

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

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

### Consultations

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

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

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

WWT

Consulted - views received 04.04.2007:

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

Reconsulted following receipt of ecological survey - views received 02.10.2007:

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

Alvechurch PC

Consulted - views received 25.04.2007:

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

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

Reconsulted - views received 06.11.2007:

- Views as per above.

Publicity

6 letters sent 26.03.2007 (expire 16.04.2007).

6 letters sent 05.11.2007 (expire 19.11.2007).

2 site notices posted 13.07.2007 (expire 03.08.2007).

1 press notice published 30.03.2007 (expires 20.04.2007).

1 press notice published 06.07.2007 (expires 27.07.2007).

2 responses received:

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

### The site and its surroundings

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

### Proposal

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

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

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

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

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

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

#### Relevant Policies

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

#### Relevant Planning History

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

#### Notes

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

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

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

### **Whether Appropriate Development in the Green Belt**

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

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

### **Harm caused**

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

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

This policy stance is supported by policy PA1 of the WMSS which states that, wherever possible, economic growth should be focused on the MUA's. Outside MUA's emphasis should be given to locating development where (amongst other criteria) it can help create more sustainable communities by providing a better balance between housing and employment. Policy PA14 states that, even where development helps provide a sustainable rural economy, most development should be concentrated in towns and other large settlements accessible to their hinterlands. This is supported by policy T.2 which seeks to reduce the need to travel, particularly by car, by encouraging developments which generate significant travel demands to be situated where accessibility to public transport links is maximised.

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

### **The case for very special circumstances**

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

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

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

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

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

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

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

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

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

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

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

### **Residential amenity**

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

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

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

### **Ecological Issues**

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

### **Highway Issues**

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

### **Conclusions**

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

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

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

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