

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Wilson	Change of use application to convert a caravan storage area to a caravan park. 43A Barkers Lane Wythall Worcestershire B47 6BY	8.11.19	19/00951/FUL

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Wythall Parish Council

Objects for the following reasons:

- 1) Inappropriate development in green belt
- 2) Concerns with regards to flooding/parking
- 3) Additional pressure on local amenities and services, in particular doctor's surgeries and health services in area.

Highways - Bromsgrove

Objects on grounds that the site is an unsustainable location for residential development.

WRS – Noise

Objects on grounds that locating a residential development within 5 metres of a commercial dog kennel is an incompatible use and may result in unreasonable interference of amenity to future residents and receptors, and irreparable damage to the long established kennels should this application be granted.

Affordable Housing

Although there is reference to affordable housing what is meant in this application is lower priced housing which is not "affordable housing".

On-site affordable housing provision is not appropriate as no RSL would be interested in these types of properties. Instead, an off-site contribution is advised to deliver affordable units elsewhere. A ballpark figure of around £23K (5 units @ 23K= 115K) per unit, would be the starting point.

Private Sector Housing

At present the current proposals to construct decking to the access points on the mobile homes would be in non-compliance with the mobile home site licence conditions. In order to comply with the mobile home site licence conditions the site owner would be required to ensure that these items are none combustible.

Other items such as hedge heights, Fire Risk Assessment, Gas and Electric installations would be covered under the site licence conditions.

Bromsgrove and Redditch CCG

A capital contribution of £10,810 to create additional floor space at Hollyoaks Medical Practice to absorb patient growth generated by the development.

Worcestershire Acute Hospitals NHS Trust

No response received

Crime Prevention

No objection

WRS – Land Contamination

No objection

North Worcestershire Water Management

The site falls within fluvial flood zone 1 (low risk of flooding from rivers or the sea) and is not shown to be susceptible to surface water flooding, although Barkers Lane itself may be on occasion. The District Council hold no reports of flooding from any source on the site or in the immediate vicinity, however records are based upon reports from members of the public and therefore may not always be complete. It is noted that some neighbours suggest drainage and flooding is an issue in the area.

For foul disposal mains sewer should be used wherever possible. For storm water, soakaways are proposed, however it is understood that the soils in this area will not allow for infiltration drainage, and therefore an alternative means of storm-water drainage will need to be investigated – which should not be into the foul sewer.

Presently, the site is almost entirely made up of hard-standing, impermeable to rainwater. Alterations to the site could result in an overall increase in the permeability of the site (if landscaping is incorporated and retained) which may alleviate some of the drainage issues mentioned in the comments.

A planning condition is recommended requiring the submission of drainage details to be approved such that the development does not exceed the Greenfield runoff.

Waste and recycling

No objection subject to further details to be secured by way of planning condition.

Publicity

A total of 15 letters were originally sent on 2nd August 2019 which expired on 26th August 2019.

A site notice was displayed on 6th August 2019 and expired on 30th August 2019. The application was advertised in the Bromsgrove Standard on 11th October 2019, expiring on 25th October 2019.

A total of 23 representations have been received as a result of the publicity of the application. Of these 19 are recorded as objections and 4 are recorded as making comments in support of the proposal.

The matters raised in support of the application are summarised as follows:

- Replacing 120 storage spaces with 18 residential caravans would remove traffic stress from the lane
- Would provide affordable eco homes for the over 55s.
- Would be less noise and disturbance for neighbouring residents and would make the area safer place to live without comings and goings of the transient storage use

The matters raised in objecting to the application are summarised as follows:

Green Belt Policy

- Green Belt should not be developed and the proposal would reduce openness of the Green Belt, where there are no very special circumstances to justify the development.
- The site cannot be described as previously developed land

Sustainable location

- Proposal does not comply with the Settlement Hierarchy of the Local Plan
- Is not in a sustainable location and will require car journeys to access shops and services

Amenity

- Concern that close proximity of residential caravans to a neighbouring dog boarding business will cause the dogs to make more noise than at present and cause a nuisance to residents and result in complaints against the kennels.
- Will add to noise and light pollution to neighbouring properties

Traffic and Parking

- As only two spaces allocated per dwelling, parking on the lane will cause problems with traffic flow and highway safety and restricting access to residential driveways.
- Increased vehicle use will have a negative impact on air pollution.
- There is only one access to the site which does not allow 2-way traffic and is likely to result in bottlenecks on Barkers Lane.
- Significant increase in traffic movements

Drainage

- Have been historic problems with drainage and the current system may not be adequate

Other matters

- Four adults rely on the dog boarding business for their livelihoods, and fear being put out of business if the application is approved.
- Would set a precedent for allowing other similar sites to be developed
- No robust evidence has been submitted of any local housing need.

- Unlikely to be adequate bin storage and access for refuse vehicles.
- Owners of the dog boarding business fear they may be forced to cut down very tall conifer trees on the site boundary, at their cost.

Relevant Policies

Bromsgrove District Plan

BDP1 – Sustainable Development Principles
BDP2 – Settlement Hierarchy
BDP4 – Green Belt
BDP6 – Infrastructure Contributions
BDP7 – Housing Mix and Density
BDP8 – Affordable Housing
BDP9 – Rural Exception Sites
BDP10 - Homes for the Elderly
BDP12 – Sustainable Communities
BDP16 – Sustainable Transport
BDP19 – High Quality Design
BDP22 – Climate Change
BDP23 – Water Management
BDP25 – Health and Well Being

Others

NPPF – National Planning Policy Framework
NPPG – Planning Practice Guidance
National Design Guide
High Quality Design SPD
SPG 11 – Outdoor Play Space (2004)

Relevant Planning History

LDC.28/06	Certificate of Lawfulness for use of land for the storage of caravans (including motor homes) and boats.	Approved 21/06/06
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Assessment of Proposal

Site and surroundings

This level site is situated on the northern side of Barkers Lane, behind residential properties. Beyond the site boundary to the north and east is open countryside and adjacent to its western boundary is a dog boarding kennels business. The site is located in designated Green Belt.

Proposal

The application seeks permission to replace the existing caravan storage of over 100 caravans with a development of 18 residential timber clad caravans, for permanent occupation. Each caravan would be served by an internal service road and would have parking for up to two vehicles. Each caravan would comply with the requirements to be legally classed as a caravan and as such, each would be within the measurable limits of 20 metres long by 6.8 metres wide and internal height of 3.05 metres. They would not exceed 4 metres in height measured externally. Decking would also be provided to each caravan. Occupation is intended to be restricted to the over 55's.

The existing access would be used off Barkers Lane.

Housing land Supply

Paragraph 73 of the NPPF requires the Council to identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition there must be an additional buffer of between 5% and 20%, depending on the particular circumstances of the LPA.

The Council has identified that (inclusive of the 5% buffer required by the NPPF) it can currently demonstrate a housing land supply of 3.45 years. Therefore despite progress which has been made in identifying sites and granting planning permissions the Council still considers that it cannot demonstrate a five year housing land supply.

As such, the absence of a five year housing land supply renders the housing supply policies of the Local Plan as out-of-date. Under these circumstances, paragraph 11 (d) (i) of the NPPF is triggered requiring sustainable development to be granted, unless, and applicable to this case, the application of policies in the NPPF that protect areas of particular importance (in this case Green Belt) provides a clear reason for refusing the development proposal.

Other policies of the development plan, such as to safeguard amenity, that may restrict the supply of housing will not be out of date but the weight to be given to them will need to be balanced against the NPPF paragraph 59 entreaty to significantly boosting the supply of homes and the presumption in favour of sustainable development.

Green Belt

The NPPF sets out the Government's approach towards the protection of Green Belt. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Whether the proposal is inappropriate development

Paragraph 145 states that the construction of new buildings in Green Belt is inappropriate, with some qualified exceptions. The application describes the proposed residential units as caravans and are therefore not buildings, so this paragraph does not apply. However, the stationing of caravans for use as dwellings amounts to a material change of use of land. Under Paragraph 146, certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Applicable to this application is exception (e): material changes in the use of land.

The site benefits from a certificate of lawfulness for storage of caravans. The applicant is of the view that the development is not inappropriate development in the Green Belt due to a reduction of items sited on the land and an opening up of the internal areas and increase in soft landscaping and particularly when considering the hedgerows screening the site.

However, I contend that by its nature, the current caravan storage use is subject to a fluid seasonal contraction and expansion with consequential fluctuations in the openness of the site throughout the year. The proposal, however, would result in a set layout with permanent plots and cabin style caravans distributed across the site, together with decking and formally defined curtilages to each unit. I am therefore of the view that the development would have a greater impact on the openness of the Green Belt. The limited degree of visibility from the public realm does not affect that conclusion.

The purposes of the Green Belt as set out in the NPPF; include assisting in safeguarding the countryside from encroachment. The transient character and appearance of the current storage use, and not untypical of an urban fringe type use, would be replaced with one that is overtly residential in nature. Consequently, I consider that the spread of residential development as proposed would entail encroachment which Green Belt policy fundamentally aims to avoid. The proposed dwellings would therefore have a greater impact on the purpose of including land within the Green Belt than the existing development. It therefore does not fully accord with the exception set out in Paragraph 146 of the NPPF (as noted above) relating to material changes in the use of land.

I conclude therefore that the proposal is inappropriate development.

Any other harm resulting from the proposal

Sustainable location

Policy BDP2 – Settlement Hierarchy, seeks to focus new development in locations which will provide and support sustainable communities. It identifies those settlements considered appropriate for development that have existing services and facilities to, amongst other things, reduce the need to travel. Policy BDP22 – Climate Change seeks to ensure developments are in locations well-served by public/sustainable transport, existing local facilities and infrastructure.

The Highway Authority explained in detail why it considered the site to be in an unsustainable location. Approximately 300m from the proposed development eastwards

toward Tanners Green Lane there are no footpaths or street lighting except for a grass verge for pedestrians to walk along. Tanners Green Lane is also void of footpaths and street lighting. The A435 Alcester Rd is a classified road located approximately 130m west of the proposed development which benefits from a footpath on one side of the dual carriageway and street lighting with a grass verge central reservation which includes a metal barrier and no pedestrian crossing points in the vicinity.

It is noted some amenities are located in the area; however to reach these amenities it would involve walking along a 60mph very busy and fast flowing carriageway which does not benefit safe crossing points for pedestrians in the immediate vicinity. From the proposed development the following amenities are available at the following approx. distances; MOT garage is located approx. 280m, petrol station approx. 720m, Wythall Vets approx. 440m, Becketts Farm approx. 1.20km, Meadow Green Primary School approx. 1.70km and a PH Rose and Crown approx. 1.70km.

Two bus stops are located on the A435, for journeys to Birmingham a bus stop is located approx. 320m distance from the proposed development which would involve crossing a fast flowing dual carriageway which has a grassed central reservation without a safe pedestrian crossing points and metal railings are fitted along the central reservation. For journeys into Redditch a bus stop is located approx. 550m from the proposed development.

Earlswood Train Station is located approx. 2km from the site, it is noted the route to the station would involve walking / cycling along routes which lack adequate facilities (no street lighting and footpaths).

Due to the type of roads in the vicinity and surrounding areas the issues which would be created to the highway user would include pedestrians having to cross a fast flowing carriageway and the lack of cycling facilities available in the vicinity i.e. cycle lanes etc. Therefore the lack of adequate facilities in the vicinity will deter journeys on foot due to the existing conditions. Similarly these factors are unlikely to encourage cycling to services and facilities.

I conclude therefore that the application site is remote from any of the identified sustainable settlements and not conveniently located in terms of services and facilities, thus placing a high reliance on use of the private car. The proposal is therefore in an unsustainable location for residential development, therefore contrary to Policy BDP2 – Settlement Hierarchy and Policy BDP22 – Climate Change

Affordable Housing

Under Policy BDP8 – Affordable Housing, 30% of the dwellings on-site should be affordable. Although there is reference to affordable housing what is meant in this application is lower priced housing which is not "affordable housing".

The housing officer has advised that on-site affordable housing provision is not appropriate as no RSL would be interested in these types of properties and suggests, instead, an off-site contribution financial contribution towards provision elsewhere. However, Policy requires on-site provision and therefore such an approach would not be acceptable.

Amenity

Policy BDP2 – Sustainable Development principles, seeks to ensure compatibility with adjoining uses with regards to impacts on residential amenity and Policy BDP 19 – High Quality Design makes specific reference at criterion (t) to maximising the distance between noise sources and noise sensitive uses, such as residential. The High Quality Design SPD also requires care to be taken in siting residential development where noise disturbance may be caused.

Neighbouring the western boundary of the site is an established dog kennelling business. Such a use is generally acknowledged as being a noisy activity in that dogs can bark regularly and give rise to noise problems. For this reason kennels tend to be located remotely away from residential properties as in most circumstances mitigation of barking dogs can be expensive and difficult to achieve.

WRS reports that the primary environmental concern with such development is noise from barking, whining, howling and yelping of dogs. It receives over 6000 enquiries every year of which a high percentage relate to barking dogs. Barking noise in any setting can be of different volumes/intensities and occur at random times of day for varying durations.

Due to the unpredictability and impulsive nature of barking, the repeated exposure and audibility of such behaviour is considered by most people to be irritating and in some cases can be a statutory nuisance even at very low noise levels. It says that barking may be audible over extended distances, giving rise to nuisance at up to 500 metres.

It is noted that the location of the kennels adjoining this proposed development is in an area devoid of any residence for at least 50 metres from the kennels, whereas the development would bring proposed homes within 5 metres of them.

Two of the blocks on the east of the kennels have dog runs (outdoor access) that back on to the application site boundary. WRS have concerns that introducing this change of use from storage use to residential would expose any future resident to potentially unreasonable amounts of noise from dog barking. This in turn is likely to generate future complaints which may give rise to a justifiable statutory nuisance.

Highways

Policy BDP16 requires that development should comply with Worcestershire County Council's Transport policies, design guide and car parking standards as well as a series of more specific development requirements. In addition, paragraph 109 of the National Planning Policy Framework is clear that "*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"

Several residents have raised concern about the business of Barkers Lane for traffic, with cars parked along the road causing further congestion issues. However, the Highway Authority, as statutory consultee, has raised no objection from a highway safety point of view and therefore I conclude the proposal would not reach the 'severe' threshold in terms of highway safety and therefore would not represent sufficient grounds for refusal.

Flooding and Drainage

Policy BDP23 seeks to ensure, amongst other things, that development addresses flood risk from all sources and do not increase the risk of flooding elsewhere

North Worcestershire Water Management understands that the soils in this area will not allow for infiltration drainage, and therefore an alternative means of storm-water drainage will need to be investigated – which should not be into the foul sewer. Given the site is almost entirely made up of hard-standing, impermeable to rainwater, the proposal provides an opportunity to introduce soft landscaping which would increase the site's permeability and may alleviate some of the drainage issues mentioned in the third party comments.

In the event of the application being approved, a planning condition is recommended requiring the submission of drainage details to achieve surface water disposal that does not exceed the Greenfield rate of runoff.

Public Open Space

Policy BDP25 requires all new residential developments meet and contribute towards the qualitative, quantitative and accessibility standards set for the open space, sport and recreation facilities.

The proposal includes no on-site POS provision and therefore an off-site financial contribution would be required provided it satisfies the tests for a planning obligation, namely:

- necessary to make the development acceptable in planning terms;
- directly related the development; and
- fairly and reasonably related in scale and kind to the development

Given the over 55's occupancy restriction, a contribution for off-site provision would need to be targeted for suitable mitigation (i.e. benches/bins and not play equipment).

Planning Obligations

In accordance with Paragraph 56 of the NPPF and Section 122 of the CIL Regulations, planning obligations would be sought to mitigate the impact of the development, if the application were to be approved.

A S106 has not been drafted, given the recommendation to refuse. However, an obligation in this case would cover:

- Provision of on-site affordable housing
- A contribution towards off-site public open space, subject to S106 test compliance
- Contribution for refuse and recycling bins
- Bromsgrove and Redditch CCG contribution of £10,810 towards GP practice
- S106 monitoring fee (As of 1 September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreements are met).

Bromsgrove District Plan BDP6 requires the provision of infrastructure to meet the demands of new development within the community. The various requirements to mitigate the impacts have not been secured by way of a completed S106 Planning Obligation. The proposal is therefore contrary to Policy BDP6 – Infrastructure Contributions.

Other considerations

The NPPF applies a presumption in favour of sustainable development and whilst the housing supply policies of the Local Plan are out of date, other policies of the development plan, designed to secure sustainable development are not. The weight to be given to them will need to be balanced against the NPPF paragraph 59 entreaty to significantly boosting the supply of homes.

Boosting the supply of housing is the main argument put forward by the applicant to justify why the development should be allowed. This is a significant benefit, regardless of whether it is targeted to the over 55's as presented in the application. However, I consider this to be the wrong place for housing from a locational point of view in relation to the Council's Settlement Hierarchy. Furthermore, it would also be incompatible with neighbouring dog kennel business and likely to have a significant impact on the living conditions of future of occupiers from dog noise and pose a likely threat to the future operation of this established business

Overall planning balance and conclusion

I have concluded that the proposed development would constitute inappropriate development which is harmful to the Green Belt. Substantial weight is attached to this consideration.

All the other considerations put forward by the applicant, including making provision for an older age range, have also been considered. However, the substantial harm caused by the inappropriateness of the proposed development is not clearly outweighed by the other considerations that have been set out, including the local support for the proposal. For these reasons very special circumstances required to justify the proposed development do not exist and as such the proposal does not constitute sustainable development.

RECOMMENDATION: That planning permission be **REFUSED**

1. By its nature, the current caravan storage use is subject to a fluid seasonal contraction and expansion with consequential fluctuations in the openness of the site throughout the year. The proposal, however, would result in a set layout with permanent plots and cabin style caravans and associated residential paraphernalia distributed across the site. As such, the development would have a greater impact on the openness of the Green Belt. Furthermore, the transient character and appearance of the current storage use, and not untypical of an urban fringe type use, would be replaced with one that is overtly residential in nature. Consequently, the spread of residential development as proposed would

entail encroachment which Green Belt policy fundamentally aims to avoid. The proposed dwellings would therefore have a greater impact on the purpose of including land within the Green Belt than the existing development. The development is therefore considered inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. Furthermore, other harm has been identified, firstly, that the development is situated outside any defined settlement boundary and isolated from key facilities and without convenient access to public transport resulting in future occupiers' heavy reliance on the private car for travel to and from the site. Secondly, the proposed residential development adjacent to the dog boarding kennels would introduce an incompatible use detrimental to the living conditions of future occupiers.

No very special circumstances exist or have been put forward that would outweigh the harm by reason of its inappropriateness and by reason of the other identified harm. The proposal therefore does not constitute sustainable development having regard to the three dimensions as outlined in Paragraph 7 of the NPPF. The proposal is contrary to Paragraph 146 of the NPPF, Policies BDP1, BDP2 and BDP22 of the Bromsgrove District Plan.

2. Bromsgrove District Plan BDP6 requires the provision of infrastructure to meet the demands of new development within the community. The various requirements to mitigate the impacts have not been secured by way of a completed S106 Planning Obligation. The proposal is therefore contrary to Policy BDP6 – Infrastructure Contributions.