

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr B. Collett 'A'	Proposed lorry turning / manoeuvring area - Bransons Furniture Showroom, Alcester Road, Beoley, B98 9DS	GB	10/0284-CE 26.05.2010

Councillor Mrs. J.D. Luck has requested that this application be considered by the Committee, rather than being determined under delegated powers.

RECOMMENDATION: that authority to determine the application be delegated to the Head of Planning and Regeneration following the expiry of the publicity exercise.

MINDED TO REFUSE

Consultations

WH	Consulted 08.04.2010 (expired 22.04.2010). No response received to date.
Drainage Engineer	Consulted - view received 12.04.2010. The levels of the turning area are in conflict with the adjacent lower lying properties. Plans are required to illustrate that an existing piped outfall is functional and can be extended to take additional run off generated by the turning area. The hardstanding will need to be of a porous construction linked to the piped ditch. Specific details are essential. No flood risk assessment is necessary.
WCC (Minerals and Waste)	Consulted 08.04.2010 (expired 29.04.2010). No response received to date.
West Mercia Police	Consulted - view received 29.04.2010. No issues with the application. Further comments requested 29.04.2010 in relation to highway safety. Comments awaited.
Beoley Parish Council	Consulted 08.04.2010 (expired 29.04.2010). No response received to date.
Publicity	3 letters sent 08.04.2010 (expired 29.04.2010). 1 letter sent 27.04.2010 (expires 18.05.2010). 1 site notice posted 20.04.2010 (expired 11.05.2010). 1 press notice published 15.04.2010 (expired 06.05.2010). No response received to date.

The site and its surroundings

This application relates to a parcel of land to the west side of Alcester Road (A435), just south of the junction with Beoley Lane. The site forms part of a wider site consisting of a furniture showroom with associated car parking, petrol station with shop, car sales and car repair premises. The application site is located to the rear of the furniture showroom. To the rear it adjoins a grassed area, which is believed to be within the ownership of the applicant, and to the north it adjoins the rear garden of 1 Beoley Lane, a semi-detached dwelling. The wider site, 1 and 2 Beoley Lane, the adjoining grassed area and a parcel of land to the west are surrounded by roads (A435, Beoley Lane and the B4101). The furniture showroom is single storey in height and has recently been extended as

approved under application 08/0753. The application site is located in a recognised area of Green Belt.

Proposal

This application seeks consent for the provision of hardstanding over the application site. The area has already been covered with hardcore but is yet to be formally surfaced. The area measures approximately 27 by 16 metres. The site is currently screened from the remainder of the wider site by a closeboarded fence and gates which the submitted plans indicate will be removed. It is also proposed to install a post and rail fence together with hedge planting along the boundary with the adjoining grassed area. The hardstanding will be used for the turning and manoeuvring of lorries delivering goods to the adjoining showroom.

As mentioned above, the Furniture Showroom was extended under application 08/0753. It is noted that the submitted block plan illustrates the extension to be 6 metres greater in length than it exists on site and was approved. Corrected plans have been requested.

Relevant Policies

WMSS RR1, PA14, QE1, QE6
WCSP SD.2, CTC.1, D.38, D.39, T.1
BDLP DS1, DS2, DS13, C4, E4, E9, TR11, ES2
Others PPS1, PPG2, PPG4, PPS7, PPG13

Relevant Planning History

09/0150	Proposed turning/manoeuvring area for delivery lorry (As amended by plans received 20.08.09). Refused 15.10.2009
08/0753	Resubmission of B/2008/0058, increase in height of proposed extension. Approved 03.10.2008.
B/2008/0058	Increase in height of previously approved extension. Refused 20.03.2008.
INV/2007/0980	Provision of extended turning / delivery area to adjoining showroom. Withdrawn 29.09.2008.
B/2005/0101	Proposed showroom extension. Approved 07.04.2005.
B17699	Conversion and extension of existing car showroom to restaurant. Approved 10.04.1989.
B15738	Change of use to "Little Chef" type restaurant (as amended by plans received 09.12.87). Approved 18.01.1988.
B802	Parking for cars for sale and car park. Refused 24.02.1975.
BR/749/72	Car showroom and preparation shop. Approved 22.08.1972.
BR/14/1972	Erection of car sales showroom. Refused 25.01.1972.

Notes

This application is a resubmission of application 09/0150 which, was refused on the following grounds:

The formation of the hardstanding is inappropriate development in the Green Belt and conflicts with the purposes of including land within it. The proposal introduces an urbanized form of development that has an adverse impact upon the visual amenities of the Green Belt. The proposal is therefore contrary to Policies D.38 and D.39 of the Worcestershire County Structure Plan 2001, Policy DS2 of the Bromsgrove District Local Plan 2004 and the provisions Planning Policy Guidance 2: Green Belts. No arguments have been put forward to support the development that amount to very special circumstances that would outweigh the harm caused.

No amendments have been made to the approved scheme but further supporting information has been provided.

As addressed under 09/0150, the main issue with this application is whether the hardstanding is an appropriate form of development in the Green Belt and if not whether any very special circumstances exist to outweigh the harm caused. Consideration must also be given to highway safety, the visual impact of the hardstanding, drainage issues and the amenities of the adjoining occupiers. In relation to highway safety, the A435 is no longer a trunk road and Worcestershire Highways are now the relevant highways authority.

The submitted Design and Access Statement explains that as a result of an error, the plans submitted in connection with the original application for the extension did not show sufficient space to turn a lorry and that since the approval of the extension, the vehicles used to deliver stock are now 12 metre articulated lorries.

Green Belt

Policy DS2 of the Bromsgrove District Local Plan 2004 is in general accordance with PPG2: Green Belts in setting out the instances when development may be considered appropriate in the Green Belt. Policy D.39 of the Worcestershire County Structure Plan 2001 reinforces the presumption against inappropriate development. No provision is made within Policy DS2 for the provision of hardstanding in association with a commercial use. Paragraph 3.12 of PPG2 states that the carrying out of operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. The purposes of including land within Green Belt include (among other criteria) to assist in the safeguarding of the countryside from encroachment.

The history and previous land uses regarding the application site are unclear. Ordnance Survey Plans show the site forming part of a piece of land labelled "Longday Nursery". The nursery is no longer in operation and its associated buildings have been removed. The actual application site would appear to have at one point contained a small building, but again this has been removed. Aerial photographs show the site, together with the land to the west, as an area of grass occupied only by trees and hedgerow. Enclosed by roads, it may be considered that the site is of limited value in terms of landscape or the land use objectives of the Green Belt specified under paragraph 1.6 of PPG2. However, PPG2 makes it clear that the extent to which land fulfils these objectives or the quality of the landscape are not relevant to its continued protection. When compared to the open undeveloped area of grass shown on the aerial photographs, I am of the opinion that the hardstanding has enlarged the developed envelope of land at Bransons Cross. As a form

of encroachment on the countryside, the proposal conflicts with the purposes of including land within the Green Belt.

Although the application form specifically states that the hardstanding will be used for the manoeuvring and turning of lorries, the submitted Design and Access Statement describes the proposal as "an increase in the existing parking area". I am of the view that, if planning permission was given for the hardstanding, there is a strong possibility that the land would be used for both of these purposes. There are three reasons behind this view. Firstly, I understand that the applicant owns the adjoining car sales business. As a result of the constructed extension, the size of the secure compound used in connection with car sales has been significantly reduced. Secondly the area of hardstanding far exceeds what is reasonably necessary to provide a turning area for a lorry. (This is demonstrated by the lorry tracking positions illustrated on the submitted plan.) Although this matter has been raised with the applicant, no justification has been provided for the size of the hardstanding. Thirdly, I understand that the site, or part of the site, has already been used, at times, to store vehicles in connection with the car sales. The use of the site for the parking of cars would be damaging to both the visual amenities and openness of the Green Belt.

Policy 3.15 of PPG2 states that the visual amenities of the Green Belt should not be injured by proposals for development within the Green Belt. The Design and Access Statement puts forward an argument that the application site is not visible from outside the surrounding properties and will therefore have no visual impact to the detriment of the Green Belt. However, the submitted plan shows the existing fence to be removed, thereby opening the site up to the existing car park. I am of the view that the hardstanding would have an urbanising impact and would therefore be of harm to the visual amenities of the Green Belt. The introduction of a new hedge along the west boundary of the site would, in my opinion, help to reduce the visual impact. However, it would not prevent views from public vantage points and, as such, does not overcome the level of harm completely. (If the fence was retained, there would be insufficient space for a lorry to turn.)

Based on the above consideration, it is concluded that the proposed hardstanding constitutes inappropriate development in the Green Belt, conflicts with the purposes of including land within it and is harmful to its visual amenities. I note that inappropriate nature of the development is acknowledged in the Design and Access Statement. Inappropriate development is, by definition, harmful to the Green Belt.

It now follows for me to consider whether any very special circumstances exist which clearly outweigh the harm by reason of inappropriateness and the other harm identified above. PPG2 states that it is for the applicant to demonstrate that permission should be granted. The Design and Access Statement puts forward the following arguments:

1. It should be good practice that planning permissions are granted that can actually be built and meet the requirements of legislation, in this case highways. The use of the existing showroom has always been bulky goods and the delivery of such items would involve delivery lorries visiting the site. The uses to the wider site (second hand car sales with usually 50 cars on display, local shop, petrol station, car valeting and car workshop) are all in separate ownership. With the number of existing businesses and vehicular movements, there is not dedicated space for a

large lorry to turn on the site. Lorries are currently having to reverse out onto the A435 which is clearly not a satisfactory to enter a national speed limit road. Photographs are provided illustrating the size of delivery lorries and the difficulties faced in manoeuvring on site.

2. The extended showroom will create a number of part time jobs. In current times it would seem advisable for a local planning authority to facilitate the proposal and the creation of jobs, to severe the economic downturn.

Worcestershire Highways raised no objections to the planning approvals concerning the extension (B/2005/0101 and 08/0753). Neither were conditions suggested requiring additional turning areas to be provided. As such, no concern was raised that the proposal would jeopardize highway safety. In relation to application 09/0150, I was informally advised by the Highways Engineer that a lorry, having pulled up along the side of the approved extension, would be able to turn in the car park at the front of the building and then leave the site in a forward gear. For this reason no objection was raised to the extension. Using tracking positions provided by Worcestershire Highways, I also consider that it would be possible for a lorry to pull up along side the car sales building and reverse down the side of the showroom. The photographs provided illustrating a lorry attempting to turn in front of the car sales building show the lorries movement restricted by parked cars. At the time of your Officer's site visit, the existing parking provision for the furniture showroom and car sales site was not full. This was also the case during to previous visits in August 2008 and March 2009. It is my opinion that a reorganisation of the existing parking arrangement, particularly in relation to sales cars and improved management of where visitors can park could ensure there was space within the existing site to allow a lorry to turn. As such, I consider that the applicant is able to resolve the highway safety issues without the need proposed hardstanding.

As illustrated by the planning history of the site, the applicant has been aware of the circumstances surrounding this application prior to the construction of the approved extension. However, the applicant has proceeded to construct the extension, reducing the extent of maneuvering space and increasing the amount of stock, without first resolving the matter. If the issue of a turning area is of the significance suggested, it must be questioned why the applicant has developed the site in this order. West Mercia Police and Worcestershire Highways have been consulted on the matter of highway safety.

In the second argument the applicant appears to be suggesting that the turning area is required to facilitate the implementation of the approved extension. This is clearly not the case. Policy PA14 of the West Midlands Spatial Strategy encourages the development of existing business in rural areas but requires this to be undertaken in a way which conserves and enhances environmental assets and respects local character and distinctiveness. In failing to protect the Green Belt, I am of the opinion that this policy does not provide any support for the development. I therefore consider the second argument to be of limited weight.

For the reasons set out above, I do not consider that the arguments put forward by the applicant amount to very special circumstance. No other circumstances have been identified that would outweigh the harm caused.

Drainage issues

In relation to a previous application (INV/2007/0980), a neighbouring occupier raised concern that their rear garden was continually waterlogged as a result of the hardstanding. The Drainage Engineer has suggested a condition requiring the submission of details to illustrate how drainage facilities will be provided. If planning permission was to be granted, a further condition could be imposed requiring details of the type of surface to be agreed to ensure that it was of a porous nature.

Residential amenity

The rear windows to 1 Beoley Lane directly face the application site. I acknowledge that the hardstanding, particularly if it is used to park cars, will affect the outlook from these windows. Once in use, both 1 and 2 Beoley Lane may experience some level of disturbance as a result of vehicular movements. However, the rear garden to 1 Beoley Lane is some 23m in length and I therefore consider that any level of impact to the amenities of the occupiers of 1 and 2 Beoley Lane would not be significant.

Conclusion

The proposed turning / manoeuvring area has been found to constitute inappropriate development in the Green Belt, conflict with the purposes of including land within the Green Belt and be harmful to its visual amenities. I do not consider that the arguments put forward by the applicant amount to very special circumstances that outweigh the level of harm caused by inappropriateness, encroachment and harm to the visual amenities and openness of the Green Belt. The proposal is therefore contrary to Policy DS2 of the BDLP, Policies D.38 and D.39 of the WCSP and the provisions PPG2.

RECOMMENDATION: that authority to determine the application be delegated to the Head of Planning and Regeneration following the expiry of the publicity period on 18.05.2010.