

| Name of Applicant<br>Type of Certificate                  | Proposal   | Map/Plan<br>Policy | Plan. Ref<br>Expiry Date         |
|---|--|--------------------|----------------------------------|
| <b>Castlebeck Care<br/>(Teesdale)<br/>Limited<br/>"B"</b> | Change of use to residential care home (Class C2), extensions and erection of replacement structure - The Lodge, West Hills House, West Hills Lane, Alvechurch - (as amended by plans received 29.06.2007) | GB                 | <b>B/2007/0496</b><br>09.08.2007 |

**RECOMMENDATION** that the determination of the application be **DELEGATED** to the Head of Planning and Environment Services upon the expiry of the publicity period on 19 July 2007.

## **MINDED TO APPROVE**

### Consultations

|                         |   |
|-------------------------|---|
| WCC(HP)                 | Consulted - views received 22.05.2007:<br>No objection  |
| ENG                     | Consulted - views received 01.06.2007:<br>No objection subject to Conditions  |
| Conservation<br>Officer | Consulted - views received 06.06.2007: <ul style="list-style-type: none"> <li>In principle I have no objection to the change of use, however I consider some of the detailing may need to be reconsidered</li> <li>I note that the external courtyard is to be enclosed to create a further lounge, however I think more appropriate windows and doors could have been selected to complement the existing windows and doors in the rest of the building. I assume the brickwork is to match the existing but this does not appear to be stated anywhere</li> <li>It would be more appropriate if the wall to the proposed 1F ensuite bathroom did not cut across the bedroom window</li> <li>As regard the activity room only the most basic information has been provided in respect of the structure. There is no detail in respect of the windows and doors, in terms of detailing or materials. The structure appears to be excessively high, considering it is single storey. No information has been provided on the link to connect the lodge to the activity room</li> </ul> |
| EDO                     | Consulted - views received 14.05.2007: <ul style="list-style-type: none"> <li>Economic Development strongly supports the application. There is a very serious shortage of residential care home accommodation in North Worcestershire</li> </ul>  |
| BW                      | Consulted - views received 21.05.2007:<br>No objection  |
| Ramblers<br>Association | Consulted 10.05.2007: views awaited   |
| Rights of Way<br>WWT    | Consulted 10.05.2007: views awaited<br>Consulted - views received 29.06.2007: <ul style="list-style-type: none"> <li>The works would need a licence if any of the changes would effect the loft space, or accesses to it.</li> </ul>  |

- If the works are unlikely to have an adverse effect on the bits of the building currently in use as a roost I would simply append an informative note reminding the developer of their responsibilities under the law. You might also consider removing existing permitted development rights in the loft or to the roof itself (if there are any?).
- Conditioning benefit outside the loft is difficult for brown long eared bats because they like a large space to fly round in and therefore additional boxes are not much help. You might look to get some planting near the building to help provide flypaths/a feeding resource close to the roost, particularly if the existing flyways look like they could do with bulking up. You should also look to control the impact of lighting, especially floodlighting of the property itself.

Alvechurch PC Consulted - views received 13.06.2007:

- No objection
- However, if the application proceeds for Wast Hills House APC would not want two applications to proceed and would object to two nursing homes on the same site

Publicity 2 letters sent 14.05.2007: no response received (expire 04.06.2007)  
2 site notices posted 28.05.2007: no response received (expire 19.07.2007)  
1 press notice published 18.05.2007: no response received (expires 08.06.2007)

### The site and its surroundings

The application relates to a two-storey lodge building formerly associated Wast Hills House. The building is located on a site of approximately 15 hectares. The lodge building is occupied as two residential units and is located at the vehicular entrance to the site adjacent to Wast Hills Lane to the western boundary. The grounds are landscaped with mature planting. Three single storey outbuildings in varying states of repair are located to the south and south-west of the lodge. A Public Right of Way runs to the northern boundary. The site is located in recognised Green Belt.

### Proposal

This is a full application for the change of use of the lodge from residential to a residential care home facility for the treatment and rehabilitation of adults with autism (Use Class C2). Under the Town and Country Planning Use Classes (Amendment) Order 2005, a Class C2 use relates to *residential institutions*. This use class includes residential schools and colleges, hospitals and convalescent/nursing homes.

The converted lodge will provide accommodation for four residents with ancillary activity space being provided within the outbuilding. The aim is to provide accommodation suitable for the holistic care and treatment of residents which compliments that to be provided in the main house and annexe. The covering letter describes the use as a step down facility directly related to the use of the main house and annexe as a residential care home for adults with autism and learning disabilities. The lodge will therefore provide a living environment where residents who are more able can be provided with

necessary treatment, rehabilitation and education within a more independent environment.

The planning statement accompanying the application states:

*The purpose of the lodge is to provide geographical proximity to West Hills House, and cohesive consistent continuation of stable care, while also offering the first opportunity for some residents, for many years, to explore, or re-explore, the possibility of a greater degree of independence. The intention is to create, within the lodge, a separate therapeutic environment, which requires a greater degree of self-responsibility than the main provision, while also affording a continuity of support.*

The scheme also proposes the enclosure of the existing courtyard to the rear of the premises to provide additional accommodation. The erection of a wall and doors in place of the existing fencing on the north-western side of the courtyard is proposed, with the addition of a part glazed/part tiled roof. The courtyard when enclosed will provide a room of approximately 20 square metres. A detached single storey outbuilding (with no link to the lodge) to the south-west of the lodge building is proposed to replace an existing outbuilding located to the western boundary. The building will provide 35 square metres of accommodation and is proposed to be constructed from a timber frame, cedar boarding and a slate roof.

This application follows planning approval for the change of use of West Hills House and annexe on 4 April 2007 as a residential care home (Use Class C2). For the reference of Members the planning statement accompanying this planning application stated:

*In practice residents of West Hills will have generally passed through either local authority or NHS care but have failed to be provided with the necessary environment and care to enable progress to rehabilitation to occur. The facility will offer a structured environment for the assessment and treatment of adults with varying degrees of autism including those who have learning disabilities and behavioural problems. For some individuals, such levels of provision can be required for a number of years. In this instance all the individuals treated on site will be residents.*

The access and parking arrangements will remain as existing. A Planning Statement and Bat Survey have accompanied the application.

### Relevant Policies

WMSS PA1, PA14  
WCSP D.16, D.29, D.38, D.39, SD.1, SD.2, SD.4, SD.5, SD.6, SD.7, SD.8, T.1  
BDLP C27, C27b, C27c, DS2, DS13, S13a, S28, S29, TR11  
Others PPS1, PPG2, PPS7, PPS9, Circular 06/05, PPG13, SPG4, SPG10

### Relevant Planning History

B/2006/1383 Change of use to residential care home (Use Class C2): approved  
04.04.2007 (West Hills House)  
B786 Conversion of lodge into two self-contained flats: approved 24.02.1975

## Notes

The main issues with this particular application are considered to be:

- (a) Whether the proposal represents appropriate development in the Green Belt, taking into account the relevant policies including SD.4 and D.16 and D.29 of the WCSP, DS2, C27 and C27c of the BDLP and Government advice contained within PPG2, PPS7 and PPG13
- (b) Sustainability issues
- (c) Impact on traffic and highway safety

## **Green Belt Issues**

### **(a) Reuse of building**

Policy DS2 of the Bromsgrove District Local Plan notes that permission for development in the Green Belt will not be given, except in very special circumstances, for the construction of new buildings or for the change of use of existing buildings unless as criteria (a) states, proposals are for the re-use of rural buildings, in accordance with Policy C27 of the Bromsgrove District Local Plan. Policies DS2 and C27 of the BDLP and Policy D.39 of the Structure Plan are in general accordance with national guidance provided in PPG2 in allowing the re-use of buildings in the Green Belt. Policy S13A of the BDLP relates to the change of use of an existing dwelling unit in the Green Belt to an alternative use and lists a number of criteria including:

- (i) Any re-use should not have a materially greater impact than the existing dwelling on the openness of the Green Belt and the purposes of including land in it
- (ii) Extensions to any re-used dwelling and associated land surrounding the dwelling will be strictly controlled, where this would conflict with the openness of the Green Belt and the purposes of including land in it
- (iii) The dwelling is of permanent and substantial construction and is capable of conversion without major works or reconstruction
- (iv) The form, bulk and design of the conversion is in keeping with its surroundings
- (v) Traffic generated by the development can be accommodated and parking facilities provided without detrimental to highway safety or the visual amenities of the Green Belt
- (vi) The change of use does not lead to a number of dispersed land uses that would be detrimental to the function and vitality of nearby settlements
- (vii) No material harm is caused to the amenity of nearby residents

In terms of the structural condition of the building, Policy C27 of the Bromsgrove District Local Plan is clear in requiring that buildings are of permanent and substantial construction **AND** are capable of conversion without major works or complete reconstruction (my emphasis).

I note the established use of the premises to relate to two residential dwellings (although the building would appear to be vacant at present). I would suggest that the proposed use of the building to a care home use for four residents would not have a materially greater impact on the Green Belt than the existing use. The proposed care home use is

likely to result in cars parking on the site, but provided this is limited to the existing car-parking areas I am satisfied the proposed use would not have a materially greater impact on the Green Belt. Furthermore, the use of the lodge would complement that of the care home use approved in April 2007.

### **(b) New Build**

Policy D.39 of the adopted Worcestershire County Structure Plan states that there will be a presumption against allowing inappropriate development in the Green Belt as stemming from national planning guidance PPG2 "Green Belt". Inappropriate development is, by definition, harmful to the Green Belt. Policy D.12 and D.38 of the Worcestershire County Structure Plan and Policy DS2 of the Bromsgrove District Local Plan are in general accordance with PPG2 in resisting development in the Green Belt unless the proposals fall within a defined list of appropriate development. The extension to the courtyard and the detached structure do not fit into any of the categories of appropriate development. I am therefore of the view that the proposal is, by definition, classified as inappropriate development in the Green Belt. On this basis it is now for me to consider whether any very special circumstances exist to outweigh the harm that would be caused.

In considering whether very special circumstances exist, the harm caused to the Green Belt, its aims and purposes as set out in PPG2 need to be considered with any other harm and assessed against any advantages to the proposed development. In this case, I consider the erection of the extension and detached structure would, in themselves, go against the fundamental aim of the Green Belt policy (PPG2, paragraph 1.4) to preserve openness.

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.

Members will also now be aware that establishing very special circumstances involves a balancing exercise. On the one side is the extent of the harm to the Green Belt by virtue of inappropriateness and any other factors. On the other side are the positive advantages of the proposal. Very special circumstances exist where the advantages outweigh the harm.

A supporting statement has accompanied the application and provides the following information:

- (a) The re-use of the building, including the courtyard development is not assessed to have a materially greater impact than the former residential use on the openness of the Green Belt. The modest extension will not conflict with the openness of the Green Belt
- (b) The provision of the replacement building, which is proposed to be used as an activity room, forms an integral element of the step down facility and is important element of the ongoing care and rehabilitation provided to its residents
- (c) In order to compensate for the additional floorspace proposed, an existing outbuilding on site will be demolished. The existing outbuilding is located close to West Hills Lane and its removal is considered to have a positive impact on the appearance and openness of the Green Belt
- (d) The siting of the new build adjacent to the existing lodge will result in a more compact development and accordingly provide a net gain to the openness of the Green Belt
- (e) The location and surroundings of the site will enhance the treatment/rehabilitation of individuals and significantly contribute to their quality of life
- (f) The existing outbuildings that are to remain are not suitable to be converted to provide activity space due to their location, scale and state of repair
- (g) The style of the building and notably the roof pitch has been designed to reflect the arts and crafts design and character of the lodge. Whilst a reduced pitch would lower the overall height, given its close proximity to the lodge is it felt that a steeper pitch is more appropriate and in keeping with the site and provides harmony between the two buildings

I have considered these views. The extension to the rear will be viewed against the backdrop of the existing building. Given this context and the small-scale appearance of the proposal that infills a void created by the juxtaposition of the existing body of the main building, I consider this aspect of the scheme would have limited harm to the openness and visual amenities of the Green Belt in this location.

Members will note the views of the CO in relation to the detached structure. Although I note these comments, the applicant's agent has stated that the structure is to be constructed from a timber frame with cedar boarding and a slate roof. I consider such materials would be appropriate in this rural location, the details of which can be conditioned in order to obtain final approval from the LPA. The applicant is willing to remove an existing structure within the site of approximately 41 square metres. The new building has a floor area of 35 square metres. The new building will be located 4.6 metres from the main lodge building and thus will be less harmful to the openness of the Green Belt given this close relationship (the existing structure is located approximately 23 metres from the main lodge building). The removal of the outbuilding will thus contribute to greater openness of the Green Belt. However in order to ensure this is done I suggest it is pertinent to impose a suitable Condition to ensure this occurs.

Although I am not convinced the proposed use of the building represents a very special circumstance *per se*, given the circumstances detailed above, including the design of the new building, and having considered the list of criteria set out in Policy C27 and C27c of the BDLP and Policy D.16 of the WCSP, I am of the view that the resultant scheme would

have limited harm to the openness of the Green Belt and the purposes of including land within in it in this location. I therefore consider very special circumstances exist in this case to permit the application to be acceptable.

### **Sustainability issues and minimising the need to travel by car**

Policies SD.4 and T.1 of the WCSP both state that proposals for development will normally only be allowed where they are located so as to minimise the need for travel, particularly travel by private car. In respect of the change of use of buildings in rural areas for employment purposes, WCSP Policy D.29 states that proposals which are likely to result in a significant increase in numbers and length of journeys to works by car are unlikely to be acceptable since they would conflict with the aim of moving towards a sustainable pattern of development.

Paragraph 2.7 of the WMSS acknowledges that in spatial terms, it is particularly the outward movement of people and jobs away from the Major Urban Areas (MUAs) which is increasingly recognised as an unsustainable trend and one which provides the Region with a key challenge. Among the pressures identified, this trend is seen as increasing the pressures on the environment, encouraging development of Greenfield sites and increasing the need for car-based travel. The spatial strategy for the development of the West Midlands therefore identifies the need to create balanced and stable communities across the Region as a key issue (WMSS, paragraph 3.1). Paragraph 3.2 goes on to state that an important factor in the trend of decentralisation from the MUAs has been the availability of development land in the settlements close to them. This has contributed to the loss of investment, abandonment and environmental degradation in the MUAs and increased development and environmental pressures in other parts of the Region. The dispersal of population and activities under-uses the social and physical resources of the MUAs and contributes to unsustainable development patterns that lead people to make more and longer journeys, more often than not by the private car. Paragraph 3.3 identifies that at the same time some rural areas have suffered from insufficient economic activity and suitable housing development to support a balanced population. This has resulted in people either leaving or needing to travel greater distances to access services and job opportunities.

The application site is clearly away from any town centre and indeed any part of an urban area. The nearest bus stop is located on Redhill Road, approximately 150 metres from its junction with West Hill Lane, approximately 650 metres from the site). This stop service runs at 15 minute frequencies during the day serving Kings Norton, Hawkesley, West Heath, Northfield Station, Bournville and King's Heath. The site is seen to be isolated and poorly related to good public transport links. The proposed new use is likely to generate a significant number of trips, the majority of which will be by private car.

In the traffic assessment accompanying B/2006/1383, the report concludes that the proposed use will not result in an intensification of use of the access or surrounding highway network but would lead to a net reduction. The traffic generated by the proposed development will be spread throughout the day, primarily as a result of shift working patterns. The report refers to an analysis of the two junctions (Lea End Lane/Birmingham Road (A441) to the south of the site and the junction of West Hill Lane and Redhill Road to the north and concludes that both have significant levels of spare capacity on all movements, both with and without any development. Given the relationship of the lodge to the main house, I consider these findings to be relevant to this

application. Furthermore, Members will note the use of the lodge is complementary to that of the functions carried out at the main house.

Although I note the application site is not in the town centre and not well-served by regular public transport facilities, I am of the view that the proposed residential care home use would not generate significant additional traffic (staff, visitors, deliveries) over and above that of the current established residential teaching/training/conference use of the whole site. For reference, the previously submitted Transport Assessment denoted the new use would lead to a net loss of trips to the site given the current emphasis on delegates travelling to the site to attend conferences.

The WCC(HP) has raised no objection to the scheme.

### **SPG10 Issues**

As the proposal is for a care home which does not involve the creation of separate living units, the provisions of SPG10 do not apply in this case. However, I consider it pertinent to condition the use of the lodge to ensure it remains ancillary to the main care home function operated at West Hills House to ensure a separate planning unit is not created.

### **Other Issues**

Given the isolated location of the premises, I do not consider the proposals will have any adverse impacts relating to overlooking or loss of privacy.

The submitted bat survey confirms the presence of a significant roost of brown long-eared bats within the main roof void. The report goes on to state that it would appear likely that the roost has been in regular use by a number of individuals over a number of years. For the reference of Members it is an offence to damage, destroy or block access to a bat roost or to disturb bats while they are using a roost. The proposed works are unlikely to have an adverse effect on those elements of the building currently in use as a roost and thus I suggest it is pertinent to append an informative note reminding the developer of their responsibilities in such matters. The applicant will need to acquire a licence from DEFRA in order to undertake any works to the roof void and a detailed mitigation strategy will be required to be submitted to Natural England.

The views of the WWT on this issue are noted.

**RECOMMENDATION** that the determination of the application be **DELEGATED** to the Head of Planning and Environment Services upon the expiry of the publicity period on 19 July 2007.