

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. C. Massey 'A'	Conversion of light industrial units to three, two-bedroom dwellings (previously granted planning permission for conversion to 4 no. hikers holiday lodges under Plan Reference 08/0127) - The Piggeries, Old Birmingham Road, Marlbrook, Bromsgrove, B60 1HG	GB	10/0301-CE 02.06.2010

Councillor A.N. Blagg has requested that this application be considered by the Committee, rather than being determined under delegated powers.

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WH	Consulted - views received 17.05.2010. No objection.
Strategic Planning	Consulted - views received 19.04.2010. <ul style="list-style-type: none"> ▪ The site is located in the Green Belt therefore BDLP policy DS2, WCSP policy D.39 and PPG2 apply. ▪ A change of use can be acceptable in the Green Belt where it has no additional harm to the openness of the Green Belt. WCSP policy D.16 is particularly relevant for change of use to residential. ▪ Guidance contained in SPG10 has now been superseded by policies contained in PPS3, the adopted Regional Spatial Strategy (RSS) and the revised housing figures published by the Planning Inspectorate in response to the phase 2 revision of the RSS. This revised guidance means that SPG10 is no longer enforceable and windfall development of this scale would not result in an over-supply of housing. ▪ If SPG11 is strictly applied, an open space contribution should be sought. Further comments included below.
BC	Consulted 13.04.2010. No response received to date (expired 04.05.2010).
ENG	Consulted - views received 30.04.2010. A new foul connection is required to the mains within the highway. Storm drainage for structures and hardstanding areas to be served by soakaway / land drainage systems.
Environmental Health	Consulted - views received 04.05.2010. It is considered that the proposed end-use of residential housing is a sensitive end-use and would be particularly vulnerable to the presence of any contamination. No objection subject to conditions. Further comments included below.
WWT	Consulted 13.04.2010. No response received to date (expired 04.05.2010).
WCC (Minerals and Waste)	Consulted - views received 19.04.2010. No objection.
Lickey and Blackwell Parish Council	Consulted - view received 03.05.2010. Objection. <ul style="list-style-type: none"> ▪ The development is in the Green Belt.

- There is evidence that the approved development, which is still incomplete, has been carried out in breach of a number of pre-commencement conditions.
- One building has been increased in height.
- Removal of asbestos was not done properly.

Lickey
Community
Group

View received 07.05.2010. Objection to the increase of 3 residential units in the Green Belt.

Publicity

1 letter sent 13.04.2010 (expired 04.05.2010).

1 site notice posted 22.04.2010 (expired 13.05.2010).

1 objection received:

- It is questioned whether conditions attached to planning consent B/2008/0127 have been discharged and complied with. The buildings to be demolished under this previous consent are, in part, still standing. The height of the main building has been raised.
- The majority of the existing trees forming part of the development have now been removed which has had a significant impact on the visual impact of the site and has reduced the amount of natural habitat previously used by wildlife.
- It is considered that the development has not been undertaken with diligence or in accordance with the consent.
- The current proposal will aggravate previous concerns. (Issues raised in relation to applications B/2006/1138 and B/2008/0127 include, a restrictive covenant, extent of rebuilding work, landscaping, amenity space, loss of privacy, inappropriate development in the Green Belt and impact to the appearance and character of the area.)

The site and its surroundings

This application relates to a collection of five buildings located on the southern side of Old Birmingham Road. The buildings are accessed by a driveway, which runs parallel with the road for a distance of approximately 65.0 metres. The site is relatively well screened from the road by a mixture of trees and other vegetation. The buildings referred to as Buildings 1, 4, 5, and 6 on the submitted plans are built of brick. Building 1 is the largest building on site and has recently been extensively refurbished and re-roofed. Building 2 has a brick base and timber clad elevations. The ground to the site is partly grassed with a few small areas of hardstanding and a rough track running to the north west side of Buildings 4 and 5. The concrete base of a former building (Building 2) remains on site. To the west of the site is 220 Old Birmingham Road, a private residential property. This property is accessed via a private drive which leads through a wooded area to the north west of the site. The site is open to the adjoining field to the east with a post and wire fence marking the boundary.

Prior to the approval of application B/2008/1138, the application site did not appear to have been actively used for some time. The applicant's agent has suggested that the most recent use of the building was in connection with the motor trade and light metalworking.

Proposal

This application proposes the conversion of Building 1 to 3 no. two bedroom dwellings. Buildings 4, 5 and 6 will be retained as existing to provide domestic storage. Building 3 and the remains of Building 2 will be removed and 3 garden areas created in their place. 4 car parking spaces are to be provided.

Relevant Policies

WMSS	CF2, CF3, CF4, CF6, QE1, T2, T7
WCSP	SD.1, SD.2, SD.3, SD.4, SD.5, CTC.1, CTC.5, D.5, D.12, D.16, D.38, D.39, T.1, T.3, T.4
BDLP	DS2, DS11, DS13, S3, S4, S9, C4, C10A, C17, C27, TR8, TR11, ES3, ES7
Others	PPS1, PPG2, PPS3, PPS4, PPS7, PPS9, PPG13, PPS23, SPG1, SPG4, SPG11

Relevant Planning History

B/2008/0127	Conversion of existing light industrial units to 4 no. holiday lodges (renewal of B/2006/1138 of B/2006/0779) (as amended and augmented by plans received 26.03.2008). Approved 03.04.2008.
B/2006/1138	Conversion of existing light industrial units to 4 no. holiday lodges (as amended by plans received 01.02.2007 and augmented by plans received 05.01.2007 and 13.02.2007) (re-submission of B/2006/0779). Approved 07.03.2007.
B/2006/0779	Conversion of existing light industrial units to 7 no. hikers holiday lodges. Withdrawn 30.08.2006.

Notes

The main issues with this application are whether the proposal is appropriate development in the Green Belt. Consideration must also be given to the design of the proposed scheme and its impact on the appearance of the site, the structural condition of the buildings, amenities of neighbouring occupiers, highway safety and ecological issues.

Under application B/2008/0127, planning permission was granted for the conversion of Buildings 1 and 4 to holiday lets. The work which has been undertaken on Building 1 is not strictly in accordance with the approved scheme. 3 courses of brickwork have been added to the building, the lintels to both gable doorways have been removed and the south gable opening has been partly blocked up. To the rear elevation, permission was granted for 6 windows to be reduced in height. Whilst 6 windows have been reduced in height on site, only 3 of the windows are those shown on the approved plans. 4 roof lights have also been added to this elevation. In addition to the work which has occurred on site, 4 pre-commencement conditions (surfacing, landscaping and foul and surface water drainage schemes) have not been discharged. Condition 10 required a store and Buildings 2, 3 and 5 to be demolished and all resultant materials removed from the site. Buildings 3 and 5 remain in place as does the concrete base to Building 2. Condition 11 restricted the structural works to those specified in a submitted structural report and illustrated on the approved plans. In addition to the specified works, the north facing

gable has been rebuilt. Three panels of brickwork to the rear elevation were to be rebuilt but evidence suggests that, in fact, the whole wall has been rebuilt. Having addressed the impact of the work which has been undertaken on site in relation to the approved scheme, I do not consider that these matters require pursuing. Of the unauthorised works, only the changes to the rear elevation windows and the roof lights are being applied for under this application. As such, this application seeks only to address the proposed change of use from light industrial to residential and the alterations illustrated on the submitted drawings.

Green Belt

Policy DS2 of the Bromsgrove District Local Plan states that permission for development in the Green Belt will not normally be given unless the development relates to, among other criteria, proposals for the reuse of rural buildings, in accordance with Policy C27. Under policy C27, the reuse of an existing rural building must not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it. The proposed removal of Building 3 will be of benefit to the openness of the Green Belt. As the application site has been previously vacant for some time, it is acknowledged that the proposal will intensify the use of the site. It is also acknowledged that the subdivision of external space to provide separate gardens and the introduction domestic paraphernalia will have some impact on the openness and amenities of the site. However, I consider such impact will be minimal. I am therefore of the view that the proposed scheme is an appropriate form of development in the Green Belt and that the development will have a neutral impact on the openness of the site and the purposes of including land in the Green Belt.

Lickey Community Group has objected to the creation of 3 residential units in the Green Belt. Policy EC12 of PPS5: Planning for Sustainable Economic Growth encourages the use of existing buildings in the countryside for economic development but recognises that a residential use may be more appropriate in some locations and for some types of buildings. The application site is located on the edge of a built up area predominantly characterised by residential properties. I therefore consider the proposed residential use to be acceptable in this location.

Structural condition of the buildings

Policy C27 requires buildings to be converted to be of a permanent and substantial construction and capable of conversion without major works or complete reconstruction. The application has been accompanied by a recent Structural Report which concludes that the only structural work still to be completed relates to the internal damp proof membrane. However, the submitted survey is based on the current condition of the site including the unauthorised work. As this work is not shown on the submitted plans, a condition is suggested below to clarify that any consent given does not give consent for the unauthorised work.

Appearance of the site

Criterion (d) of Policy C27 requires the form, bulk and general design of the conversion scheme to be in keeping with its surroundings. The only external alterations proposed under this application are the reduction in height of windows to the rear elevation of

Building 1, the addition of 4 roof lights and 3 extract flues. I am of the view that these alterations will have minimal impact on the appearance of Building 1 and will not affect its character. The proposal includes the planting of new hedge to part of the boundary with the field to the south of the site. This will help soften the impact of the development from the open countryside. Further to this, a landscaping scheme will be requested by way of a condition. The current application does not propose the removal of any additional trees to those to be removed under B/2008/0127.

Residential amenity issues

Building 6, which is to be used for domestic storage, has windows that directly face the area of woodland to 220 Old Birmingham Road. The area of woodland does not appear to be the main amenity space to number 220 however, it is a private space and I am of the opinion that its privacy should be protected. Conditions attached to B/2008/0127 required two of the openings to be blocked up and the third to be obscurely glazed. Such conditions remain relevant to the current scheme and are suggested below. The level of screening to the common boundaries between the application site and number 220 is sufficient to prevent a loss of privacy to number 220 from other windows and the application site as a whole.

Highway, parking and sustainability issues

Criterion (e) of Policy C27 states that the traffic generated by a development must be able to be accommodated and parking facilities should exist or could be provided without detriment to highway safety or the visual amenities of the Green Belt, or character of the local environment. The proposal includes the provision of 4 car parking spaces which meets Council's parking standards. The parking spaces are to be of a Cellular confinement surface which will allow the grass to remain in place and will help to protect the rural character of the site. Worcestershire Highways has raised no objection the scheme and I am satisfied that the proposal will not adversely affect highway safety.

Policy SD.4 of the WCSP requires development proposals to be located so as to minimise the need to travel and to provide opportunities for access by different modes. The application site lies adjacent to an established residential area which benefits from a local shop and public transport services. I therefore consider that the proposal is in compliance with policy SD.4.

Ecological issues

PPS9: Biodiversity and Geological Conservation states that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where a proposed development would adversely affect those interests, suitable mitigation measures will need to be secured or, where significant harm cannot be prevented, adequately mitigated against or compensated for, then planning permission should be refused. Article 12 (1) of the EC Habitats Directive requires Member States to take requisite measures to establish a strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites or resting places. This directive is implemented by the Conservation (Natural Habitats, etc.) Regulations 1994.

The application has been accompanied by a Baseline Ecological Survey which reports that no evidence of bat use was found in Building 1. Trees and shrubs to the north boundary, which are not affected by the development, were identified as being suitable for roosting bats and occasional bird nests were found around the other buildings. The survey therefore suggests a number of precautionary measures. Subject to the development being carried out in accordance with these measures, I am of the view that the proposal will not have any adverse ecological implications.

Provision of necessary services

Criterion (f) of Policy C27 states that the provision of necessary services must not adversely affect the environmental character or visual amenities of the Green Belt. The submitted application form states that the disposal of foul sewerage shall be to a packaged sewage transport plant. However, it is understood that there is an outfall available to the mains within Old Birmingham Road. In accordance with policy ES3 of the BDLP the existing outfall should be used instead of a separate plant. Further details will be requested by way of a condition. Taking this into consideration, I see no reasons why the provision of the necessary services will be detrimental to the environmental character or visual amenities of the Green Belt.

Potential land contamination issues

PPS23: Planning and Pollution Control requires Local Planning Authorities to pay particular attention to development proposals for sites where there is a reason to suspect contamination and to those for particularly sensitive uses such as housing likely to be used by families with children. In accordance with Annex 2 PPS23, a developer must submit sufficient information to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be reduced to a satisfactory level. The agent has explained that an environmental risk check commissioned in 2006 in respect of the site did not identify any material risks and that the level of risk was not such that the property would be designated contaminated land. The full details of the report have not been provided and the Council's Environmental Health Officer has recommended that any permission granted be subject to conditions requiring the submission of a risk assessment and site investigation. Where appropriate, remediation work will be required.

Planning obligations

SPG11: Outdoor Play Space in the District of Bromsgrove requires on-site play space provision or an off-site contribution for development of 6 units or more a minimum site area of 0.2 hectares. The application site is 0.24 hectares and generates an off-site contribution of £49,056. Circular 05/2005 states that a planning obligation must be fairly and reasonably related in scale and kind to the proposed development. The Strategic Planning Officer has noted that 3 two bedroom dwellings are only likely to have a very limited impact on existing play space facilities within Marlbrook and has questioned whether a payment of £49,056 can be justified. In addition, the main purpose of the site size threshold in SPG11 is to prevent applicants reducing densities to avoid payments. As this is a conversion scheme, this is clearly not the case in this instance. I therefore do not consider a contribution of £49,056 for off-site play space is reasonably related in

scale and kind to the proposed scheme. The creation of 3 dwellings falls below the threshold for education contributions.

Other matters

In response to issues raised by third parties, I would note that the removal of asbestos is covered by legislation outside of the planning system and that the restrictive covenant attached to the application site is not a material planning consideration.

Conclusion

I am of the opinion that the proposed conversion of the buildings to three residential units is an appropriate form of development in the Green Belt, will not be harmful to the visual amenities of the site, highway safety and amenities of neighbouring occupiers and is found to be acceptable in all other respects.

RECOMMENDATION: that permission be **GRANTED**.

1. C99 - 1 year
2. Prior to the occupation of the proposed dwellings, the windows to the west and south elevations of Building 6 shall be bricked / boarded up or obscure glazed and fixed shut in accordance with details submitted to and approved in writing by the Local Planning Authority.
3. The development hereby permitted shall not be brought into use until the parking areas shown on Drawing Number: SHDC/10/19/04 have been laid out and provision made for vehicles to turn so that they may enter and leave the site in a forward gear. These areas shall thereafter be retained and kept available for those uses at all times.
4. The existing buildings outlined by a dashed line and labelled 'To be demolished' on Drawing No. SHDC/10/19/04 shall be demolished and all the resultant materials removed from the site before development in pursuance of this permission is commenced.
5. No structural alterations or improvements or other external alterations shall be made to the existing external fabric of the buildings to be retained other than those alterations illustrated on Drawing Number: SHDC/10/19/05, detailed in paragraphs 4.02 and 4.03 of the Structural Report by J Turner and Associates Ltd. dated 15/03/2010 and required under condition 2.
6. C10
7. C13
8. C14
9. C15
10. C16
11. C17
12. C18
13. C19
14. The disposal of storm water shall be by means approved by the Local Planning Authority. The approved system shall be operational before the approved works commence. There is no Public Water Sewer available and no surface water will be allowed to discharge to the foul water sewer.

15. Notwithstanding the submitted information, the disposal of foul sewerage shall be by means approved by the Local Planning Authority. The approved system shall be operational before the approved works commence.
16. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that order with or without modifications), no extension, building, means of enclosure, boundary treatment or satellite dish shall be erected, installed or provided on the application site without the prior written consent of the Local Planning Authority.
17. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that order with or without modifications), no external alterations shall be made to the building without the prior written consent of the Local Planning Authority.
18. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (as amended) (or any order revoking or re-enacting that order with or without modifications), no new external ground surfacing other than that shown on the approved plans, shall be provided at the application site, without the prior written consent of the Local Planning Authority.
19. The development hereby approved shall be carried out in accordance with the recommendations set out in part 5 Recommendations of the Baseline Ecological Survey by Elizabeth Mckay B.A. (Hons) MIEEM CEnv dated March 2010.
20. Unless otherwise agreed in writing by the Local Planning Authority, development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until:
 - a. A preliminary risk assessment has been submitted to and approved in writing by the Local Planning Authority. This study shall take the form of a desk top study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors.
 - b. Where necessary, a scheme for detailed site investigation and risk assessment must be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11."
 - c. Where necessary, a detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11."
 - d. Where necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be submitted to and approved in writing by the Local Planning Authority. The remediation scheme must ensure that the

- site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- e. Where necessary, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
 - f. Where necessary, following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any buildings.
21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reasons

- 2. To protect the privacy of adjoining occupiers in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.
 - 3. To minimise the likelihood of indiscriminate parking in the interests of highway safety and in accordance with policy TR11 of the Bromsgrove District Local Plan January 2004 and policy T.1 of the Worcestershire County Structure Plan 2001.
 - 4. In order to secure a well-planned development and to protect the amenities of the Green Belt in accordance with policies DS2, DS13 and C27 of the Bromsgrove District Local Plan 2004.
 - 5. To ensure the development does not include any major structural works or complete reconstruction and to protect the appearance and character of the site in compliance with Policy C27 of the Bromsgrove District Local Plan January 2004 and Policy D.16 of the Worcestershire County Structure Plan 2001.
- 14 and 15. To ensure satisfactory drainage conditions.
- 16. To preserve the rural character of the site and openness of the Green Belt in accordance with policies DS2, DS13 and C27 of the Bromsgrove District Local Plan and policies CTC.1 and D.16 of the Worcestershire County Structure Plan 2001.
 - 17. To preserve the rural character of the buildings in accordance with policies DS13 and C27 of the Bromsgrove District Local Plan and policies CTC.1 and D.16 of the Worcestershire County Structure Plan 2001.
 - 18. To protect the visual amenities of the locality in accordance with policies DS13 and C27 of the Bromsgrove District Local Plan and policy CTC.1 of the Worcestershire County Structure Plan 2001.

19. To ensure there are sufficient protection and mitigation measures to address the potential presence of protected species on site in accordance with policy C10A of the Bromsgrove District Local Plan 2004.
- 20 and 21. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES7 of the Bromsgrove District Local Plan 2004.

Notes

1. This consent does not grant permission external alterations or rebuilding works other than those illustrated on Drawing Number: SHDC/10/19/05.
2. If the preliminary risk assessment required under condition 20a indicates that land contamination does not exist at the application site, it may not be necessary for the documents required under conditions 20b to 20f to be submitted.
3. The granting of planning consent does not supersede the applicant's responsibilities for biodiversity under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000, the Natural Environment and Rural Communities Act 2006 and the Badgers Act 1992.

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy (WMSS), Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan (BDLP) January 2004 and other material considerations as summarised below:

WMSS	CF2, CF3, CF4, CF6, QE1, T2, T7
WCSP	SD.1, SD.2, SD.3, SD.4, SD.5, CTC.1, CTC.5, D.5, D.12, D.16, D.38, D.39, T.1, T.3, T.4
BDLP	DS2, DS11, DS13, S3, S4, S9, C4, C10A, C17, C27, TR8, TR11, ES3, ES7
Others	PPS1, PPG2, PPS3, PPS4, PPS7, PPS9, PPG13, PPS23, SPG1, SPG4, SPG11

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.