

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Pipsilver Limited 'B'	Nursing home and associated offices - outline (as augmented by Phase 1 Ecological Survey Report and Arboricultural Survey Report Received 02.06.2011; as amended by application forms received 02.06.2011) - land to the rear of 1 - 6 Smedley Crooke Place, Redditch Road, Hopwood, Alvechurch	GB	<b>08/1038-DK</b> 30.08.2011

**RECOMMENDATION:** that delegated powers be granted to the Head of Planning and Regeneration Services to determine the application following the expiry of the publicity period on 25th August 2011.

### Consultations

Alvechurch  
PC Consulted 03.06.2011. Response received: 28.06.2011.

Objection. This is inappropriate development in the Green Belt. There are no special circumstances to justify the development in this area. The development is outside the village envelope. There may be a case for such a proposal in Bromsgrove but not in a hamlet like Hopwood. The site is not brownfield and as outlined by the Principal Planning Officer last year, it is Green Belt and there will always be a presumption against development at this location.

WH Consulted 03.06.2011. Response received 29.07.2011.  
Objection as per responses received on 19.07.2010 and 02.08.2011:  
Recommends that permission be refused for the following reasons -

The applicant is missing key information to allow for the analysis of the alterations to the highway network.

- The applicant should provide a transport assessment prepared in accordance with Worcestershire County Council's guidance note. This must include a travel plan which is presently absent.
- The application should include a stage 1 road safety audit.
- The applicant should delete reference to the provision of an emergency access. This location is unsuitable due to inadequate visibility. The drawings should promote the closure of this existing access.
- The roundabout design should be reviewed in accordance with the below detailed comments.
- The applicant should provide additional assessment of how the site is to provide and promote sustainable access in light of the isolated nature of the site.
- The car parking provision is proposed as 51 spaces. The County Council standard is 105 spaces; due to the isolated nature of the site, the maximum parking provision should be provided.

- The application proposes an ancillary office, but this separation distance makes this look like a standalone unit. The applicant should explain the need and relationship of this building with the proposed nursing home. (For the above car parking calculation I have assumed as proposed that the office unit is ancillary).

Insufficient information relating to the design of the altered roundabout has been provided, the TA does not provide all the information which is required and the car parking is not appropriate for the use class or the environment. It is therefore recommended that this be refused due to a lack of information.

ENG Consulted 03.06.2011. Response received: 01.07.2011.  
No objection subject to conditions.

Tree Officer Consulted 03.06.2011. Response received 03.08.2011.  
No objection subject to conditions.

EHO Consulted 03.06.2011. Response received 29.06.2011.  
Contaminated Land No objection subject to conditions.

EDO Consulted 03.06.2011. No response to date.

WWT Consulted 03.06.2011. No response to date.

Publicity 6 letters sent 03.06.2011 (expired 24.06.2011)  
Site notice posted 21.06.2011 (expired 11.07.2011)  
Press notice published 09.06.2011 (expired 30.06.2011)

29 responses received summarised as follows:

- This is a Green Belt site and the proposal is contrary to policies DS1, DS2, DS13, S6, S7 and TR3.
- There is already a nursing home at Havencroft with 32 rooms and an occupancy of 21. There is no further demand for nursing home spaces in Hopwood.
- Unacceptable access onto the roundabout on the A441.
- The A441 is already at capacity without the completion of the Longbridge development.
- There are ADRs in Alvechurch which could provide the accommodation proposed.
- The elderly residents would be trapped by a dangerous road with no where to walk to.
- The development is not infill and lies outside the boundary of the settlement.
- A development of this scale would destroy the setting of the hamlet.
- There are no very special circumstances to justify the proposal.
- The provision of care homes is already at a high level; indeed, the level of provision is so high that the number of people in care and nursing homes represents a disproportionately high proportion of the

population. The effect of this is that the district is already providing to a considerable extent for needs arising in Birmingham. This is contrary to the principle that in rural areas (of which this is one), development should be limited to Local Needs (which excludes demand from migrants) - see WMRSS policies RR1 and CF2.

<b>name</b>	<b>location</b>	<b>type</b>	<b>places</b>
Hopwood Court	Hopwood	care home	23
Havencroft	Hopwood	nursing home	32
The Leys	Alvechurch	care home	20
Grosvenor House	Alvechurch	nursing home	25
The Lawns	Alvechurch	care home	40
			<b>140</b>
Mapleleaf Lodge	Forhill, Wythall	disabled	13
Redwood	Barnt Green	care home	26
Moundsley Hall	Walkers Heath	care home	99
			<b>278</b>

*Source: Care Quality Commission website*

- The application is for unacceptable development in the Green Belt, contrary to PPS2.
  - There are no exceptional circumstances that would warrant departure from the normal rules on this.
  - It is for development of a kind for which there is no local need contrary to WMRSS policies RR1 and CF2.
- Accordingly, the application should be refused.

### The site and its surroundings

This application relates to an area of land measuring some 1.2 hectares located on the eastern side of Redditch Road. The site is predominantly open scrubland with a storage container and discarded rubble. Natural field hedges interspersed with semi-mature and mature tree specimens are located to the site boundaries, with a row of mature conifers approximately 6 metres in height to the frontage boundary facing Redditch Road. The rear gardens of residential dwellings located in Smedley Crooke Place back onto the northern boundary. An existing vehicular access is located to the north-west corner leading off Redditch Road. The site is located in recognised Green Belt.

### Proposal

This is an outline application for the erection of a nursing home and ancillary office building and associated works. The application was originally received on 01.12.2008 and reserved all matters for future consideration apart from access arrangements. It remained invalid for a considerable period of time. The applicant presented details of the scale and layout of the proposal. However, there was misinformation presented in respect of trees and ecology and notice under Article 3 of the Town and Country Planning (General Permitted Procedure) Order 1995 was served on 11.06.2010. The additional information comprising an Ecological Survey and Arboricultural survey was received on 03.06.2011.

The nursing home building is a two-storey complex. The building has a height to ridge of 8.5 metres and extends to a footprint of 4,845sqm. The detached office building would be to the west of the main complex and amount to 372sqm in area.

A new vehicular access proposed centrally within the site leading off the roundabout located on the A441 (Redditch Road). A car-park consisting of 51 no. spaces is proposed, together with associated circulation space. A private garden will be provided in the southern part of the site.

The existing tree screening to the north, east and western boundaries are proposed to be retained, with the loss of the section of conifer screening to the western boundary to facilitate the new access.

A Design and Access Statement and Transport Statement accompanies the application.

### Relevant policies

WMSS UR4, PA1, PA14, QE3, QE6, T2, T3  
WCSP CTC.1, CTC.5, CTC.14, CTC.15, D.19, D.26, D.28, D38, D39, T.1  
BDLP DS1, DS2, DS13, C4, C10A, C12, C16, C17, E4, E9, TR11  
DCS2 CP22  
Others PPS1, PPG2, PPG4, PPS7, PPS9, PPG13, PPS23, Circular 06/05

### Relevant planning history

B/2007/0626 Nursing home and associated offices: outline (recommended for refusal). Withdrawn 30.11.2007.  
B/2007/0261 Office development (outline): withdrawn 30.11.2007.  
B/2006/0080 Office development (outline): withdrawn 10.05.2006.  
B/1997/0986 Removal of existing entrance gates and erection of new security gates and fencing: approved 09.03.1998.  
B/1995/0862 Erection of public house and associated parking and area for social housing and / or public open space: refused 15.01.1996.  
B/1991/0966 B1 development: withdrawn 09.12.1991.  
COU/1/85 Certificate of Lawfulness relating to external storage of plant and machinery: granted 06.02.1985.

### Notes

Given the location of the site in recognised Green Belt, I consider the main issues in the determination of this application are:

- (i) whether the proposal represents appropriate development in the Green Belt; and if not,
- (ii) whether very special circumstances exist that clearly outweigh the harm caused to the Green Belt, the purposes of Green Belt policy and any other harm;
- (iii) whether the proposal complies with the strategic policies relating to the location of new development as set out in the WCSP and the WMSS;
- (iv) implications for residential amenity and highway safety.

## Whether Appropriate Development in the Green Belt

Members should note that the proposed site is not within the village envelope of Hopwood. Policy DS2 is in general accordance with WCSP and PPG2 in defining the types of development that may be deemed appropriate within the Green Belt. None of the relevant policies define the erection of a new nursing home as being appropriate development within the Green Belt. Policy D.28 of the WCSP states that new business buildings will only be allowed in identified settlements within Green Belt areas and the site does not fall within any such area. As such, I consider the proposal represents inappropriate development in the Green Belt. PPG2 states that inappropriate development is by definition harmful and in considering whether very special circumstances exist, substantial weight shall be attached to the harm caused.

For the reference of Members, this site benefits from a Certificate of Lawfulness (CLUED) for the external storage of plant and machinery. The Certificate was granted on 6 February 1985 and covers the entire site. The Certificate refers to the storage of plant. It is considered that plant in this case relates to engineering plant, both large and small, used for the construction industry. It would include plant conveyors. The Certificate does not cover the sale and repair of plant. Thus whereas operations involving the storage, movement on and off site of plant is lawful, repairs for the purposes of sales of plant on site would not be lawful.

### Harm caused

In this case, I consider the erection of the new nursing home building would, in itself, go against the fundamental aim of the Green Belt policy (PPG2, paragraph 1.4) to preserve openness.

I also consider the proposal would go against the intentions of Green Belt policy to ensure development takes place in locations allocated within development plans. This policy stance is supported by policy PA1 of the WMSS which states that wherever possible economic growth should be focused on the Major Urban Areas. This is supported by policy T.2 which seeks to reduce the need to travel, particularly by car, by encouraging developments which generate significant travel demands to be situated where accessibility to public transport links is maximised.

The application site is not in the town centre and not well-served by public transport facilities. The proposal would therefore attract trips to and from the site, with the majority of these trips made by private car. Current strategic planning policy is clear in stating that the application site is not in the preferred location for such new development.

The proposed complex is substantial extending to 4,845sqm and 8m in height. I note the retention of the boundary hedge to the front (apart from the section which will be removed for the proposed access). However, I still consider that the proposal would be an alien and intrusive feature of substantial scale visible from the properties on Redditch Rd, Smedley Crooke Place and Woodpecker Close. There would be a significant impact on the openness of the Green Belt at this location.

## The case for very special circumstances

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"

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.

There is a Design and Access Statement presented with the application (received 01.12.2008) but no mention of very special circumstances. These have been requested of the applicant and a response has been received on 01.08.2011. The case is summarized as follows:

- Fallback position in terms of the CLEUD
- Quantitative and Qualitative Need for Nursing Homes
- Brownfield Land
- Sustainable Location
- Screening

The applicant has stated that there is a substantial and growing need for residential care and nursing homes amounting to 3068 and 1069 places respectively. The figures relate to Worcestershire. It is unclear why the need cannot be fulfilled in the urban areas of the County.

Members should note that a case for very special circumstances was not accepted in application B/2007/0626.

Members should note the existence of the CLEUD for the storage of plant and this relates to the storage of engineering plant and not the sale or repair of such plant. The site has not been utilised for this use for at least eight years and the site at present is predominantly open. I do not consider it a brownfield site.

Overall, I do not consider that very special circumstances exist in this instance to outweigh the identified harm to the Green Belt.

## Residential amenity

Although not relating strictly to a residential development scheme, I consider the contents of SPG1 to be relevant. This document includes separation distances to existing dwellings so as to avoid detriment to residential amenity due to overlooking, overshadowing and overbearing affects. The Guidelines suggest that new development with main windows overlooking existing private spaces should be set back by a distance of 5 metres per storey from the site boundary where it adjoins a private garden area. Paragraph 8.2 of SPG1 states that a general guide, a minimum distance of 21 metres for two-storey conventional houses is suggested between window walls.

The dwellings in Smedley Crooke Place are located to the northern boundary. The main care home building is located 60 metres from the rear elevations of these dwellings and approximately 45 metres from the rear garden boundaries. Members will note this guidance relates to purely residential development and the contents of this document should be used flexibly. I am of the view that the development would not cause demonstrable loss of amenity to the occupiers of these dwellings and to be able to secure and accommodate a reasonable level of privacy in this instance.

## Ecological Issues

A Phase 1 Ecological Survey has accompanied the application. The survey results show that there are no protected species which would be negatively affected by the proposal. Therefore the application would meet with the requirements of PPS9 and the relevant policies set out in the WCSP and the BDLP relating to this issue.

## Highway Issues

Highway safety is detailed in policy TR11 of the Bromsgrove District Local Plan. This policy requires that all development incorporate safe means of access and egress appropriate to the nature of the local highway network. Members will note the objection raised by WH.

## Conclusions

The erection of the new nursing home and associated ancillary office building represents inappropriate development in the Green Belt and therefore should only be allowed if very special circumstances exist that clearly outweigh the harm that would be caused. This involves a balancing exercise weighing the existence and degree of harm that would be caused to the Green Belt against the factors of advantage. Even if it is accepted that there is a need for a nursing home within the District, I see no good reason as to why such a facility needs to be provided within a Green Belt location. The provision of a nursing home on the site would go against WMSS and WCSP policy seeking to minimise the need to travel by car.

I therefore consider that very special circumstances do not exist and recommend that permission be refused. Members will also note the strong objection on highway grounds advocated by WH.

**RECOMMENDATION** that outline planning permission be **REFUSED** for the following reasons:

1. The proposed development relates to inappropriate development in the Green Belt. The scheme would harm the openness and visual amenity of the site. No very special circumstances exist that clearly outweigh the harm caused and therefore the proposal is contrary to policies SD.2, SD.4, D.28, D.38, D.39 of the Worcestershire County Structure Plan 2001 and policies DS2 and DS13 of the Bromsgrove District Local Plan 2004 and the provisions of PPG2 (Green Belts)
2. No information has been provided to prove that the proposed development would not jeopardise highway safety and the free flow of traffic upon the A441. As such the development is considered to be contrary to policy TR11 of the Bromsgrove District Local Plan (2004).