

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|--|---|--------------------|---------------------------------|
| Mr. P. Johnson 'B' | Erection of building for archery training - Green Wythall House and Park, 52 Silver Street, Belt Wythall, B47 6LZ | | 10/0501-DK 10.08.2010 |

RECOMMENDATION: that permission be **REFUSED**.

Councillor S. R. Peters has requested that this application be considered by the Committee, rather than being determined under delegated powers.

Consultations

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| Wythall PC | Consulted: 23.06.2010. Response received: 08.07.2010. Objection - as previous comments. The Parish Council notes the reasons for the recent refusal of the previous application and can not see how this current application is any better or how it can now be allowed. None of the new proposed sites offer a better alternative. The Parish Council would prefer to see the buildings more collectively placed than out in the open and therefore options 1 or 2 would be more appropriate. |
| WCC (HP) | Consulted 23.06.2010. Response received 24.06.2010. No objection. |
| EHO (Commercial) | Consulted: 23.06.2010. Response received: 23.06.2010 as follows: This section has no objections in principle to the above application. The premises and business will be required to comply with Health and Safety legislation which is enforced by this Council. The premises will be subject to routine inspection to assess compliance. I would recommend that advice be sought on detailed compliance with this legislation from the Commercial Team at Bromsgrove District Council (telephone number 01527 881434) at the earliest opportunity. |
| EHO (Noise) | Consulted 23.06.2010. Response received 28.06.2010. No objection. |
| ENG | Consulted 23.06.2010. Response received 20.07.2010 as follows: No objection. It is assumed that the building in question is an open lean to that simply requires surface water disposal to a holding soakaway which due to the clay nature of the sub soil overflows to adjacent ditch course. This offers attenuated discharge. |
| Tree Officer | Consulted: 23.06.2010. Response received: 22.07.2010. The proposed development requires the removal of four existing trees - a Scots Pine (T2), 2 x Douglas Fir (T3 & T4) and a Sycamore (T6). Although these trees are of relatively poor condition and limited visibility, their removal and the failure to provide any satisfactory replacement tree planting is contrary to policy C17 and C18 of the BDLP. The footprint of the proposed building falls within the Root Protection Areas (RPA) of a number of surrounding trees. A method statement detailing how the building will be constructed within the RPA of the mature Hornbeam (T1) has been submitted. However, this method statement is insufficient in a number of areas: |

- (a) it fails to take regard of the other trees being retained on the site; and
- (b) the methods proposed will cause the very damage to the root system which the method statement should seek to prevent. In particular, the method statement proposes a 175mm hand tool 'scrape' where the development footprint encroaches upon the RPA. As the majority of the fine feeder roots of trees are located within the top 300mm of the ground, such a scrape (whether hand-dug or otherwise) will cause loss and damage of these roots. Such a method is not acceptable to prevent root damage and not in accordance with British Standard 5837:2005 or the Buildings near Trees document referred to in the Design and Access Statement;
- (c) the hand dug 'trial pits' will result in unnecessary root damage and exposure;
- (d) no measures have been included to prevent ground compaction during the building works;
- (e) plan RA/Option 2 Plan shows the installation of a drainage run on the north side of the building. This route will pass through the RPA's and thus risk damage to several trees and has not been mentioned or addressed;
- (f) the plotted RPA's as shown on Drawing RA/06 are inaccurate as they fail to take account of the presence of existing buildings.

Overall, I consider that the submitted method statement is not sufficient to adequately prevent damage and loss of the trees shown retained around the proposed building and so the proposal as it currently stands is further contrary to policies C17 and C18 of the BDLP. Consequently I recommend that the application is **refused** in it's current form.

Given the nature of the site and the method of sheathed small bore pile foundations proposed, I do consider that the proposed development may be possible using 'no-dig' construction methods within the RPA of the trees. This will need to be demonstrated by the provision of a Method Statement and amended plans which address the above deficiencies and the precise form of construction as detailed in 'Buildings near Trees' to be employed. Notwithstanding my recommendation above, in the event that permission is granted, the following conditions should be attached:

Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, protective fencing shall be erected around the Root Protection Areas of the trees shown retained on and adjacent to the application site subject to the on-site approval of the Local Planning Authority. This fencing shall be constructed as illustrated by Figure 2, and at positions in accordance with Section 5.2.2 of British Standard BS5837:2005 and shall be maintained as approved by the Local Planning Authority until all development, subject of this permission, has been completed.

Prior to the commencement of any works on site, including any site clearance, demolition, excavations or import of machinery or materials, an

Arboricultural Method Statement or similar detailed schedule of works shall be submitted to and approved by the Local Planning Authority. This will describe how any works proposed or required within the Root Protection Area of any trees on or adjacent to the application site shall be carried out without causing damage to the trees.

Publicity Site Notice posted 02.07.2010, expires 23.07.2010.
2 Letters sent 07.07.2010, expired 28.07.2010.
No responses to date.

The site and its surroundings

The application site comprises a completely overgrown and neglected site to the east of Wythall House. There are a number of stores and a pavilion building to the south of the application site. The rear curtilage of Pinewood Cottage is immediately to the north. There is a disused garage and a number of attractive mature trees on the site.

Proposal

The proposal is for the erection of a building for the purposes of archery training.

Relevant Planning History

- B10857 Improvements to facilities to include crown bowling green, two hard tennis courts, pitch and putt course, car park extension, two site huts, notice board, landscaped area and car park lights Granted 23.06.1983.
- B/2001/1227 New scenery/prop store for Wythall Theatre Company: Granted 17.12.2001.
- B/2008/0653 Installation of Risky Play equipment on mounded area of Wythall Park. Granted 18.08.2008.
- B/2008/0645 Installation of one multi user games arena and teen shelter. Granted 13.08.2008.
- B/2008/0924 Redevelopment of existing 1st Tidbury Green (Wythall) Scout group headquarters including single storey extensions to the side and rear of the existing premises. Refused 18.12.2008.
- B/2009/0232 Redevelopment of existing 1st Tidbury Green (Wythall) Scout group headquarters including single storey extensions to the side and rear of the existing premises. Granted 18.05.2009.
- B/2009/0477 Erection of building for indoor recreation purposes. Refused: 14.08.2009.

Relevant Policies

- WCSP D.38, D.39, RST.1
BDLP DS2, DS13, RAT2, C17, WT5
Others PPS1, PPG2, PPG17

Notes

This is a resubmission of an application B/2009/0477 for the erection of a building for indoor recreation purposes. Members should note that the building which is the subject of this application is located in the same position as the previous application. It is proposed to be sited on an east west axis enclosed by substantial vegetation, behind the bowling club pavilion and to the north of the stores used by the Theatre Society. The current building proposal is the same in terms of scale as that previously applied for. However, the use is limited in this application to archery training where the previous application was for a variety of recreational uses including dog training. The applicant has presented options (1-5) as possible positions for the proposed building and settled on option 1 which falls within the red line and is the subject of this application. In the current application, a Tree Survey and Arborocultural Method Statement has also been provided.

Assessment

The key issues in the determination of this application are:

- (i) whether the proposal amounts to inappropriate development in the Green Belt and, if so whether there are any very special circumstances which outweigh the presumption against inappropriate development
- (ii) The effect of the proposal on the character and appearance of the site
- (iii) The effect of the proposal on trees within and around the application site

(i) Green Belt

The site is located in the Green Belt and I consider that the following policies are most relevant: D38 and D39 of the WCSP, DS2, RAT2 and WT5 of the BDLP. The policies of the West Midlands Regional Spatial Strategy are no longer relevant in the determination of the application.

Policies DS2 and D39 seek to control development within Green Belts. The proposal is for the erection of a recreation facility and can be determined against the criteria set in Policy DS2 (b) and RAT2. RAT2 states that the proposal must not include new building other than that genuinely required for essential facilities and this must relate to the primary recreation use on the site. Encouragement will be given to locating facilities in existing buildings. Public transport and car parking need to be adequate for the proposal. Members should note the clear reference within policy RAT2 for *outdoor* sport and outdoor recreation.

In terms of the current proposal, it will be carried out in the rear curtilage of what was once 50 Silver Street. The former garden is now overgrown with a derelict garage present. The proposed building will be will have an exterior finish of plastisol coated insulated profile steel cladding. The building has a ridge height of 4.2 metres and will have a floor area of 153.3m². The derelict garage has a floor area of 30m² so the proposed increase in floor area is 123.5m². In terms of the use of the proposal, it will be used for archery training.

In the context of PPG2 and the above policies of the development plan, the proposal amounts to inappropriate development in the Green Belt and very special circumstances

must be provided to justify it. I am mindful of the advice contained in paragraphs 26 to 32 of PPG17 that development in the Green Belt should be the minimum necessary and non-essential facilities (eg additional function rooms or indoor leisure) should be treated as inappropriate development.

The applicant has presented a case for very special circumstances which is summarised as follows:

- There is a need for an indoor facility to extend the period when play is possible in the winter and at times of adverse weather. This will enhance the skills of the club and engage the interest of more young people.
- Paragraph 1.6 of PPG2 states that the function of Green Belts is to provide opportunities for outdoor sports and recreation and the proposal does not conflict with any of the five purposes for including land within Green Belt. It accords with PPG17 and WYT5.
- The possible examples of essential facilities within PPG2 should be widened to include archery and the proposed shelter is essential.
- Extensive attempts have been made to access the existing indoor facilities at Wythall Park and elsewhere such as Woodrush School Leisure Hall. There are constraints here in terms of availability and space.
- The building will not intrude in the chosen position, screened by existing trees and vegetation. It is also accessible to the outdoor range.
- Archery has special requirements as they can be lethal weapons.
- The building can be used as a community facility.

The applicants have presented a form of sequential test to examine other potential locations in the park for the proposal. Three of these options are located on the tennis court or archery field to the east of the site of the proposal. These are ruled out for a variety of technical and visual reasons. It is noted that one of the options would have resulted in a building with a direct relationship between the archery field and the building with both being used in tandem.

Members should note the designation of the land in question at Wythall Park for the provision of recreation facilities. However these must be compatible with Green Belt policy. The application is improved by the absence of the dog training proposal which confused the previous application. The applicants have made reasonable efforts to look at alternative facilities and locations in the park and it is material that the building is clearly related to an outdoor sport. Whether it is an essential facility for the outdoor is more questionable particularly since the archery can take place internally on an independent basis. The proposal is otherwise identical in scale to B/2009/0477 and amounts to inappropriate development.

(ii) Character and Appearance

Members should note the proposed design and appearance of the proposal which will consist of a rectangular block with profiled metal sheeting. The previous application had an incongruent appearance which was detrimental to the character of the area. The profiled sheeting material is an improvement over this and the level of screening is noted.

(iii) Trees

The proposed development will result in the removal of a number of trees which are of amenity value to the site. In particular, one mature and one semi mature Douglas Fir (*Psuedotsuga menziesii*) would have to be removed as well as a Scot's pine. The root protection zone of a mature hornbeam (*Carpinus* sp.) and a semi mature hornbeam would be affected by the proposal. I am concerned by the loss of the Douglas Firs as they are visible from the wider area. However, Members should note the comments of the Tree Officer to the effect that replacement trees may be acceptable. Whilst the Method Statement outlined above is not adequate, an enhanced version including 'no dig' construction methods in the Root Protection Areas of the affected trees may be acceptable.

Summary

The proposal amounts to inappropriate development in the Green Belt. The applicant's have attempted to address the issues raised in the previous refusal and these points are noted above. Despite the fact that the building would be solely for archery, it has the same scale and position as the previously refused application. The issue of Green Belt harm has not been resolved. However, there are no substantive objections to the scheme in other respects in particular overall character and trees.

RECOMMENDATION that planning permission be **REFUSED** for the following reason:

1. The proposal for an indoor training facility is inappropriate development in the Green Belt and no very special circumstances have been put forward to justify it. Therefore, the proposal conflicts with policies D38 and D39 of the Worcestershire County Structure Plan, policies DS2 and RAT2 of the Bromsgrove District Local Plan and the advice of PPG2 and PPG17.