the amenities of residential properties in the area, the viability or amenity of the adjacent golf driving range or the ecological resources of the area.

It is therefore the Council's view that, on balance, there are no justifiable reasons to refuse planning permission.

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# Agenda Item 7

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Mr. T. Mayneord 'A'</b>	Three two storey office units with associated car parking and landscaping (extension of time for permission B/2006/1249) - Regal Garage, 18 Buntsford Drive, Bromsgrove, B60 3AJ	Emp	<b>10/0103-DK</b> 10.05.2010

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

## Consultations

Stoke PC	Consulted 11.02.2010. Response received 09.03.2010. No objection.
WH	Consulted 11.02.2010. Response received 15.03.2010. No objection.
ENG	Consulted 11.02.2010. No response to date.
EHO	Consulted 11.02.2010. Response received 11.02.2010: No objection.
EDO	Consulted 11.02.2010. No response to date.
WCC Public Rights of Way	Consulted 11.02.2010. Response received: 24.02.2010 as follows: Object to the application in that it affects a public right of way.
Ramblers Association	Consulted 11.02.2010. No response to date.
LP	Consulted 11.02.2010. No response to date.
Tree Officer Publicity	Consulted 05.04.2010. No response to date. Press Notice published 18.02.2010; expired 11.03.2010. Site Notice posted 10.02.2010; expired 03.03.2010. 1 response received 03.03.2010, summarised as follows: <ul style="list-style-type: none"> <li>▪ I object to this development since it would increase the amount of traffic and hence pollution on Redditch Road in Stoke Heath. Below is an extract of a letter from Robin Goundry, Environmental Health Services, Bromsgrove District Council, to the residents of the affected properties: <p>"As a result of this work it has been concluded that there are predicted exceedences of the annual mean Nitrogen Dioxide Air Quality Strategy objective at sensitive receptors along Redditch Road, Stoke Heath. These findings were reported to the Government in July 2009.</p> <p>Because of this, the Council has been advised by Central Government that an Air Quality Management Area (AQMA) needs to be declared in Redditch Road, Stoke Heath. This will enable the Council to pursue improved traffic management measures with the Highways Authorities."</p> <p>It seems contradictory to admit to an Air Quality Problem on the Stoke Road and then put even more traffic on it. The application should be rejected.</p> </li> </ul>

## The site and its surroundings

The application site lies to the south of Buntsford Hill, to the north of the Buntsford Gate Business Park development. The site is flanked by the site of the Regal Peugeot motor dealership to the west (B/2006/0383) and the recently developed and occupied office buildings known as The Courtyard to the north facing the A38 and Buntsford Hill. The site currently contains an extension of the above site to incorporate car parking and a range of buildings. There is a public right of way to the north of the site which runs along the full length of its boundary.

## Proposal

The proposal is for an extension of time for permission B/2006/1249 to erect three two storey office units with associated car parking and landscaping.

## Relevant Planning History

- B/2009/0053 New car dealership with linking canopy to existing building. New canopy for car handover to existing dealership. New bodyshop and valeting building with offices over. Site external works including resurfacing for parking and perimeter fencing. Additional site lighting from new buildings. Granted 28.04.2010.
- B/2006/1249 Three two-storey office units with associated car-parking and landscaping. Granted 12.02.2007.
- B/2006/0383 New car showroom and vehicle service workshop. Granted 21.06.2006.

## Relevant Policies

- WMSS QE1, QE2, QE3, QE4, QE6, PA1, PA14, T2
- WCSP SD.2, SD.3, SD.4, SD.6, SD.9, CTC.1, CTC.9, D.19, D.20, D.21, D.24, D.26, T.1
- BDLP DS3, DS13, C4, E1, E3, E9, TR11, ES4, ES7
- Others PPS1, PPS4, PPG14, PPS23, PPG24, SPG3

## Notes

Members should note that the application under consideration is purely for an extension of time of an existing planning permission (B/2006/1249). The merit of the proposal, its acceptability in terms of the provisions of the development plans and material considerations has been considered in this application which was considered by the meeting of the Planning Committee held on 5th February 2007.

The Town and Country Planning (General Development Procedure) (Amendment No. 3) Order 2009 was introduced on 1st October 2009 in order to provide greater flexibility in terms of the implementation of planning permissions. One of the amendments was the provision to allow the time limit for unimplemented consents to be extended through an application. There does not appear to be an established approach towards the assessment of such application so I will refer to the DCLP publication: Greater Flexibility for Planning Permissions: Guidance. The outcome of a successful application will be consent with a new time limit attached. Conditions can be varied if there has been a

significant change in policy since the original application. I note that paragraph 13 makes it clear that additional information other than that on the application form is usually not required except for applications where an EIA was required and may need updating.

### Assessment

The site is situated in land designated for Employment purposes within the BDLP. The main development plan policies considered with the application were policies E9, DS13 and TR11 of the BDLP as well as policy T.1 of the WCSP. I consider that these policies would still apply to the proposal and it would accord. National Planning Policy Guidance has been updated with the introduction of PPS4 which supports a coordinated approach to employment development. PPS9 supports biodiversity enhancement. Natural England and Worcestershire Wildlife Trust have been consulted and their views are awaited.

In terms of the consultation responses received, Members should note no objection from Worcestershire Highways and Stoke Parish Council. The issue of the footpath has been resolved and the footpath now runs to the north of the site through a dedicated passage. Whilst it originally passed diagonally over the site, it was successfully diverted in September 2002. In terms of comments received in respect of traffic generation, there has been no objection from Worcestershire Highways, or from Environmental Health in respect of the Air Quality Management Area. Members should note that limited weight can be attached to these considerations as the application under consideration is purely to extend the life of the consent and not the consideration of an entirely new scheme.

The main concern with the determination of the application is the apparent implementation of a subsequent planning permission on the site. The applicant sought permission (B/2009/0053) for a new car dealership. The development also included a new bodyshop and valeting building with offices over and resurfacing for parking. This application included the application site for the consent which the applicant is seeking to extend in the current application. The conditions related to the later permission (B/2009/0053) have also been discharged. Thereby, the development as implemented on the site is entirely lawful and the bodyshop / valeting building and car park are located on the land for which permission was obtained for the three office blocks. The advice of the *Development Control Casebook* was sought on this matter.

The advice referred to the case of *Pilkington -v- Secretary of State 1973* where it was held that implementing one permission which prejudiced another could kill off the second one.

The intention of the applicant in this instance appears to be to clear the site of the buildings consented under B/2009/0053 and start again with B/2006/1249 if the lifetime of the consent is extended.

The Pilkington case is regarded as the leading case on the point. The Pilkington rule is that where there are mutually inconsistent planning permissions and one of them is exercised, then the other(s) cannot stand in respect of the same land once the first development has been carried out if the effect of that development is to make the other permission(s) incapable of implementation.

Members should note that there remains a condition (Condition 12) attached to permission B/2006/1249. This condition required a remediation method statement detailing remediation objectives, how these will be undertaken and the validation procedure. This was a pre-commencement condition. The condition cannot now be complied with as a subsequent consent has been implemented on the site. The previous scheme cannot now be implemented. This conclusion was also reached in the case of R. -v- Arfon Borough Council ex parte Walton Commercial (1997).

The implementation of the original consent (B/2006/1249) would necessitate further works as a result of the implementation of a subsequent permission and whilst the applicant can make a planning application for these, the lifetime of the original consent cannot be extended. The application should be refused.

**RECOMMENDATION:** that permission be **REFUSED** for the following reason:

The land to which the application relates has been the subject of a later alternative permission which has been implemented. This would not allow for the implementation of the permission for which this application for an extension of time relates.

# Agenda Item 8

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Mr. G. Vale 'A'</b>	Proposed new tractor shed and implement store. Resubmission of application 09/0448 - Fox Haven, Old Birmingham Road, Marlbrook, Worcestershire, B60 1NU	GB	<b>10/0128-CE</b> 28.05.2010

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

## Consultations

WH	Consulted - view received 16.03.2010. No objection.
Agricultural Consultant	Consulted - view received 19.03.2010. <ul style="list-style-type: none"> <li>▪ No objection to the principle of some form of agricultural building to accommodate machinery and equipment required to manage the holding and also for hay storage. No concerns over the size of the proposed building. However, it considered that the building is more akin with the design of a residential building than an agricultural store. Its design is considerably over-engineered for agricultural purposes.</li> <li>▪ There is no agricultural need for the roof lights.</li> <li>▪ The design of the building is not ideal for secure agricultural storage. The height will mean that it will only be accessible by small machinery and not by a full size tractor.</li> <li>▪ The layout of the building makes it awkward to use. A square / rectangular building would be far more practical.</li> </ul>
Tree Officer	Consulted - view received 29.03.2010. No objection subject to conditions.
Conservation Officer	Consulted - view received 09.03.2010. The proposed shed would not have any impact on the setting of the Conservation Area.
Lickey and Blackwell PC	Consulted - view received 23.03.2010. Objection. The site is in the Green Belt and the size, in such a sensitive area, is excessive for the stated use. Given the history of the site, if the development is approved, a condition is suggested stating that the building is not to be converted to residential use at a later date.
The Lickey Community Group	View received 06.04.2010. Objection. Additional building in the Green Belt adjacent to an area of Outstanding Landscape Value. The development appears more residential in nature than that of an agricultural storage building. It is questioned whether the building will be built fit for human habitation or to a lesser specification. The building appears larger than necessary in terms of floor space and height bearing in mind its prominent position.
Publicity	31 letters sent 09.03.2010 (expired 30.03.2010). 5 letters sent 15.03.2010 (expired 05.04.2010). 1 site notice posted 12.03.2010 (expired 02.04.2010). 1 press notice published 18.03.2010 (expired 08.04.2010). 8 objections received raising the following issues: <ul style="list-style-type: none"> <li>▪ Inappropriate development in the Green Belt.</li> <li>▪ This is a border Green Belt area between 2 villages and should be</li> </ul>

kept as that.

- Concern is raised about the size and height of the building.
- It is questioned why the applicant did not retain some of the outbuildings at Hazy Hill Farm for a tractor shed instead of converting them to residential units.
- Concern is raised that the proposed building and surrounding area will be converted to residential development.
- If planning permission was granted, this could benefit Vales the Builders with future applications for the surrounding Green Belt.
- It is questioned whether the production of hay from 1 field will make enough money to warrant the expenditure on such a large building.

### The site and its surroundings

The application site is located to the east side Old Birmingham Road and adjoins the boundary of Lickey village to the north. It is 11 hectares in size and consists of 5 fields, an area of woodland and a group of buildings. The buildings consist of 5 dwellings (2 falling outside the ownership of the applicant) and outbuildings. They are set some 40 metres back from Old Birmingham Road and are accessed via a shared driveway. This application relates specifically to an area of grassed field located between the existing buildings and Old Birmingham Road and to the north of the driveway. This section of the site is partly screened from the road by a medium height hedge and trees. The application site is located in a designated area of Green Belt.

### Proposal

This application proposes a single storey storage building located on the area of field mentioned above. The building will be timber clad with a tiled roof. It will provide 5 separate storage areas for agricultural vehicles, tools, implements, wood and general storage.

This application is a resubmission of 09/0448 which was withdrawn. With the exception of the removal of one window, the scheme remains as previously proposed.

### Relevant Policies

WMSS	QE3, QE6
WCSP	CTC.1, CTC.5, SD.2, D.38, D.39
BDLP	DS2, DS13, C4, C5, C30A, C17
Others	PPS1, PPG2, PPS7, SPG5, Lickey and Blackwell Village Design Statement

### Relevant Planning History

The following planning history relates to the application site and 2 dwellings now falling outside the ownership of the applicant (collectively know as Hazy Hill Farm):

09/0448	Proposed new tractor shed and implement store. Withdrawn 21.08.2010.
B/2003/1157	Detached dwelling and double garage - outline application: refused 16.10.2003.

B/2003/0473	Conversion of garage to bungalow: approved 10.06.2003.
B/2001/1515	A detached garage, boundary wall and security gates. Approved 14.01.2002.
B/1999/0687	Conversion of existing garage / workshop / implement store to detached bungalow: refused 11.10.1999.
B/1998/0255	Proposed implement store. Refused 13.07.1998.
B/1995/0571	Change of use from existing barn into 4 bedroom dwelling and replacement of existing double garage. Approved 11.09.1995.
B/1994/0877	Change of existing out-buildings, garage and stores into 2 dwellings (as amended by plans received 29.11.1994 and 19.12.1995). Approved 18.03.1996.
B/1994/0295	Change of use of existing barn into 4 bedroom dwelling and replacement of existing double garage: approved 06.06.1994.
B15814	Proposed conversion of existing barn and outbuildings into 3 dwellings. Refused 18.01.1988. Appeal dismissed 02.02.1989.
B9547	Erection of garage block (as amended by plans received 05.04.1982). Approved 19.04.1982.
B8286	Erection of garage and farm implement store (as amended by plans received 12.01.1981). Approved 26.01.1981.

### Notes

The main issues with this application are whether the proposed agricultural building is an appropriate form of development in the Green Belt and its siting, scale and design. Consideration must also be given to residential amenity and tree issues.

### Green Belt, siting, scale and design

Policies in the Bromsgrove District Local Plan and Worcestershire County Structure are in general accordance with the provisions of Planning Policy Guidance 2: Green Belts in stating that inappropriate development will not be allowed in the Green Belt unless very special circumstances exist. Policy DS2 of the BDLP sets out the instances when development may be considered appropriate in the Green Belt and this includes development for the purposes of agriculture. The principle of the proposed development is therefore acceptable.

Policy C30A of the BDLP relates specifically to new agricultural buildings and states that such development will be considered favourably where it complies with the following criteria:

- a) the proposal is in accordance with policies C4 and C5;
- b) the scale and design of the building is appropriate for its intended use;
- c) the proposal forms part of a group of buildings wherever practicable; and
- d) appropriate materials and dark matt colours are employed wherever possible.

The Agricultural Consultant is of the view that the principle of a building for the storage of agricultural machinery and equipment is acceptable and considers the scale of the building to be suitable for the needs of the holding. The proposed building will be seen in

the context of the existing group of buildings and is positioned adjacent to an existing access onto the driveway. I therefore consider the siting of the proposal to be appropriate. It would appear that the applicant owns only small pieces of machinery and, as such, the height of the openings to the vehicle store is considered to be acceptable.

The applicant has put forward a view that the building will have a simplified functional agricultural appearance akin to a stable block or open front cart shed, will complement the existing buildings and will sit comfortably in its rural setting. However, I agree with the Agricultural Consultant, that the building will have the appearance of a domestic garage / outbuilding rather than an agricultural store. The overall design and form of the building is significantly over engineered for agricultural purposes. The use of a hipped roof, in my opinion, is not characteristic of modern or traditional agricultural buildings in the District. Supplementary Planning Guidance Note 5: Agricultural Buildings Design Guide advises that buildings should have a low profile. The roof pitch required to accommodate tiles pushes the height of the building up to 5 metres. This height is excessive and unnecessary from a functional point of view. There is also no agricultural need for the 3 roof lights especially as they are positioned directly above the open sided elevation of the building. I consider the roof lights, together with the unnecessary timber braces beneath the openings, add to the domestic appearance of the building. Whilst agricultural buildings are an appropriate form of development in the Green Belt, domestic outbuildings sited away from the main house are not. Due to its domestic appearance, I am of the view that the proposed building will have the visual impact of extending the domestic curtilage of Fox Haven. This is clearly a form of encroachment onto undeveloped land. PPG2 states that one of five purposes of including land within the Green Belt is to safeguard the countryside from encroachment. As such, it is considered that the proposal is contrary to the purposes of Green Belt policy.

The Agricultural Consultant is of the view that the layout of the building, comprising of 3 different spaces with no internal connections, will make it awkward to use. A single internal space, separated into 3 different areas, would be more appropriate. The proposed layout of the building also results in it being excessively wide, unnecessarily increasing its impact on the openness and visual amenities of the Green Belt. The proposed building would be partly screened from Old Birmingham Road by the roadside hedge. However, this hedge varies in density and height and the overall form, width and height of the building would be clearly visible from the road. In any case, I do not consider the level of screening would overcome the impact of the inappropriate design in terms of encroachment issues.

The applicant considers that the building proposed is more suitable to the setting of the existing dwellings and outbuildings than other forms of agricultural building available and suitable for such a purpose. However, I am unconvinced that the required storage space could not be provided within a building with a simpler and more utilitarian appearance. With the appropriate choice of materials, there is no reason why such a building would detract from the setting of the existing group of buildings.

A number of local residents have raised the issue of why the applicant has previously converted agricultural storage buildings to residential uses instead of retaining them to meet the needs of the proposed buildings. In 1981, Hazy Hill Farm consisted of a farmhouse and a red brick barn. In this year, the applicant gained consent for a garage and implement store. In 1982, the applicant gained consent for a further garage block.

This was an extension of the existing barn and included a farm implement store with direct access for tractors onto the adjoining field. In 1994, 1995 and 2003, consent was granted for the conversion of both of these buildings, together with the red brick barn, to dwellinghouses. The applicant has explained (letter dated 9th February 2010) that until recently, the grassland on the application site has been cut by a local farmer. This arrangement was in place for over 30 years but has now ceased due a reduction in the demand for hay. The applicant is now responsible for the area and has or is in the process of acquiring equipment necessary for its maintenance. If this is the case, it must be questioned why, within the 30 years the hay was cut by the farmer, it was necessary to build 2 farm implement stores. This matter has been raised with the applicant who has stated that it was due to changes in circumstances. The details of these circumstances have not been provided. Further to this, I would note that the existing extension to the garage and the summerhouse, together with the driveway (most of which lies outside the domestic curtilage), do not appear to have received the necessary planning permission.

### Residential amenities

The proposed building is located over 25 metres from the nearest residential property. I consider this separation distance to be sufficient to protect the amenities of adjoining occupiers.

### Tree issues

Policy C17 of the BDLP states that development proposals should retain existing trees wherever possible. The proposed building will lie close to a large tree by the side of the driveway. The Tree Officer is of the view that the development is possible if suitable methods are used during construction to avoid damage to the roots and ensure the ground is not compacted. Such methods could be secured by way of conditions if planning permission was to be granted.

### Other matters

The application site adjoins Barnt Green Conservation Area along its south east boundary. The proposed building will be located over 400 metres from this boundary and will therefore not affect the setting of the conservation area.

### Conclusion

The design and form of the proposed building is such that it would appear as a domestic garage and outbuilding. The position of such a building outside of a domestic curtilage will result in the incremental encroachment of the domestic cluster of buildings at Hazy Hill Farm into the adjoining undeveloped field. This will cause harm to the character and appearance of the Green Belt. In addition, the proposed building is of a layout which is unsuitable for its intended use and fails to reduce its impact on the openness of the Green Belt. I therefore find the application to be contrary to policies C4 and C30A of the BDLP, SPG5 and PPG2.

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

The proposed building, by reason of its design and form, will have the appearance of a domestic outbuilding. This will be detrimentally harmful to the openness, character and appearance of the Green Belt and surrounding landscape and will fail to protect the Green Belt from encroachment. In addition, the layout of the building is inappropriate for its intended use. The proposed building is therefore contrary to Policies C4 and C30A of the Bromsgrove District Local Plan 2004, Supplementary Planning Guidance 5: Agricultural Buildings Design Guide and the provisions of Planning Policy Guidance Note 2.

# Agenda Item 9

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mrs. J. McMinn 'A'	Proposed new wind turbine - Calcot Hill Farm, Calcot Hill, Romsley DY9 9RX	GBLPA	10/0130-JT 22.04.2010

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

## Consultations

Worcestershire Highways Consulted: 09.03.2010. Response awaited.

Environmental Health Consulted: 30.03.2010. Response awaited.

Engineers / Drainage Consulted: 09.03.2010. Response awaited.

Climate Change Manager Consulted: 09.03.2010. Response awaited.

Natural England Consulted: 09.03.2010. Response received: 31.03.2010.

The application site is close to the Sling Gravel Pits (SSSI). Based on the information provided, Natural England has no objection to the proposed development subject to the proposal being carried out in strict accordance with the details of the application. The proposal will not have a significant effect on the interest features of the SSSI.

Worcestershire Wildlife Trust Consulted: 09.03.2010. Response received: 31.03.2010.

No objection to the application. The site is close to Great Farley Wood SWS but the proposals are unlikely to have an adverse effect on the features for which the site was selected. Similarly, bearing in mind its scale and location the turbine is not considered likely to have a significant effect on protected species (primarily birds and bats) and accordingly we do not wish to object to the application.

The Council is urged to ensure that the development proceeds in accurate accordance with the submitted plans - there is concern that if the turbine were to be located any closer to the field trees or nearby hedges it would affect any bats and nesting birds.

Romsley Parish Council Consulted: 09.03.2010. Response received: 31.03.2010.

Objects to the application. Comments as follows:

- Although the two access drives are private, public footpaths and bridleways run throughout.
- Cannot see the need for the scale of turbine proposed given that it would create more power than required.
- Concerns over aesthetic impact. A turbine of such scale would have a huge negative impact on the immediate area, as well as the wider environment.

- Appreciates the need for alternative sources of energy and the provision of renewable energy but feel that the application does not take into account direct detrimental impact on people using the public footpaths and bridleways as well as farm and property owners in the area.

Belbroughton  
Parish Council

Comments received: 31.03.2010.

Objects to the application. Comments as follows:

- Although the proposed turbine would be outside the parish boundary it would be visible from much of the parish and would have a very significant visual impact.
- Moreover, there would be a loss of amenity since the proposed site is in a small area of country park which serves not just the surrounding villages but the nearby conurbations - the site is at the junction of two major footpaths and a bridle path and would have a disproportionate effect because of the popularity of these paths. There could also be a detrimental impact on use of the bridle path by horses and riders since many horses would be too timid to approach the turbine.
- In addition, the Council considers that insufficient information is provided with this application to enable a proper assessment of its impact. For example, an independent noise survey should be provided at varying distances and angles from the turbine. So too should an independent wildlife impact assessment. A number of assertions are made in the application based on the manufacturer's claims for the turbine but without any evidence to support these.
- Finally, the Parish Council supports the comments made by Dodford with Grafton Parish Council in relation to the recent application for wind turbines in their parish (ref. 09/1003-JT). Many similar applications are likely to be received in future and it would be unwise to set precedents for poor designs and locations and poorly justified installations. These applications should not be decided on an ad hoc basis but should be evaluated against consistent criteria set out in an agreed local policy. This application should be refused until such a local policy has been discussed and agreed.

[Officer's note: the last point is addressed in the officer's report on application 09/1003-JT, which is also before the April Planning Committee.]

The Joint Radio  
Company Ltd

Consulted: 09.03.2010. Response received: 17.03.2010.

JRC analyses proposals for wind farms on behalf of the UK fuel and power industries. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements. JRC does not foresee any potential problems based on known interference scenarios and the data provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.

National Grid- Transco Consulted: 22.12.2009. No response received.  
Publicity Site Notice posted: 23.03.2010; expires: 13.04.2010.  
Press Notice (Bromsgrove Standard): published 01.04.2010; expires 15.04.2010.  
9 notification letters have been sent to properties within a 500 metre radius of the site.  
At the time of writing no objections have been received.

### The site and its surroundings

The application relates to land at Calcot Hill Farm, Romsley located to the north of Munches Lane. The site is accessed by a private drive. The site is remote in a predominantly rural area with little development. The site is designated Green Belt Land, and is also within the Clent Landscape Protection Area. Although much of the area is heavily wooded, the site itself has a relatively open aspect.

The nearest residential properties to the site are at Munches Lane near to the entrance to the site, approximately 450 metres from the application site. Properties at Shut Mill Lane to the north east also fall within a 500 metre radius of the site. The next nearest settlement comprises properties at the north end of Woodfield Lane, approximately 550 metres south east of the application site.

### Proposal

The application seeks planning permission for a wind generator turbine, with a height of 15 metres to the top of the mast and three rotor blades of 5.570 metres diameter, giving a total height of 17.79 metres.

The installed capacity of the turbine would be 6kW. According to the manufacturer's details this would give an annual output of approximately 7,000 to 10,000 kWh per year. The applicant intends that the turbine would be used to 'reduce demand from the electricity provider and generate electricity on site to serve the farm and associated outbuildings'.

Based on the 4,100 kWh/y figure for domestic consumption given in the PPS22 Companion Guide, the turbine would generate energy equivalent to the yearly needs of 2-2.5 households. The Council's Climate Change Manager advises that average household consumption of electricity is around 3,300 kWh/y, which would mean that the proposal would generate energy equivalent to up to 3 homes a year.

The applicant has advised that the anticipated wind speed in this location is at least 5.9 metres per second (m/s) at a height of 10 metres above ground level and 6.1 metres at 15 metres, which is considered suitable for the operation of a turbine.

The application has been considered by the Planning Committee Councillor Mrs. M. A. Sherrey JP, ward councillor for Furlongs ward. The following reasons are given:

- Visual impact on a large surrounding area. The development will be visible for many miles as it would be in a very elevated position within the Clent and Walton Hills.
- There are residential properties close to the site.
- The site maybe within a Conservation Area. [Officer's note: the site is not within a designated Conservation Area, but is subject to a Landscape Protection designation as is noted above.]

### Relevant Planning History

No recent relevant planning history relates to the site.

### Relevant Policies

WMSS	QE1, EN1, EN2, Draft Policy SR1c
WCSP	CTC.1, CTC.2, CTC.7, D.38, D.39, EN.2, SD.2
BDLP	C1, C4, C31, C32, DS1, DS2, DS13, ES1, ES6, S19
Others	PPS1, PPG2, PPS22, Planning for Renewable Energy: A Companion Guide to PPS22, ETSU-R-97 Assessment and Rating of Noise from Wind Farms, Draft Planning Policy Statement: Planning for a Low Carbon Future in a Changing Climate

### Notes

It is considered that the main issues in determining the application are:

- the appropriateness of the development in the Green Belt;
- if the development is considered inappropriate, whether any very special circumstances exist to justify the harm caused;
- the impact on the landscape and visual amenity, and areas of ecological or historic significance;
- the impact on surrounding residents and properties, including noise issues; and
- the compatibility of the proposals with farm diversification policies.

### Appropriateness in context of Green Belt policy

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.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.

Para. 13 of PPS22: Renewable Energy states that:

*"when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development, which may impact on the openness of the Green Belt. Careful consideration will therefore need to be given to the visual impact of projects, and developers will need to demonstrate very special circumstances that clearly outweigh any harm by reason of inappropriateness and any other harm if projects are to proceed.*

*Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources."*

The development would not be defined as 'appropriate' in the context, and is therefore inappropriate, and harmful by definition.

#### Harm to the Green Belt and environmental benefits

Inappropriate development is by definition harmful to the Green Belt, and may only be approved where very special circumstances can be demonstrated that outweigh any harm caused as a result of the proposals.

The turbine would be of slender construction, but would have a height of almost 18 metres to the full extent of the rotor blades. This is significantly smaller than the type of equipment used by commercial wind farm operators which may have a height up to 120 metres, and also shorter than the two proposed at Woodcote Green currently under consideration by the Council (ref: 09/1003-JT) which would have a height of 30 metres pole height with blades of 12 metres, giving a total height of 42 metres when the rotation of the blade is at its fullest extent.

However, the turbines would be significantly taller than any structure in the immediate vicinity and for some distance beyond and would also be highly visible, given the elevated and open nature of the site. The proposals are therefore considered to have a material impact on the openness of the Green Belt.

According to paragraph 1.5 of PPG2, the purposes of including land in the Green Belt include checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns from merging into one another, and assisting in safeguarding the countryside from encroachment. Although the proposals would not contribute significantly to urban sprawl or the merger of any settlements, it is considered that the turbine would add a modern feature to a rural landscape, and would therefore not 'safeguard the countryside from encroachment'.

#### Environmental benefits

The applicant has not explicitly put forward any very special circumstances in order to justify the proposals in the context of Green Belt policy. However, the applicant does state that 'the proposal seeks to utilize the natural resource of wind energy, meet and contribute positively to National Government policy for renewable' and to adhere to PPS22: Renewable Energy and PPS1: Delivering Sustainable Development.

PPS22 confirms that the environmental benefits associated with the increased production of energy from renewable sources are potential very special circumstances in determining Green Belt applications. The need to increase energy efficiency and to derive a greater proportion of the energy used from renewable, sustainable sources, and to reduce carbon emissions, is well enshrined in national policies.

Any contribution to meeting national, regional and local targets for increased renewable energy generation is welcomed, and national guidance, in the form of PPS 22 and the Draft PPS Planning for a Low Carbon Future in a Changing Climate, advises against the

rejection of planning applications for small scale renewable energy projects simply because the level of output, or number of buildings supplied, is small.

However, these facts must be weighed against the presumption against inappropriate development in the Green Belt, the harm caused to the Green Belt, and any other policy and material considerations. In the view of officers, the scale of energy to be generated would not be sufficient to outweigh the harm caused to the Green Belt in this sensitive location as a result of the proposals.

### Wind turbine policy

Structure Plan policy EN.2 supports the provision of individual wind turbines or small clusters where they:

- do not cause unacceptable harm to the surrounding environment, in particular sensitive landscapes;
- do not cause unacceptable harm to nature conservation interests;
- do not result in excessive noise pollution; and
- are acceptable in relation to other policies in the Structure Plan.

These matters are discussed in turn below.

### Landscape impact

Paragraph 3.15 of PPG 2 states that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which might be visually detrimental by reason of their siting, materials or design.

The site is located in the Clent Hills / Walton Hill Landscape Protection Area (LPA). Paragraph 15 of PPS22 states that local landscape designations should not be used in themselves to refuse planning permission for renewable energy developments, and that applications in such areas should be assessed against criteria based policies set out in local development documents. Paragraph 20 acknowledges that, of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects. However, it advises that in assessing planning applications, local authorities should recognise that the impact of turbines on the landscape will vary according to the size and number of turbines and the type of landscape involved, and that these impacts may be temporary if conditions are attached to planning permissions which require the future decommissioning of turbines.

Structure Plan policy CTC.1 sets out criteria for the assessment of proposals relating to landscape. The implications of such development will be assessed having regard to the degree to which they would:

- be appropriate to, and integrate with, the landscape character of the area;
- safeguard or strengthen the features and patterns that contribute to the landscape character and local distinctiveness of the area with particular attention being paid to existing buildings, other manmade features and seminatural vegetation; and
- relate to the sensitivity of the particular landscape, and location, and to accommodate change.

Policy CTC.2 states that proposals should demonstrate that they will not have an adverse effect on skylines and hill features, including prominent views of such features. Where development will have a significant adverse impact they will not normally be allowed.

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. When assessing the effect on the landscape, special attention will be given to:

- prominent slopes or major ridge lines;
- woodland and hedgerows including ancient areas;
- water features where these are an important component in the landscape.

The proposed turbine would be located in an elevated position, in an open area of the farm and would introduce a feature wholly alien to the landscape character of this area, which is predominantly rural, with very little urbanised development of any sort. The area is considered sensitive and poorly able to accommodate landscape change. The turbine is likely to be visible from several public vantage points, including local footpaths and the main A491 Stourbridge Road.

The applicant has submitted no information to demonstrate the impact that may be caused to the landscape or how it might be mitigated. However, officers are of the view that the turbine would be highly visible in the local area and, in the absence of evidence to the contrary from the applicant, therefore conclude that the turbine would be unacceptable in landscape impact terms.

### Ecology

It is noted that both Natural England and the Worcestershire Wildlife Trust have not objected to the proposals. It is therefore considered that the development would be unlikely to adversely affect the biodiversity assets of the surrounding area, or the nearby Sling Gravel Pits SSSI and Great Farley Wood SWS.

### Impact on residential amenity

At the time of writing the Environmental Health Officer's comments are awaited. However, given the small scale of the proposal and the separation distances between the site and nearby residential properties, it is considered unlikely that any residential property would suffer undue noise pollution as a result of the proposals.

For similar reasons, shadow flicker to residential properties would also be unlikely to occur.

### Highways

The views of Worcestershire County Highways are also awaited at the time of writing.

### Farm diversification

Structure Plan policy CTC.7 states that any development on agricultural land should not prejudice the viability of farming operations on the remaining agricultural land. Local Plan policy C31 supports farm diversification schemes where proposals are of an appropriate scale, can be accommodated within a rural location without detriment to the environment and are consistent with Green Belt Policy. Policy C32 sets out the criteria against which such applications will be judged, including impact on high quality agricultural land, landscape impact, cumulative effect with other activities, and the minimisation of visual impact. It is considered that the proposal is consistent with these policies in allowing an agricultural holding to further diversify its business activity.

### Conclusion

It has been determined that on balance the proposals would represent inappropriate development in the Green Belt, would not preserve the openness of the Green Belt, and would not be wholly consistent with the aims of including land in the Green Belt. The proposals are therefore considered inappropriate development in the Green Belt and such development is by definition harmful.

The benefits of the increased production of renewable energy and the diversification of, and support for, the rural economy have been weighed against that harm caused. However, officers have concluded that these do not amount to the very special circumstances required to outweigh the harm.

Furthermore, because of the site's sensitive landscape location, it has been concluded that insufficient evidence to show the landscape impact of the proposals has been submitted by the application, and that in the absence of such information, the proposals would have a harmful impact on the landscape of the local area.

**RECOMMENDATION:** that permission be **REFUSED** for the following reason:

The application site falls within Green Belt as designated by the Bromsgrove District Local Plan. The proposals are considered to represent inappropriate development in the Green Belt, which is considered to be harmful by definition. The applicant has not satisfactorily demonstrated that very special circumstances exist sufficient to outweigh the harm caused to the Green Belt. Furthermore, given the site's location within a designated Landscape Protection Area and in an elevated position visible from a significant distance, the applicant has not demonstrated the acceptability of the proposals in the context of the local landscape. In the absence of such evidence, the Council concludes that the proposal would have an unacceptable impact on the local landscape. The proposal is therefore contrary to policies CTC.1, CTC.2, D.39 and SD.2 of the Worcestershire County Structure Plan, policies C1, C4, DS2 and DS13 of the Bromsgrove District Local Plan, and the provisions of PPG2 and PPS22.

# Agenda Item 10

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. N. Wicklen 'A'	Proposed erection of three new bungalows and one two storey dwelling and alterations to existing house to provide access (as augmented by survey received 01.03.2010 and amended by plans received 30.03.2010 and 08.04.2010) - 46 Alcester Road, Hollywood, B47 5NB	RES	10/0195-CE 29.04.2010

**Councillor S. R. Peters has requested that this application be considered by the Committee, rather than being determined under delegated powers.**

**RECOMMENDATION:** that, subject to the satisfactory views of Worcestershire Highways, permission be **APPROVED**.

## Consultations

WH	<p>Consulted - view received 01.04.2010.</p> <ul style="list-style-type: none"> <li>▪ The two-storey dwelling requires 2 parking spaces.</li> <li>▪ The access road width is acceptable but there is insufficient manoeuvring space into the parking spaces.</li> <li>▪ Cycle parking spaces are required.</li> <li>▪ Further comments included below.</li> </ul> <p>Re-consulted on amended plan received 08.04.2010 (expires 15.04.2010). Awaiting response.</p>
Strategic Planning	<p>Consulted - view received 26.03.2010.</p> <ul style="list-style-type: none"> <li>▪ The above site is situated within a residential area. The proposal is for windfall housing development; therefore PPS1, PPS3, policies S3, S7 and S8 of the BDLP and SPG1 apply.</li> <li>▪ PPS3 states that "good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. To facilitate efficient delivery of high quality development, Local Planning Authorities should draw on relevant guidance and standards and promote the use of appropriate tools and techniques..." Building for Life is one of the tools suggested in PPS3 for assessing the design element of housing development.</li> <li>▪ The issue of scale, density and infill development in SPG1 are of particular relevance in this application. Paragraph 5.5 states that "To be acceptable, infill development must be well designed and of a suitable scale so that it can be easily assimilated whilst avoiding problems with adjoining properties."</li> <li>▪ Advice on housing supply included below.</li> <li>▪ The application falls below the thresholds set out within SPG11 and therefore a contribution towards play space is not required.</li> <li>▪ PPG13 Transport is also of relevance to this application together with BDLP policy DS13 Sustainable Development.</li> </ul>

Tree Officer	Consulted - view received 31.03.2010. No objection subject to conditions.
Drainage Engineer	Consulted - view received 31.03.2010. No objection subject to conditions requiring the submission of details of the disposal of storm water. The buildings and the extensive drive will generate a surface water discharge that will be difficult to contain due to the clay nature of the site. The developer should seek a porous structure to the drive with underlying attenuation in some of form of soakaway linked system. (No discharge on to the highway is permissible.) Attenuation is also required to prevent the adjacent properties being adversely affected by excess surface water. No floor risk assessment required. Re-consulted on amended plan received 08.04.2010 (expires 15.04.2010). Awaiting response.
Environmental Health	Consulted - view received 24.03.2010. 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.
West Mercia Police	Consulted - view received 26.03.2010. No objection. It is advisable to construct this development by 'Secured by Design' standards.
Wythall Parish Council	Consulted - view received 12.03.2010. Objection on grounds of backland development, access at side of property and access onto busy road close to already dangerous bend and New Road.
Wythall Residents Association	View received 17.03.2010. Objection on grounds that the ingress / egress to the site is onto a major road near a dangerous bend, over-development and an incompatible land use.
Publicity	19 letter sent 10.03.2010 (expired 31.03.2010). 60 objections received raising the following issues: <ul style="list-style-type: none"><li>▪ Loss of light (especially in winter). This will result in increased energy use to light and heat neighbouring houses and will reduce ground water evaporation in gardens.</li><li>▪ Having the tallest building at the southern end of the site will cast the biggest shadow over existing properties and the proposed bungalows.</li><li>▪ Fails to comply with 2:1 separation distance to height ratio specified under SPG1.</li><li>▪ Loss of privacy and minimum privacy for new properties.</li><li>▪ Harm to outlook / loss of view. Overbearing impact of brick walls and roofs adjacent to the boundaries of adjoining properties.</li><li>▪ Development is too close to surrounding properties.</li><li>▪ Area is residential.</li><li>▪ Intrusive back land development, overdevelopment and detrimental to local landscape.</li><li>▪ Higher density of housing.</li><li>▪ Contrary to SPG1 which seeks to protect the spacious quality of particular areas in the District where trees and generous garden areas have produced an environment of particular quality.</li><li>▪ SPG1 suggests that shared accesses are unsatisfactory because of access issues and the disturbance and lack of privacy to the house in front.</li></ul>

- The entrance to the development would be off the busy Alcester Road close to a dangerous sharp bend and the junctions to New Road and Hollywood Lane. Alcester Road is heavily congested during the day and it is difficult to exit New Road. Drivers ignore speed limits.
- West Mercia Police has confirmed 17 reported collisions on this part of the Alcester Road in recent years (not all accidents are recorded). There have been fatalities. Proposal would increase risk of accidents.
- Vehicles entering the site would have to wait in the road until a vehicle entering the site has left.
- Large vehicles and emergency services would not be able to use the driveway. A fire officer has suggested the access road is too narrow for a fire appliances to negotiate. Fire engines would park on Alcester Road and run a hose up to the property (unacceptable to fire fighters in relation to health and safety and could compromise residents' safety).
- The highways authority need to do a survey to check safety.
- Possible need for speed restrictions and traffic lights.
- Vehicles may not be able to use drive in bad weather.
- Insufficient parking will lead to vehicles being parked on Alcester Road, on grass verges or the pavement. This will increase the danger for pedestrians, traffic and neighbours.
- SPG1 states that small groups of dwellings should be self sufficient with regard to on and off street parking provision.
- Existing driveways could be blocked.
- Household waste vehicles would not enter the drive. As many as 10 bins could be left by the side of Alcester Road. This would cause an obstruction to pedestrians and road users and create an eyesore. Refuse vehicles emptying the bins would block main road.
- How would construction vehicles access the site?
- Access road may cause damage to 48 Alcester Road.
- There is no pedestrian access.
- Disturbance to wildlife including loss of food source for bats.
- Loss of trees which give landscape screening and contribute to character of the area. A TPO should be placed on the mature healthy trees and hedges.
- No space for replacement planting.
- Removal of mature trees and replacement of grass with hard standing will exacerbate existing drainage issues in adjoining properties. The loss of trees will affect underground springs and raise the water table. Damage may be caused to the foundations of existing homes.
- The extra water running off the driveway will add to the flooding on the main road.
- Increased noise and light pollution and exhaust and gas emissions.
- Noise, disruption, safety issues and potential damage of adjoining properties during construction.
- Reduced spacing between buildings could impact on permitted extension rights of neighbouring properties.

- Lighting provision could disturb neighbours.
- Access to the rear fences of adjoining properties increases risk of theft and vandalism. Development would be out of site of main road.
- If permission is granted, the access should be gated, fencing / walls and new planting provided and permitted development rights removed. Construction working times should be limited and construction vehicles should not allowed to park on nearby roads.
- Development is contrary to a number of paragraphs within SPG1.
- Plans do not accurately reflect the size of adjoining gardens.
- Loss of value to adjoining properties.
- It is requested that the scheme be amended so that 26 and 28 Orchard Way do not have to accommodate the bulk of the proposed bungalows.

### The site and its surroundings

46 Alcester Road is a two storey detached dwelling located to the south side of Alcester Road. The dwelling has two and single storey extensions to both sides and a rear conservatory. It is set a minimum 15 metres back from the road and at higher level. A mature garden extends some 98 metres to the rear of the dwelling. It slopes gently up away from the house and contains a large number of trees. Adjacent to the rear boundary is a single detached garage. The site is located in a recognised residential area and is surrounded by residential properties on all three sides.

### Proposal

This application proposes the erection of 3 no. 2-bedroom bungalows and a 4-bedroom two-storey house within the rear garden of the application site. The existing vehicular access point onto the site will be repositioned towards the centre of the front boundary and a new driveway created. The existing extensions to the east side of the house will be demolished to make way for a new private driveway to the 4 proposed dwellings. A small single storey extension will be added to the front of the existing dwelling beneath an existing canopy.

### 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, C4, C10A, C17, TR8, TR11, ES6, ES7  
Others PPS1, PPS3, PPS9, PPG13, PPS23, SPG1, SPG11

### Relevant Planning History

None.

### 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:

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, highway safety and parking, loss of trees and ecological, drainage and security issues. I have noted the comments of consultees and third parties arising from the consultation and publicity exercises.

### **Housing supply**

As Members will be aware, a moratorium on new housing development was put in place in 2003 through the adoption of SPG10 to manage a situation of housing oversupply. The Strategic Planning Officer has advised that guidance provided in SPG10 has now been superseded by policies contained in PPS3: Housing, the adopted Regional Spatial Strategy (RSS) 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 oversupply of housing.

### **Density, form and layout**

PPS3 states that 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 25 dwellings per hectare. Whilst this falls short of the minimum specified under PPS3, I am satisfied that it makes an efficient use of the land and respects the density of the surrounding area. 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 subdivision of plots will not be permitted where they would be detrimental to the traditional pattern or amenity of the locality. This part of Hollywood is already strongly characterised by backland and infill development and I therefore consider the principle of the proposed backland development to be acceptable. The proposed access road will run in line with nearby Hollywood Gardens and will not harm the pattern of development in the locality. Properties in the surrounding area vary considerably in terms of their design and form and include bungalows and two storey dwellings. The design of the 4 proposed dwelling has been kept simple and reflects features to nearby properties such as the proposed bay windows to the two storey dwelling. I therefore consider the density, form and layout of the development to be appropriate for this area.

The proposed alterations and small extension to the existing dwelling will have minimal impact on the amenities of the street scene.

### **Residential amenities**

Policy S7 states that new housing must not adversely affect the existing amenities of adjoining occupiers. Supplementary Planning Guidance Note 1: Residential Design Guide sets out separation distance standards required to protect the amenities of adjoining properties in terms of light, privacy and outlook. In terms of privacy, the proposed two storey house meets these standards. SPG1 advises that as a general

guide a minimum distance of 12.5 metres should be achieved between two storey conventional houses where windows overlook adjacent blank walls. This is to prevent overshadowing and a visually intimidating effect. It is also suggested that a 2:1 separation distance to building height ratio should be achieved. The proposed house, which is 7.7 metres in height, will be positioned approximately 14 metres from the rear wall of 7 Hollywood Gardens and approximately 10 metres from the rear conservatory to this property. I acknowledge that these separation distances fail to comply with guidance set out in SPG1. However, given the orientation between the 2 houses and the hipped design of the proposed roof, I do not consider that the impact to the level of daylight received by and outlook from 5 and 7 Hollywood Gardens would be so significant to warrant the refusal of the application on these grounds.

The proposed bungalows will be located approximately 11 metres from the rear wall of adjoining properties on Orchard Way although this distance is reduced where properties have conservatories. The height of the bungalows has been kept to a minimum at 4.7 metres and the roofs are hipped with subservient gables to the rear and front elevations. Taking into consideration the existing boundary treatments of 1.8 metre high fences and planting, I am of the view that loss of light to the properties on Orchard Way and the impact to their outlook will not be such to adversely affect the amenities of the adjoining occupiers. Following the receipt of amended plans, the single window to the rear elevation of the bungalows will be to a bathroom. Although this will be just 2 metres from the boundary with the Orchard Way dwellings and 44 Alcester Road, I am satisfied that the privacy of adjoining occupiers can be protected with the use of obscure glazing. The separation distance of 5 metres between the bungalows and the boundary with the Hollywood Gardens and 48 Alcester Road properties is in compliance with SPG1 and is sufficient to prevent undue overlooking. Plot 1, a bungalow, will be just 8 metres from the rear wall of 48 Alcester Road and at a higher level. Given the height of the bungalow, I am of the view that any impact to the level of light received by this property will be minimal.

I appreciate that the creation of a driveway adjacent to the rear gardens of adjoining properties will cause some level of disturbance. However, I do not consider that the level of disturbance that could be reasonably generated by 4 dwellings will be significant. Disturbance associated with the construction phase of the development is unavoidable and is not a reason to refuse planning permission. I have been advised by the applicant's agent that lighting along the driveway is not proposed.

The amount of garden provision for the existing dwelling and 4 proposed dwellings is considered adequate given the number of bedrooms to each property.

### **Highway safety and parking**

Policy TR11 of the BDLP requires development to incorporate safe means of access and egress appropriate to the nature of the local highway network and sufficient off-street parking. The application site is approximately 60 metres from a sharp bend in Alcester Road and between the turnings to Hollywood Lane and New Road. Local residents have raised concern about the implications of the proximity of the development to this bend and the road junctions and the level of parking to be provided. Concern is also raised regarding the use of the proposed drive by emergency services and vehicles entering the site having to wait on the main road whilst another vehicle exits the drive. In response to

this, the Highway Engineer has advised that the site is located sufficiently far from the bend to have no impact on driver activity or to impact the function of the access. The injury history indicates that there has been 1 incident of note in the last 3 years. The circumstances surrounding this would not have been altered by the proposed development. The proximity of the development to the two road junctions is not an issue as the development will have a private shared drive which will not have a high traffic generation. There is sufficient separation distance to ensure that the junctions and the private drive do not conflict with each other. The width of the driveway is compliant with Worcestershire County Council's adopted design standards and will enable emergency vehicles to access all properties. There is no requirement within the standards to provide turning facilities for delivery vehicles. However, such vehicles will make infrequent visits and the lack of provision for such vehicles is unlikely to cause significant problems. I am therefore of the view that the proposed development does not pose a threat to highway safety.

In accordance with adopted parking standards, the proposed 2 bedroom bungalows require 1 parking space and the 4 bedroom house requires 2. These standards are more up to date than SPG1 which suggests a requirement for visitor parking provision. The bungalows each have the required one space. Amended plans have been submitted showing 2 spaces to the proposed dwelling. The Highway Engineer's comments on the amended plan are currently awaited and will be reported to Members at the meeting of the Committee.

Refuse bins will be collected at the end of the driveway. I understand the concerns raised by local residents regarding impact of having so many bins on the highway on collection day. A condition is suggested below requiring the provision of a designated storage area for bins at the front of the site.

### **Trees**

The proposed development will involve the removal of 21 trees from the application site (leaving 9 to be retained). The trees to be removed are Silver Birches, Cypresses, a small Acer, Spruces, a Pine, fruit trees and a few other small trees. Policy C17 of the BDLP states that development proposals should retain existing trees wherever possible. I appreciate that the trees to the application site are an attractive feature for the surrounding properties. However, in my opinion, the trees to be lost have minimum intrinsic value in their own right. The surrounding area is not characterised by the level of tree coverage found on the site and, as such, the loss of so many trees will not be damaging to the overall character of the locality. Some level of replacement planting will be required through the landscaping condition suggested below. I am therefore of the view that, in this instance, the refusal of the application could not be justified on loss of trees. The Tree Officer has raised no objection to the scheme subject to conditions to ensure the protection of the remaining trees.

### **Ecological issues**

Planning Policy Statement 9: Biodiversity and Geological Conservation states that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where a proposed development would adversely affect those interests, suitable mitigation measures will need to be secured or, where significant harm

cannot be prevented, adequately mitigated against or compensated for, then planning permission should be refused. Article 12 (1) of the EC Habitats Directive requires Member States to take requisite measures to establish a strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites or resting places. This directive is implemented by the Conservation (Natural Habitats, etc.) Regulations 1994.

A number of responses to the publicity exercise raise concern regarding the impact of the proposed development on local wildlife including bats and an owl. The applicant has submitted a Baseline Ecological Survey which concludes that no evidence of bats was found in the house although, there is a small risk that bats may gain access under the tiles externally. The trees within the garden provide nesting opportunities for birds but are not suitable for roosting bats. The survey makes a number of recommendations to limit the impact on / protect any species present and to provide suitable biodiversity gain. A condition is suggested below requiring the development to be carried out in accordance with the recommendations.

### **Drainage issues**

Responses to the publicity exercise have raised concern that the proposed development, by reason of an increase in hard surfaces and the removal of trees, will result in increased drainage problems at adjoining properties and an increase of surface water discharged onto the highway (which is at a lower level to the site). The Drainage Engineer has raised no objection to the proposed scheme subject to the submission of further information. An amended plan has been submitted which provides details of the proposed storm water management system for the site. The Drainage Engineer's comments on the amended plan are currently awaited and will be reported to Members at the meeting of the Committee.

### **Security issues**

It is acknowledged that the proposed access drive will provide unrestricted access to rear boundaries of adjoining properties. However, the 4 proposed dwellings all have direct views of the drive which, in my opinion, will provide a good level of natural surveillance. West Mercia Police has not raised any concerns regarding the layout of the development. On this basis, I am satisfied that the development does not present an unreasonable security risks to adjoining occupiers and I do not consider it necessary to require gates across the proposed drive.

### **Potential land contamination issues**

Planning Policy Statement 23: 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.

### Other matters

The proposed development falls below the threshold for play space provision / contributions as specified under SPG11 and also for education contributions.

The impact of development on the value of adjoining properties is not a material consideration to a planning application.

### Conclusion

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

**RECOMMENDATION:** that, subject to the satisfactory views of Worcestershire Highways, permission be **APPROVED**.

1. Time limit.
2. C03 (materials to be submitted).
3. Prior to the occupation of the proposed development, the south west facing elevation of the existing dwelling will be made good in materials to match the existing building and as detailed on Drawing Number: SHDC/10/01/05.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (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, E or F of Part 1 shall take place without the prior written consent of the Local Planning Authority.
5. Prior to the occupation of Plots 1, 2 and 3, the bathroom windows to these dwellings shall be fitted with obscure glass and have a top hung casement opening only, and shall remain so in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
6. The development hereby approved shall be carried out in accordance with the recommendations set out in Part 11 Recommendations of the Baseline Ecological Survey by Elizabeth Mckay B.A. (Hons) MIEEM CEnv dated March 2010. This includes the provision of bat and bird boxes.
7. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the developer shall erect protective fencing around the Root Protection Areas of the trees on and adjacent to the application site as illustrated by Figure 2 or Figure 3 as appropriate at positions in accordance with Section 5.2.2 of British Standard BS5837:2005 to the satisfaction of the Local Planning Authority. This fencing shall be maintained to the satisfaction of the Local Planning Authority until all development, the subject of this permission, has been completed.
8. No works of any kind, including changes in ground levels, installation of utility services, passage, storage or use of machinery or washing out of mixing or fuel tanks shall be permitted within the Root Protection Areas of trees on and adjacent to the site without the prior specific written permission of the Local Planning Authority.

9. No materials of any kind shall be stored, installed, burned or disposed of within the Root Protection Areas of trees on and adjacent to the site without the prior specific written permission of the Local Planning Authority.
10. No trees or hedges (other than those shown to be removed) shall be lopped, topped, felled or uprooted without the specific written permission of the Local Planning Authority.
11. C10
12. 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.

13. 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.
14. The disposal of storm water from the proposed buildings and hardstanding shall be by means approved by the Local Planning Authority prior to the commencement of development. The approved system shall be operational before building works commence.
15. Prior to the commencement of the development hereby approved, details of a bin storage area at the front of the site shall be submitted and approved in writing by the Local Planning Authority. The storage area shall be provided prior to the occupation of the development.

### Reasons

3. To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.
4. To protect the amenities of the locality and residential amenities of adjoining occupiers in accordance with policies DS13 and 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.
6. To ensure there are sufficient protection and mitigation measures to address the potential presence of protected species on site in accordance with policy C10A of the Bromsgrove District Local Plan 2004.
7. - 10. In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
12. - 13. 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.
14. In order to secure satisfactory drainage conditions in accordance with policy ES6 of the Bromsgrove District Local Plan 2004.
15. In the interests of highway safety in accordance with policy TR11 of the Bromsgrove District Local Plan January 2004 and policy T.1 of the Worcestershire County Structure Plan 2001.

### Notes

1. The applicant is advised that the landscaping scheme required under condition 11 should include replacement tree planting and appropriate screening of not less than 1.8 metres in height along the boundaries where the site adjoins existing private gardens.
2. There is no Public Surface Water Sewer and no surface water will be allowed to discharge to the foul water sewer.
3. The disposal of foul sewerage shall be to the mains in Alcester Road. This shall be via the existing connection or an entirely new outfall. Both options require consent from the water authority and Worcestershire County Council.
4. The development should be constructed in accordance with secured by design standards.
5. 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, C4, C10A, C17, TR8, TR11, ES6, ES7  
Others   PPS1, PPS3, PPS9, PPG13, PPS23, SPG1, SPG11

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.

By virtue of paragraph(s) 2, 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

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