

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>MR. C. GRANT,</b> <b>'A'</b>	Retention of Gazebo - Glenfield House Nursing Home, Middle Lane, Headley Heath, Birmingham, B38 0DG (as augmented by information received 25.10.2011 and 23.11.2011)	GB	<b>11/0686-HR</b> 25.10.2011

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

**RECOMMENDATION:** that permission be **REFUSED**.

### Consultations

WH	Consulted - views received 08.09.2011: No objection subject to conditions relating to: <ul style="list-style-type: none"> <li>▪ Access, turning and parking</li> <li>▪ Site operative parking</li> <li>▪ Travel plan</li> </ul>
Drainage Engineer	Consulted - views received 24.08.2011: No objection subject to conditions relating to: <ul style="list-style-type: none"> <li>▪ Surface water drainage</li> </ul>
STW	Consulted - views received 30.08.2011: No objection subject to conditions relating to: <ul style="list-style-type: none"> <li>▪ Surface water drainage</li> <li>▪ Foul drainage</li> </ul>
Tree Officer	Consulted - views received 02.09.2011: No objection subject to conditions relating to: <ul style="list-style-type: none"> <li>▪ Planting schedule</li> </ul>
Wythall PC	Consulted - views received 02.09.2011: No objection
Publicity	5 letters sent 29.09.2011 (expired 21.10.2011) 1 site notice posted 15.09.2011 (expired 06.10.2011) 1 press notice published 29.09.2011 (expired 21.10.2011)

One objection received:

- Application previously refused under 09/0821: nothing has changed in any form between the two submissions.
- Located in dangerous position on edge of busy car park with access via a downward slope.
- No separate safe thoroughfare for these elderly slow moving residents some of whom are wheelchair bound, only a busy road leading to the car park.
- Impact on the openness of the Green Belt.
- Screening is not a reason to grant the application.
- Loss of privacy and well being.

### The site and its surroundings

The application relates to a detached building currently used as a nursing home. The property lies to the north east of Middle Lane on the edge of a small group of buildings which includes residential dwellings, a church and commercial uses. The building is predominantly two and three storeys in height and is open to Middle Lane. To the rear and side of the building are designated parking areas and a garden.

The application site is located in a recognised area of Green Belt.

### Proposal

This application seeks consent for the retention of an open sided gazebo which has been constructed on land at the rear of the site.

### Relevant Policies

WMSS	QE1, QE3, QE6
WCSP	SD.2, CTC.1, D.28, D.38, D.39
BDLP	DS1, DS2, DS13, S21, RUB2, TR11
DCS2	CP3, CP10, C4, E4
Others	PPS1, PPG2, PPS4

### Relevant Planning History

09/0821	Retrospective application for retention of gazebo. Refused 28.01.2010
09/0509	Extension to existing nursing home - basement, ground and first floor extension and rear car (amendment to planning approval B/2008/0615) (as amended and augmented by information received 10.07.2009 and amended by plan received 04.08.2009). Granted 18.09.2009.
B/2008/0615	Two storey rear extension to provide additional bedroom accommodation and changes to car park provision. Granted 06.11.2011.
B/2006/1114	Conservatory to nursing home. Granted 07.12.2008.
B/1998/0260	Brick sign - Advertisement consent. Approved 10.08.1998.
B/1993/0381	Extension of basement area under whole of new wing and internal alterations. Approved 21.06.1993.
B/1991/0642	Repair, alterations and extensions to form residential nursing home for the elderly. Approved 07.10.1991.
B20027	Change of use and extensions to form residential nursing home. Refused 11.03.1991.
B19691	Extensions and change of use to form residential care home for the elderly (as amended by letter received 19.09.1990).
B16843	Extension of building and use as residential nursing home. Withdrawn.
B16843	Provision of 7 no. luxury 2 bedroom apartments with swimming pool and garage block (as augmented by plans received 11.07.1988 and amended by plans received 12.09.1988). Approved 14.03.1988.

- B16009           Erection of side and rear extension to nursing home (as amended by plan received 01.03.1988). Approved 14.03.1988.
- B14667           Change of use to residential nursing home. Approved 19.01.1987.

### Notes

The main issue in the consideration of this application is whether the proposed gazebo is an appropriate form of development in the Green Belt and, if not, whether any very special circumstances exist which clearly outweigh the harm caused. The proposal must also be considered in terms of the impact on the visual amenities of the locality and the residential amenities of adjoining properties.

### Green Belt

Policy D.39 of the Worcestershire County Structure Plan 2001 and policy DS2 of the Bromsgrove District Local Plan 2004 are in general accordance with advice given in Planning Policy Guidance Note 2: Green Belts in stating that inappropriate development in the Green Belt will not be allowed unless very special circumstances exist to outweigh the harm caused. Policy DS2 reflects PPG2 in setting out the instances where development may be considered acceptable. No provision is made under this policy for the development associated with residential care homes. Policy D.28 of the Worcestershire County Structure Plan 2001 states that the expansion of existing businesses in the Green Belt will only be permitted in those settlements identified in the Local Plan where infilling is acceptable. The application site does fall within an identified settlement.

It is therefore considered that the proposed gazebo is an inappropriate form of development in the Green Belt. Inappropriate development is, definition, harmful to the Green Belt.

PPG2 states that the most important attribute of Green Belts is their openness. Standing away from the existing nursing home, the gazebo extends the built form of the application site and the tight cluster of buildings which the site belongs to into a previously undeveloped area. It has a footprint of 38 square metres and a height of 3.55 metres. Although open sided it is of a robust construction with timber posts and a felt tiled gabled roof. I therefore consider that the gazebo is harmful to the openness of the Green Belt and to some extent constitutes encroachment.

It now follows me to consider whether any very special circumstances exist which outweigh the harm 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 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." (*Council emphasis*).

The LPA takes 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.

The applicant has put forward the following points:

**(a) Landscaping and Screening**

- A new line of semi-mature trees will be planted along the north west of the gazebo to link with existing mature tree line to obscure the facility from the house and neighbours and will reduce the starkness of the building. It will also screen the gazebo from the road and reduce distraction.
- Landscaping and introduction of small beds and bushes to the eastern element will reduce the bare impact in the Green Belt.

**(b) Health Benefits**

- This proposal will be of great benefit to the residents who at present do not have access to any outside facilities. They are restricted to their rooms or the conservatory previously approved. This facility will give residents the ability to sit outside in the fresh air and to meet visitors in an attractive open air environment which is important in elderly facilities. It will contribute to the resident's well being and general health and support these objectives as set out in the Draft Emerging Core Strategy. It is anticipated this facility will be available for many months from Spring to Autumn.
- The addition of this facility will greatly enhance the day-to-day living experience at Glenfield and will improve general well being in addition to all the health benefits that arise from being able to venture out into the fresh air.
- The gazebo will be of great benefit to the residents and families of residents of Glenfield who can enjoy the benefits of sunshine and fresh air. It will be well separated from the main buildings and will provide further enhancement to resident's wellbeing and facilities on top of the conservatory facilities approved by Council members.
- The gazebo will provide a sheltered area to the rear of the site, for the enjoyment of residents and their families during visiting and enjoy the benefits of sunshine and fresh air, while under a shaded roof.

**(c) Safety**

- A clear route from the house to the gazebo will be clearly marked to ensure no complications with the car park which has to be crossed.
- Clear lines along the tarmac will reduce any concerns about residents and Car Park traffic meeting accidentally.

I have considered these points.

Whilst I accept that the gazebo will offer health and social benefits to the residents and their families, it is considered that a justification for the proposal based on these specific grounds does not overcome the permanent harm caused to the Green Belt. This argument could be repeated time and time again and I do not consider such a stance to be "very special" when using the test Members must pay regard to as set out in PPG2. The creation of a clear route being marked from the house to the gazebo would appear logical and not unusual given residents must cross the existing car-park. As such this is a consequence of the development and certainly does not overcome the harm caused to the Green Belt by virtue of the built form of the development. Furthermore, although I note the planting schedule, development that cannot be seen does not make it appropriate and this argument could be used time and time again. Lack of harm, in itself, does not amount to very special circumstances. I thus hold no weight to the proposed screening regime to screen the structure.

I therefore do not consider the points put forward by the applicant amount to very special circumstances. For the reference of Members, the issues relating to the wellbeing of residents (albeit in a less expansive manner) and the creation of screening were not accepted as constituting very special circumstances in the appraisal of 09/0821 (refused under delegated powers in January 2010).

#### Residential Amenity

The gazebo lies over 20 metres from the boundary with the adjoining residential property, Glenfield Farm. Due to the slope of the land, views of Glenfield Farm are possible across the application site, including the gazebo. However, given the separation distance, it is considered that any impact on neighbouring amenities of the adjoining occupiers in terms of overlooking and disturbance as a result of people congregating beneath the gazebo will not be significant.

#### Response to Objection

I note the views arising from the consultation process. Whilst I note the concern that the route the elderly residents of the home would take to reach the gazebo (down a slope and across the driveway and busy car park) is not safe, I consider resident's safety is primarily the responsibility of the applicant. The other points raised are dealt with elsewhere in this report.

#### Conclusion

The gazebo is inappropriate development in the Green Belt and is damaging to the openness of the Green Belt. No very special circumstances have been identified which outweigh the harm caused.

**RECOMMENDATION:** that permission be **REFUSED**.

The gazebo represents an inappropriate form of development in the Green Belt and inappropriate development is, by definition, harmful to the Green Belt. The proposal is therefore considered contrary to the provisions of policies D.28 and D.39 of the Worcestershire County Structure Plan 2001, policy DS2 of the Bromsgrove District Local Plan 2004 and the provisions of Planning Policy Guidance Note 2: Green Belts. The

development is damaging to the openness of the Green Belt and challenges the purposes of including land within the Green Belt. No very special circumstances have been put forward or exist that would outweigh the harm caused.