

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Date
A E Beckett and Sons Ltd, ‘A’	Demolition of two chicken sheds; conversion of the remaining two chicken sheds to provide 10 dwellings; creation of new access; creation of car parking area; provision of play area and other associated works. ROSE COTTAGE SEAFIELD LANE PORTWAY BIRMINGHAM WORCESTERSHIRE B48 7HN	Green Belt	12/0326 DK 18.07.2012.

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

Consultations

WH	Consulted 23.04.2012. Response received: 29.12.2012. Recommends that the permission be refused for the following reasons:- The application site is inaccessible to the public transport network and does not offer any acceptable alternative access to the site other than by car. The County Councils Development Control (Transport) Policy requires all new developments to be accessible to the bus networks and suggests that this should be within 250m walking distance and this application does not comply with this policy. The application does not provide for any cycle storage which is a requirement in the adopted design guide. The site is also located significantly far away from any local amenities. The accumulation of the lack of alternative means of access and distance amenities will result in the development being unsustainable and reliant of car access. The applicant fails to comply with adopted policy and therefore should be refused.
Wythall PC	Consulted 23.04.2012. No response to date.
WCC Minerals and Waste	Consulted 23.04.2012. No response to date.
WCC PROW	Consulted 23.04.2012. No response to date.
Ramblers Association	Consulted 23.04.2012. No response to date.

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WWT	Consulted 31.05.2012. Response received: 08.06.2012. Having studied the ecologist's report I can confirm that you now have sufficient information to determine the application. We do not wish to object to the proposed development but we would recommend that you append a condition to any permission you may be otherwise minded to grant to cover the recommendations made in the ecological report.		
WCC Education Services	Consulted 23.04.2012. Response received 01.06.2012. In the case of the 3 bedroom dwellings, a contribution of £3035 per dwelling is required.		
LP	Consulted 23.04.2012. Response received 06.06.2012. The NPPF is now a material consideration in the determination of all planning applications with almost all PPGs and PPSs revoked. The Bromsgrove District Local Plan was adopted prior to the Planning and Compulsory Act 2004 meaning that due weight can be attached to the saved policies depending on the level of conformity with the NPPF. At the heart of the NPPF there is the presumption in favour of sustainable development (para 14) which is an important consideration when determining planning applications. I note the application is a resubmission of previously scheme (11/0025) that was refused on the grounds that the buildings were not suitable for conversion without significant alterations and the site had poor access to public transport. Paragraph 90 of the NPPF provides guidance on the re-use of buildings within the Green Belt however the advice has been modified from the previous guidance within PPG2. Paragraphs 3.7 to 3.10 of PPG2 addressed the re-use of buildings in the Green Belt in some detail with criteria c) of paragraph 3.8 stating: “The re-use of buildings inside the Green Belt is not inappropriate development providing the buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction” The simplified guidance within paragraph 90 of the NPPF refers only to “the reuse of buildings provided that the buildings are of permanent and substantial construction”. In this instance the most relevant policies are D16 of the Structure Plan, policies DS2, S9 and C27 of the BDLP and SPG4. Criteria c) of C27 states in reference to the re-use of buildings that: “The buildings are of permanent and substantial construction and are capable of conversion without major works or complete		

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	reconstruction” It is arguable that less weight should now be attached to criteria c) of policy C27 in this instance. In accordance with the NPPF the relevant test is simply whether the buildings are of permanent and substantial construction. The provision of 10 x 3bed properties generates a play space requirement of 970m². SPG11 highlights that open spaces should generally not be smaller than 1000m² however the plans show the applicant proposes a much larger area of open space on site which totals 1472m². The previously refused scheme stated that the open space would be maintained by a management company. If this is not the case with this application maintenance costs of £34,144 would be required.		
Strategic Housing	Consulted: 23.04.2012. Response received; 14.05.2012. My views in respect of affordable housing are as follows • The site itself is a considerable distance from the nearest village of Beoley. Affordable housing would normally only be considered within or very near to the village envelope. • To access the local village school at Beoley private vehicles would have to be used as there is no public transport • The site is off a small lane not much more than a single car width with no footpaths and no lighting thus realistically making residents dependant upon private vehicle transport. • The Design and Access statement refers to the footpath running from the site to the A435. This footpath appears to be along the edge of a field completely overgrown, not maintained and inaccessible • The Rural housing needs survey referred to in the Design and Access statement is almost eight years old and is now completely out of date. In addition there were concerns about its accuracy when it was carried out • Any rural housing need in Alvechurch has been met with the development of Woodpecker Way in Hopwood and the Tanyard Lane School Site. In addition there is an application for housing including affordable housing on Birmingham Rd, Alvechurch. • There are concerns that this type of housing would meet housing demand but not housing need and potentially this demand would come from outside the district. • The current economic situation has meant that we revised our		

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	original model of affordable housing which was 30% rented 70% intermediate housing to a model of 30% intermediate housing to 70% social rent. This is not proposed on this site		
	Overall Strategic Housing do not feel that this site due to its location and all of the above reasons would not assist in meeting housing need in the district and therefore we would be unable to support it.		
BC	Consulted: 23.04.2012. Response received: 01.06.2012.		
	My view on the planning application for the conversion of the chicken sheds into dwellings is that a new internal structure will be required. I am very familiar with this type of building as I have previously worked in this type chicken sheds in my younger years and know that at the building would only be a cosmetic envelope. I note that the roof is to change and the cladding which wouldn't need to be done for building regs but I assume this is to make the building look more attractive. The lower block work will require a external weather proofing system such as render to prevent moisture penetration. New footings will be required for party dividing walls and internal load bearing walls which will require specific design as to not undermine the existing shed structure.		
ENG	Consulted 23.04.2012. Response received 25.04.2012.		
	The site is not in fluvial flood risk zones 2 or 3. Parts of the site are at risk of shallow surface water flooding. Surface water is to be discharged to soakaways, and foul is to be discharged to a package treatment plant.		
	I am happy for the application to be granted, provided a full drainage scheme (foul and surface water) is provided and approved before development commences. I would like to ensure the soakaways and foul treatment plants are of sufficient capacity. I would finally like to ensure that all surface water is contained on site.		
EDO	Consulted 23.04.2012. No response received.		
Tree Officer	Consulted: 23.04.2012. Response received: 14.05.2012.		
	There are no trees that will be affected by the development that are worthy of protection. There is great potential to carryout mitigation and additional native tree planting around the development which would benefit the development, residents and its character in this setting.		
	Replanting of the hedge line on the boundary of Seafield Lane should be carried out as required with suitably high specification of stock to ensure a speedy recovery of this feature.		

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Publicity:	Other wise I have no objection to this development under the following condition. 1. A full landscape plan and specification should be supplied for the consideration of the Council. 2 Letters posted: 23.04.2012, expired 14.05.2012. Site Notice posted 09.05.2012, expired 30.05.2012. Press Notice posted 03.05.2012, expired 24.05.2012. 14 Comments received, summarized as appropriate: • This is Green Belt land and should be protected from development • Nothing has changed since the last application which was rejected. • The proposal would set a precedent for other chicken sheds to be converted further harming the Green Belt. • North Beoley Residents Association object to the application • Erection of a residential estate in a rural area • The lane is used extensively by pedestrians, horse riders and cyclists • There has been no consideration for local residents or the wider countryside • Loss of crop growing area to sewage and drainage • Significant increases in traffic levels and attendant pollution • Seafield Lane is incapable of taking additional traffic. There are no footways for pedestrians. The transport statement provided is not satisfactory. The verges of the highway are under intolerable strain. • Increased risk of accidents and injuries. There have been a number of serious accidents both on Seafield Lane and the surrounding lanes. There are insufficient passing places on Seafield Lane. • The structures are not capable of conversion. The roof height will have to be raised • There are no nearby bus routes so all future residents will have to travel by car • The local schools are over subscribed and there are no regular local employment opportunities • There would be a negative impact in terms of highways and drainage • The Transport Statement provided by the applicant is not sufficient since it does not take the unique circumstances of Seafield Lane into account. • The measuring equipment for the TS was set up at an inappropriate location and carried out in December when conditions are such that speeds are reduced. • The number of movements is stated as 10 to 12 per hour,		

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- calculated by dividing the recorded daily movements by 24. However, there is little movement at night so the correct figure should be between 30 and 36 per hour.
- The proposed access to the development is close to an existing blind bend.
 - There have been a number of serious accidents on Seafeld Lane
 - A precedent would be set for future chicken shed conversions
 - Green Belt rules are against mixed use development
 - The vertical structures of the sheds are so dilapidated that they will have to be rebuilt rather than repaired.
 - The ten dwellings amounts to over development
 - The project is not economically viable
 - This is a site deep in the Green Belt. Despite its classification in the Landscape Character Assessment, it may well be part of an enclosed common: this is suggested by the road and field pattern.
 - If this were an application for new housing, the grant of planning consent would be virtually out of the question. Even a “rural exception” application for a scheme that was for 100% affordable housing would probably be out of the question, because it is not adjacent to a settlement of any kind, not even to a minor hamlet, such as Portway.
 - The applicants make a lot of the potential availability of the housing for shared ownership. There is undoubtedly a need for affordable housing in the district, but we suspect that much of this is for rented housing rather than intermediate. The data quoted from the housing list for Wythall is largely meaningless, because of multiple counting. The housing needs survey for Alvechurch was almost certainly done before recent planning approvals there, which ought at least to have met the outstanding demand in that parish. The alleged need in Beoley is certainly smaller than the proposed development would accommodate, and provides no grounds for justifying the grant of consent. The use of data from the housing list is highly tendentious, as there is a vast amount of multiple counting of applicants: the count appears to be of applications for each place, so that an applicant who has stated willingness to live in any of a dozen different places will be counted a dozen times.

The site and its surroundings

The application site comprises a complex of four large poultry houses at Rose Cottage Farm. All of the former sheds are now redundant. Seafeld Lane lies to the west of the application site and there is open countryside to the east. All of the buildings are oriented on an east west alignment with service structures such as feed hoppers present. Each of the buildings have two levels, the lower one was used for the collection of chicken waste and the upper one was for housing the chickens

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themselves. The lower level still contains ventilation holes which have wooden covers.

Proposal

The proposal is for the demolition of two chicken sheds; conversion of the remaining two chicken sheds to provide 10 dwellings; creation of new access; creation of car parking area; provision of play area and other associated works. The proposal is accompanied by a Planning, Design and Access Statement, Bat Survey Report, Transport Statement and an Addendum to the original Structural Report.

Relevant Planning History

B/2011/0025 Demolition of two chicken sheds; conversion of the remaining two chicken sheds to provide 14 dwellings; creation of new access; creation of car parking area; provision of play area and other associated works (As augmented by plans received 06th April 2011). Refused 21.04.2011.

B/2007/0101 Conversion of former chicken shed/barn to enable storage of historic/preserved vehicles relating to a registered educational trust. Withdrawn 02.04.2007.

BR/545/1973 Erection of four poultry rearing houses. Granted.

Relevant policies

WMRSS	QE1, QE3.
WCSP	CTC1, CTC7, CTC13, CTC21, D16, D38, D39.
BDLP	DS2, DS13, C4, C27, C11, C27B, TR11, SPG1, 4.
NPPF	Paragraphs 7, 29, 30, 32, 79 - 92
Draft CP2	CP22

Members should note that this application is an amended form of the application B/2011/0025 for the conversion of the buildings into 14 units which was refused. The proposal now relates to 10 dwellings and these are proposed for shared ownership occupancy. The application relates to the same buildings as previously considered. It is important for Members to consider the differences between the previous application and the current proposal.

On Tuesday 27 March 2012, the Government released the National Planning Policy Framework (NPPF). The NPPF makes it clear that its policies apply immediately. From the 27 March onwards the National Planning Policy Guidance Notes and Planning Policy Statements cease to exist, including all relevant circulars and guidance (a list of which is contained in Annexe 3 to the NPPF). Planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan currently consists of Local and Regional planning policy documents. The NPPF is also a significant material consideration in planning decisions. The Development Plan will continue to include all the saved Policies of the Bromsgrove District Local Plan. Due weight will

be given to these policies according to their *degree of consistency* with the framework set out in the NPPF (the closer the Policies in the Plan to the policies in the Framework, the greater the weight that may be given). Weight may be given to emerging policies in some circumstances.

Assessment

The main issues to be considered in this application are the following:

- (i) whether the proposal would amount to appropriate development in the Green Belt,
- (ii) overall impact of the scheme and suitability of the buildings for conversion
- (iii) the issue of shared ownership housing provision
- (iv) the highway and sustainability issues associated with the proposal
- (v) the impact of the proposal on trees and biodiversity
- (vi) Residential Amenity

(i) Green Belt

The objectives of Green Belt policy as outlined in paragraphs 79 – 92 of the NPPF are broadly consistent with the existing local and structure plan policies and therefore policies DS2 and C27 of the BDLP, D38 and D39 of the WCSP still carry significant weight in decision making. The comments of Strategic Planning are noted and in particular the reference to policy C27 criterion c that the buildings need to be of permanent and substantial construction and capable of conversion without major works or complete reconstruction. Paragraph 90 of the NPPF refers only to “the reuse of buildings provided that the buildings are of permanent and substantial construction”. Whilst it can be argued that the provisions of policy C27 carry less weight, I consider that the principles of these policies are still valid since a building of substantial construction should not require major works or complete reconstruction.

Therefore I consider that policies DS2 and C27 and BDLP and the advice of SPG4 are most relevant in determining the application.

The development is for the conversion of rural buildings and falls to be considered as acceptable in the context of policy DS2, provided that it meets the requirements of policy C27. It may be appropriate development in the Green Belt provided that the criteria for the conversion of rural buildings are fulfilled.

(ii) Suitability of the buildings for the proposed use and overall impact

Policy C27 states that any re-use of an existing rural building must not have a materially greater impact on the openness of the Green Belt and that the building is of substantial construction, capable of conversion without major works or complete reconstruction. The form, bulk and general design of the scheme must be in keeping with its surroundings.

The scheme proposes the demolition of two chicken sheds and the retention and conversion of the remaining two into 10 three bedroom dwelling houses. Members should note that the provision of 20 car parking spaces is proposed on the site of the

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removal of one of the sheds, but the additional access onto Seafeld Lane is over undeveloped land. The proposed provision of public open space to the east side of the site will occupy land that is currently agricultural and amounts to a strip 15m in width. This is precisely the same arrangement as with the previous application. The applicant states that this criticism has been overcome and alludes to other examples. Each application must be considered on its own merit in totality and I do not consider that this aspect accords with criterion (a) of policy C27, since there would be a materially greater impact on the Green Belt. The supporting statement prepared on behalf of the applicant (which is available for Members to view) cites the removal of the two poultry sheds as amounting to an enhancement which overrides any negative impact. I note that agricultural buildings can be built, usually without permission under Part 6, Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995. The applicant refers repeatedly to the decision at the Twin Oaks Development (B2000/0214). This is further discussed below. I thereby consider that there is less planning gain in terms of enhanced openness than that referred to by the applicant. Members should consider the overall cumulative impact of the development comprising public open space, equipped play area, private gardens, car parking and attendant domestic apparel which amounts to significant urbanization to the detriment of Green Belt openness than would be expected of a conventional agricultural use. I do not consider that the building to be converted is of considerable architectural merit. One of the clear objectives of SPG4 is to maintain the character and integrity of the original rural building. I would refer to paragraph 3.0 which states that a <i>'building should be capable of conversion to its new use, without the loss of those characteristics which make it worth keeping and conversions are least likely to be successful where:</i> (i) Excessive original fabric is lost by the introduction of new openings; (ii) Unbroken walls are disrupted with new doors and windows; (iii) Interior walls are sub-divided by the introduction of floors and partition walls. Members should note that an Addendum to the original structural report has been provided. This states that the fabric of the buildings remain suitable for the conversion works to be carried out and the previous structural survey is cited. This concludes that steel portal frames are required to support the existing roof to compensate for the loss of the timber cage and walkway system which will be removed. Members should note the comments of Building Control which are relevant to these points. The conclusion that the building is capable of conversion without substantial alteration is not accepted. Besides the structural information, it is evident that the roofing material will be changed from asbestos cement roofing to a slate effect roof and the existing timber cladding will be replaced by new timber boarding. There are a large number of windows and doors being inserted. In terms of the 'Twin Oaks' scheme at Billesley Lane (Ref: B/2000/0214), cited by the applicant I consider that this scheme is not directly comparable with that under consideration in that the existing roofing and walling material was retained and far more of the existing openings were utilized. The applicant has referred to subsequent applications at the Twin Oaks site for revised elevational treatment and revised roof materials (B/2003/0195). There have also been subsequent applications at 'Twin Oaks' (B/2001/0777) and (B/2001/0954) which were refused. The applicant has stated that the materials proposed for the proposal are the same as those permitted at Twin			

Oaks. I am of the view that each application should be considered on its own merits and conclude that the judgment reached in the previous application at this site (B/2011/0025) is correct and the examples put forward are not positive precedents.

In the Planning, Design and Access Statement, the applicant has referred to paragraph 90 of the NPPF that the only requirement is that the buildings are of a permanent and substantial construction. The fact that an entirely new reinforcing structure is required conflicts with the statement from the Structural Report stating that the building is structurally of substantial construction.

I note that the proposal under consideration would completely remove the characteristics of the existing buildings contrary to the requirements of SPG4. The proposal conflicts with policy C27 (c) and the NPPF. I do not consider that the design of the conversion is in keeping with its surroundings and amounts to a radical alteration of fairly simple utilitarian farm buildings.

(iii) Shared Ownership proposal

The applicant has stated that the ten proposed dwellings would be made available as shared ownership houses and have offered to enter into a S106 Agreement to that effect. A number of relevant studies such as the District Level Housing Market Assessment (2008) are cited and there are also figures provided in respect of affordable housing need in Beoley and Wythall Parishes. Members should note the response of Strategic Housing (SH) to the provision of the affordable units at this location. In summary, the type of tenure proposed; meeting demand not need; the isolated location and the accuracy and date of the surveys cited do not allow SH to support the application. The applicant has responded to these concerns (Response received 08.06.2012). It is stated that the long term occupancy of the dwellings can be secured through the S106 and there is substantial unmet affordable housing need in the District. The applicant does not necessarily accept the proposition that affordable housing should be on a 70% social rented, 30% shared ownership split. The applicant accepts that the location is not ideal but considers that there is nowhere else available in the Parish. I consider that the views of SH are valid and that the location of the development militates against it as a site for affordable housing provision and there are no basic public services within walking distance.

(iv) Highway and Sustainability Issues

Members should note that the application is accompanied by a Transport Statement which examines the capacity of the existing highway network and the impact of the proposal on it.

There are comparisons drawn between the traffic generated by the previous use of egg production and the proposed residential development which will amount to 6 - 7 traffic movements in the peak hour. A Traffic and Speed Survey (conducted in December 2010) is also provided. There are some relevant comments raised in the Third Party Representations which are outlined above and Members should take note of these.

The County Council is objecting to the application. The Development Control (Transport) Policy requires all new developments to be accessible to the bus networks and suggests that this should be within 250m walking distance. This objection was also raised in the previous application. The applicant has responded on 08.06.2012 to the points raised. The number of units has been reduced and would now provide local affordable housing. Walking and cycling options are possible. The bus service at Portway can be accessed via the public footpath network.

Policy T1 of the WCSP states that development should be located where access is possible by a variety of means of transport and this is also referred to in policy DS13 of the BDLP. The NPPF greatly augments the sustainability requirements especially in the Core Planning Principles (paragraph 17) and Promoting Sustainable Transport (paragraphs 29 – 35). Development should be located where the need to travel is minimized and the use of sustainable transport can be maximized (paragraph 34). Apart from challenging the status of County Council's 'Development Control (Transport) Policy', neither the Transport Statement or Planning Design and Access Statement really address the fact that the development does not meet the NPPF objectives to promote sustainable development and move to a new carbon future. This is more explicit here than in the development plan and carried significant weight. The development conflicts with the objectives of the NPPF.

Ecological Issues

The application is accompanied by a Bat Survey and there has been no objection from WWT. Whilst there are no trees in the vicinity of the buildings, a large section of the hedge along Seafield Lane will be removed for the new access and visibility splays. The Tree Officer is not objecting to the development subject to an appropriate landscaping scheme.

Residential Amenity

The only residential dwelling in proximity to the proposal is Rose Cottage Farm, which is approximately 30m from the elevation of one of the proposed conversions. With the removal of existing sheds, there is 30m separation distance between both of the proposed ranges for conversion which is adequate in the context of SPG1.

Conclusion

There is a request for an education contribution and a requirement from Strategic Planning for a management agreement for the proposed open space. The applicant has been made aware of these requirements.

Whilst the removal of two chicken sheds would enhance openness, the planning benefits arising are otherwise limited. The site is not in an accessible location and the buildings do not lend themselves to conversion without substantial structural intervention and alteration.

The revised application would provide 10 dwellings which are proposed in shared ownership tenure. Whilst the provision of new affordable housing is usually welcome,

there are significant planning issues in respect of the proposal. It is in an isolated and unsustainable location for either affordable or market provision and is not supported by Strategic Housing. The proposal is neither in accordance with the development plan nor with the core sustainability objectives of the NPPF. Permission should be refused.

RECOMMENDATION that planning permission be REFUSED for the following reasons:

1. The buildings are not suitable for the residential use proposed without significant structural and material alteration. As such, the proposal amounts to inappropriate development in the Green Belt. Very special circumstances do not exist to outweigh the harm that would be caused. Thereby the proposal is contrary to policies DS2 and C27 of the Bromsgrove District Local Plan (2004), the advice of Supplementary Planning Guidance Note 4 (Conversion of Rural Buildings) and the NPPF.
2. The proposed development would be located outside of the urban area in an isolated position which would not be well related to existing public transport links. It is likely that residents of the site would be highly dependent on the private car to travel to and from the site. As such, the proposal is contrary to policies SD4 and T1 of the Worcestershire County Structure Plan (2001) policy DS13 of the Bromsgrove District Local Plan (2004) and the sustainability provisions of the NPPF.