

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
<b>Mr. and Mrs. M. Bales</b> <b>'A'</b>	<p>Hybrid application comprising:-</p> <p>Outline application for the redevelopment of exiting residential institution within Class C2; to provide 58 dementia/memory loss units (Use Class C2); and</p> <p>Full application for the Demolition of extensions to The Uplands and out buildings in connection with the former residential institution; alterations of The Uplands (as retained) to provide 5 No. apartments and a dwelling within the coach house (use Class C3)</p> <p>Alterations to the existing access to Burcot Grange and The Uplands; provision of access to new accommodation and additional car parking.</p> <p>The Uplands, 33 Greenhill, Burcot, Bromsgrove, B60 1BL</p>	GB	<b>11/0796-DK</b> 17.02.2012

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

#### Consultations

WH	<p>Consulted: 21.09.2011. Response received: 20.12.2011.</p> <p>No objection subject to the following conditions:</p> <ul style="list-style-type: none"> <li>▪ HC5A Visibility Splays (Northern Access)</li> <li>▪ HC5B Visibility Splays (Southern Access)</li> <li>▪ HC8 Vehicle Access Construction</li> <li>▪ HC25 Access, Turning and Parking</li> <li>▪ HC36 Cycle Parking (Multi Unit)</li> </ul> <p>and the following advisory:</p> <ul style="list-style-type: none"> <li>▪ HN5 Alteration of highway to provide new or amend vehicle crossover</li> </ul>
Lickey and Blackwell PC	<p>Consulted 21.09.2011. Response received: 18.10.2011.</p> <p>Lickey and Blackwell Parish Council have some concerns about this application.</p> <ol style="list-style-type: none"> <li>1. Green Belt. We recognise that BDC has agreed that developments to Burcot Grange are acceptable in the Green Belt. Therefore we have no objection to the proposed development. However we do not want to see this as setting a precedent.</li> <li>2. We have concerns about the effects of increased traffic on Greenhill, particularly during the period of construction. We urge that where necessary conditions, such as designated routes, be imposed.</li> </ol>

However we are particularly supportive of the improvements to The Uplands. We welcome the demolition of the modern unattractive parts of the former children's home. The proposals for the original building will be a valuable contribution to the enhancement of the proposed Greenhill Conservation Area.

Re-consulted 23.11.2011. Additional comments received 29.12.2011.

Lickey and Blackwell Parish Council have no further comments re the amendments to this application. However we are disappointed that the Highways Report, whilst covering the access splays etc, makes no assessment of the impact of additional traffic particularly during construction. Our Village Design Statement adopted by BDC states in 7.3:

3. When larger developments are proposed, the Highways Partnership should undertake traffic studies on the impact the extra traffic will have on rural roads. This should include the following:
  - possible damage to verges and banks (for example Greenhill),
  - possible loss of trees and hedges, making reference to the Tree and Hedge Guidelines in Section 11.0.

ENG

Consulted 21.09.2011. Response received: 30.09.2011.  
No objection subject to conditions.

Re-consulted 23.11.2011. Response received 21.12.2011.  
No objection subject to conditions.

Strategic  
Planning  
Manager

Consulted 21.09.2011. Response received: 08.12.2011.

The above site is located within the Green Belt and therefore PPG2 and policy DS2 of the adopted Bromsgrove District Local Plan are relevant. There are 2 distinct parts to the proposal, namely the detailed conversion scheme to create 6 residential units and the outline proposal for the construction of 58 dementia units and each will be considered in turn below.

#### Conversion to form 6 residential units

As the proposal is for a change of use policy C27 applies and this policy sets out a range of criteria against which this application can be assessed. In principle a change of use is acceptable providing there is no additional harm caused to the openness of the Green Belt.

As the proposal results in a net increase of 6 residential units SPG11 is relevant. On the basis of 2 x 1bed and 4 x 2bed properties a total of 390m<sup>2</sup> of play space is generated. SPG11 states that where the amount generated is less than 1000m<sup>2</sup> it is appropriate for the play space to be provided off-site in the form of a commuted sum. Commuted sums are charged at £224 per m<sup>2</sup> meaning a payment of

£87,360 is required. It is acknowledged that a figure of this size may impact upon the viability of the scheme and therefore it may be appropriate to negotiate a different figure where robust evidence has been provided by the applicant.

#### Outline Development for 58 Dementia Units

The application proposes some demolition and a substantial new building within the Green Belt. PPG2 and DS2 both highlight the forms of development are acceptable in the Green Belt. This proposed scheme does not fall within any of these acceptable forms of development and is therefore considered to be inappropriate. There is a general presumption against inappropriate development in the Green Belt. Planning permission should only be granted where very special circumstances can be demonstrated to clearly outweigh the material harm to Green Belt. The Planning Statement submitted by the applicant suggests 5 potential very special circumstances as follows:

- 1) The substantial need for increased specialized accommodation for the elderly.
- 2) The fact the lawful use of the site is that of a Class C2 Residential Institution.
- 3) The synergy between the proposal and the existing and proposed facilities at Burcot Grange which enable the development to be self contained, with the availability of public transport on Greenhill.
- 4) The planning advantages of re-instating the stature of The Uplands as a former Gentleman's residence - which is sympathetic to the character of the established built development in the locality.
- 5) The planning advantage in securing improvement to the existing accesses to Burcot Grange, and The Uplands - and particularly in relocating the residential institution use away from the existing access serving The Uplands.

It will be crucial to determine whether the submitted circumstances can cumulatively be considered as very special circumstances that clearly outweigh the material harm to the Green Belt. If they do not the application should be refused.

Strategic  
Housing  
Manager

Consulted 18.01.2012. No response received.

Natural  
England  
West Mercia  
Police

Consulted 18.01.2012. Response received 25.01.2011.  
Please refer to national standing advice for protected species.  
Consulted 21.09.2011. Response received: 20.12.2011.  
No objections.

CO Consulted 21.09.2011. Response received: 19.01.2012.

Neither The Uplands nor Burcot Grange are listed and they are not located in a conservation area, however Greenhill has been identified as a prospective conservation area in the Bromsgrove District Local Plan 2004.

The Uplands comprises a large Victorian detached house constructed in 1874 with substantial extensions added in the 1880s to designs by John Cotton and further additions were made in 1911 to designs by C. E. Bateman. It was in institutional use for many years and a number of poor extensions and outbuildings were added.

I would therefore welcome these proposals to remove the poor extensions, restore the main building and bring it back into use.

WCC (EA) Consulted 08.12.2011. Response received: 19.12.2011.  
The catchment schools are Blackwell First, Alvechurch Middle, North Bromsgrove High and South Bromsgrove High. Under the current charges we would be looking at £2,937 for 2- or 3-bed houses and £1,175 for flats with 2 or more bedrooms. If there are to be 5 or more open market dwellings as part of the development then a contribution would be charged at these rates.

WWT Consulted 21.09.2011. No response received.  
Re-consulted 27.11.2011. Response received: 16.01.2012.  
Having studied the relevant associated documents online we do not wish to object to the proposed development. We would however recommend that you append conditions to any permission you may be otherwise minded to grant to cover the recommended ecological mitigation.

EDO Consulted 21.09.2011. No response received.  
Re-consulted 27.11.2011. No response received.

Tree Officer Consulted 21.09.2011. Response received 24.01.2011.

Tree Officer comments as follows:-

I would have no objection to this proposed development under the following conditions:

1. Full protection in accordance to BS5837 Recommendations is afforded all trees to be retained within The Uplands site and all protected trees within the grounds of Burcot Grange within influencing distance of the development.
2. A ground support system is incorporated into the specification for construction of sections of the drive and car park that will influence any BS5837 Recommended Root Protection Area of protected trees in the grounds of Burcot Grange reference items 4 and 5 above.
3. Any excavation works within the Root Protection Areas of trees mentioned in items 4 and 5 above should be carried out manually.

A landscape plan is provided for the Council's consideration detailing the full specification for tree and shrub stock to be supplied.

VS

Consulted 21.09.2011. Response received 24.11.2011.

The Victorian Society is pleased that The Uplands house is likely to be restored and brought back into residential living. It was built in three tranches for Thomas Scott and Thomas Barclay - firstly in 1874, later having extensions by Bromsgrove architect John Cotton in 1879, builder Brazier & Weaver, and in 1911 had further sympathetic extensions by Bateman and Bateman of Birmingham.

During its life as a Birmingham City Council children's home and before that in institutional use the house has become very battered and unsuitably altered, and it should be part of any permission that the exterior should be restored and as much original interior detail kept as is possible (ceiling mouldings, doors, fireplaces, etc.) and appropriately designed new fittings.

The many buildings dotted round the gardens should certainly be demolished.

The Victorian Society has no problem in principle with the proposal to change the Coach House to become a dwelling.

However we are not happy with the proposal to build a large unit in the grounds. The property is in the Green Belt. Also the result of improving the old buildings would require car parking space, and thus car parking for the proposed dementia unit would require another large car parking area.

We also wonder how the increased traffic would affect Greenhill itself, which is already rather too full of traffic at certain times.

EDO

Consulted 21.09.2011. No response to date.

WRS

Consulted 21.09.2011. Response received 29.11.2011.

(Air Quality)

No adverse comments.

WRS

Consulted 21.09.2011. Response received 13.10.2011.

(Contaminated Land)

No adverse comments.

WCC

Consulted 21.09.2011. No response received.

(Landscape Officer)

WCC (CA)

Consulted 21.09.2011. No response received.

Publicity

Neighbour notification:

1 letter sent 21.09.2011. Expired 12.10.2011.

6 letters sent 23.11.2011. Expired 14.12.2011. (Re-consultation)

Site notice posted 21.12.2011. Expired 11.01.2012.

Press Notice posted 29.09.2011. Expired 20.10.2011.

19 comments received. The issues raised are summarised as follows:

- Objection to the large dementia unit proposed since there is traffic chaos at times on Green Hill

- The restoration and conversion of 'The Uplands' is a very worthwhile project but the new dementia unit would raise traffic concerns
- There is an ongoing need for care facilities for the elderly including dementia care and the proposal would fulfil this need
- The standard of care provided at Burcot Grange is excellent
- The sympathetic restoration of The Uplands is welcome and the previous occupants of the site were a cause of trouble in Blackwell
- The traffic issues could be resolved if an adequate bus service could be provided
- The proposal is sympathetic to the architectural style of The Uplands
- The dedicated unit would provide well qualified staff
- The proposed 58 unit dementia unit would be a huge encroachment on the Green Belt. Access to the unit to and from Greenhill would exacerbate the existing traffic problems in the lane
- Having small children, we have significant concerns about the increased traffic to a level which would significantly compromise safety
- The period of construction would add to the traffic chaos on Green Hill
- The proposal would be built in a restricted Green Belt area, where the law, adhering to conservation principles would once again be compromised
- Members of the Planning Committee approved a large extension and 16 Assisted Living Units at Burcot Grange in July 2010, contrary to the advice of Officers. This development would represent a further erosion of the Green Belt
- It appears unfair that modest house extensions have been rejected on Green Hill because of Green Belt and that a development of this scale can be considered acceptable

### The site and its surroundings

The application site comprises The Uplands, located in a prominent position on Green Hill. It was built originally as a private dwelling in 1874, later having extensions by Bromsgrove architect John Cotton in 1879, builder Brazier & Weaver, and in 1911 had further sympathetic extensions by Bateman and Bateman of Birmingham. The building was later occupied as the Birmingham City Council Children's Home and closed in 2010. The building has extensive grounds and has commanding views of the surrounding countryside and there are a large number of surviving mature trees on the site.

### Proposal

This application is a hybrid planning application comprised of two components:

Firstly, there is a full planning application for the conversion of the existing 'Uplands' into 5 residential apartments and the conversion of the associated coach house into a single dwelling. There will be three 2 bedroom and two 1 bedroom apartments and the coach house will form a two bedroom dwelling. This proposal also involves the demolition of modern outbuildings and extensions to the original Victorian building.

11/0796-DK - Redevelopment of exiting residential institution within Class C2, to provide 58 dementia/memory loss units (Use Class C2) (outline); Demolition of extensions and out-buildings to The Uplands and alterations to original building to provide 5 no. apartments and a dwelling within the coach house (use Class C3) (full) Alterations to the existing accesses and additional car parking - The Uplands, 33 Greenhill, Burcot, Bromsgrove, B60 1BL - Mr. and Mrs. Bales

Secondly, there is an outline planning application for the erection of a new 58 bed dementia/memory loss unit falling within a C2 Use Class. The proposed new unit would be located at a lower position than The Uplands and would be located immediately to the north of the existing Burcot Grange. The new building will comprise 58 units with the associated day rooms, nurse rooms, assisted bathrooms, dining and interactive areas, kitchen, laundry and staff accommodation.

The proposal is accompanied by the following documents:

- Transport Statement, incorporating access drawings,
- Ecological Survey (letter)
- Bat Species Method Statements
- Landscape and Visual Assessment
- Arboricultural Summary Report
- Flood Risk Assessment
- Planning Statement

The proposal also involves alterations to the existing accesses to Burcot Grange and The Uplands and the provision of a new access way to the proposed new dementia unit.

Members are encouraged to read all of the documents accompanying the application.

### Relevant Policies

WMSS	QE3, PA1
WCSP	SD2, SD3, SD4, SD8, SD9, D28, D38, D39, T1
BDLP	DS1, DS2, DS3, DS11, DS13, S29, C27, ES4, ES5, E9, TR8, TR11
DCS2	CP2, CP3, CP22
Others	PPS1, PPG2, PPS4, PPS7, PPS9, PPG13

### Relevant Planning History

#### Burcot Grange

B/2010/0334	Provision of 13 close care suites and 16 assisted living units to form continuing care retirement community (outline) (as augmented by plans received 25th May 2010). Granted 25.08.2010.
B/2010/0337	Demolition of existing outbuildings and extensions. Erection of extensions to provide new care beds; care suites and a Dementia unit. Granted 18.08.2010.

#### The Uplands

B/2000/0259	Construction of an access corridor at first floor level to link the existing children's home and the adjacent 3 bedroom house. Granted 15.05.2000.
B/1994/0711	Erection of indoor exercise facility, size 11.50m x 6.50m floor area and all-weather macadam play area. Size 34.70m x 17.10m. Granted 10.10.1994.
B/3954/1977	Extensions and improvements to childrens' home.

### Relevant Planning History (cont'd) - The Uplands

BU/394/1969 Classroom Block. Granted.  
BU/621/1969 Superintendent's house. Granted.

### Notes:

The main issues in the determination of this application are the following:

- (i) Whether the proposal represents inappropriate development in the Green Belt
- (ii) The impact of the proposal on the openness and visual amenity of the Green Belt
- (iii) If inappropriate, whether there are any very special circumstances to justify the proposal
- (iv) the effect of the proposal on the character of the area
- (v) the potential impact of the proposal in terms of Highway Safety and parking
- (vi) the impact on trees and ecology
- (vii) Infrastructure requirements

In the interests of clarity, the full and outline components of the application shall be considered separately. The site is located within established Green Belt and therefore Planning Policy Guidance Note 2 (PPG2), policies D.28 and D.39 of the Worcestershire County Structure Plan (WCSP) (1996 - 2011) and policy DS2 of the adopted Bromsgrove District Local Plan (BDLP) 2004 apply to the development.

### Full Component

#### (i - iii) Green Belt

This relates to the conversion of The Uplands into residential accommodation and the removal of existing extensions and outbuildings. There is a detailed plan provided for the proposed demolitions. Policies D39 of the WCSP, DS2 and policy C27 of the BDLP are most relevant in determining this component of the application. Policy C27 relates to the re-use or adaptation of existing rural buildings for alternative uses in the Green Belt provided that:

- (i) any re-use 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;
- (ii) extensions to any re-used rural building and associated land surrounding the building 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 buildings are of permanent and substantial construction and are capable of conversion without major works or complete reconstruction; the Council will require a structural survey to demonstrate this;
- (iv) traffic generated by the development can 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 the character of the local rural environment.

- (v) the provision of necessary services does not adversely affect the environmental character or visual amenities of the Green Belt;
- (vi) the conversion does not lead to a number of dispersed land uses that would be detrimental to the function and role of nearby settlements.

The proposed conversion will accommodate two substantial two bedroom apartments on the ground floor and three smaller units on the first floor. I note from the proposed elevations to the building that the proposed design is appropriate for the original dwelling and removes many of the later characteristics of the institutional facility. The removal of a large modern extension and extensive outbuildings results in the loss of buildings on the site amounting to some 980sqm. I conclude that the proposed conversion of the original building would not have a materially greater impact on the openness or purpose of the Green Belt. The proposal for residential conversion to six units will result in requirements for vehicle parking but to a lesser extent than would be the case for the existing established C2 use. The proposed parking (9 spaces) would occupy hardstanding in the position of the reception of the former children's home to the front of the main building. It is evident on site and from the previous use that the building is of substantial construction and capable of conversion without significant alteration. Whilst the proposal for the conversion of the units amounts to development in the Green Belt, the fact that there is no greater impact on the openness and the substantial benefit in removing unattractive extensions amount to very special circumstances to justify the development. The proposal complies with policy C27. Thereby, the full application proposal falls into criterion (e) of policy DS2 and amounts to an acceptable form of development in the Green Belt which I would recommend for approval.

(iv) Character

Members should note the support identified in the representations for the sympathetic restoration and conversion of The Uplands. Whilst the building is not listed, it is of significant local merit and the removal of modern alterations would enhance it. The proposal development would benefit from an attractive parkland setting and it is the clear intention of the applicant to retain the trees of value around the site and enhance these through additional tree planting. I would concur with the view expressed in the Landscape and Visual Assessment accompanying the application that the conversion proposal with the removal of extensions and outbuildings would result in the landscape restoration of these spaces.

(v) Highways

As outlined above, the conversion of the main building and coach house would amount to a reduction in traffic movements compared with the previous use of the building. The Transport Statement which supports the application concludes that the impact of the proposal would be a reduction in overall traffic movements

compared with the previous use as a Children's Home. There is no objection raised by WH.

(vi) Trees and Ecology

Members should note that the proposal is accompanied by a detailed Landscape and Visual Assessment and an Arboricultural Summary Report. The latter is in accordance with BS5837:2005 (Trees in relation to Construction). The proposal envisages the loss of a total of 5 trees from the site and the remainder would be protected with tree protection fencing. The views of the Tree Officer are noted.

Members are aware of the statutory duty of the Local Planning Authority to ensure that particular identified species in the Habitats Directive and Wildlife and Countryside Act 1981 are afforded protection in respect of all development proposals. The site contains a large number of trees and there are opportunities for roosting bats within the main Uplands and in the surrounding outbuildings. The site has already been surveyed for Great Crested Newts (GCN)s as part of the previous application at Burcot Grange. (Ref: B/2010/0334) and the ecologists have confirmed that these findings of no GCNs present remain valid. Two roosting locations for pipistrelle bats were identified at Uplands and these are non-maternity summer roosts with the main maternity roost identified at Burcot Grange. The application is accompanied by a detailed Method Statement in respect of the mitigation and compensation strategy required to ensure the survival of these colonies. Members should note that there is no objection from Worcestershire Wildlife Trust and Natural England have been consulted in accordance with their standing advice procedures. Standing advice has been provided by Natural England.

(vii) Infrastructure

In terms of the proposal for the conversion of The Uplands, this will lead to the creation of six residential units. The comments from Strategic Planning should be noted. In accordance with SPG11, a contribution is required towards open space infrastructure locally and this amounts to £87,360. Similarly, the response of WCC Education Services should be noted and a contribution towards education provision amounting to £5287 needs to be provided.

The contributions required need to be:

- i) necessary
- ii) reasonable in scale and kind to the development which is to be permitted
- iii) relevant to planning

Policy DS11 of the BDLP requires developers to contribute towards infrastructure costs.

The applicant was originally of the view that the contributions sought were not reasonable or necessary. It is stated that the Coach House operated as an independent dwelling for the manager and his family. However, Council Tax have confirmed that there are no records for a separate dwelling on the site. I conclude

that the manager's facility was ancillary to the main children's home and thereby the proposal must be considered to amount to the creation of six residential units. Therefore, education and public open space contributions need to be provided. Following negotiations, I understand that the applicant is willing to provide the education contribution and provide on site open space through an appropriate legal mechanism.

## **Outline Component**

The outline application relates to the erection of a new 58 bed dementia/memory loss unit falling within a C2 Use Class. This would be located adjoining the existing Burcot Grange at the north western corner of the application site with the existing 'Uplands' located in an elevated position to the east.

### **(i) Green Belt**

Policies D28 and D39 of the WCSP and DS2 of the BDLP conform with the advice of PPG2 in defining the types of development which are acceptable in Green Belt locations. The proposal under consideration is clearly not essential for agriculture, outdoor sport or recreation nor does it involve the conversion of existing buildings to alternative uses or their replacement such that Green Belt openness would be retained. Policy D28 specifically states that new buildings for business purposes in the Green Belt will only be allowed in those settlements identified in the BDLP as being acceptable for infilling. The application site at Greenhill does not fall within any such settlement.

It is evident that the proposal is inappropriate and the extent of the harm caused must be considered. PPG2 states that the most important attribute of Green Belts are their openness (paragraph 1.4) and it is clear that the proposal would have a significant impact on the openness of the site and would thereby conflict with the fundamental aims of Green Belt policy.

### **(ii) Impact of Proposal**

The extent of the proposed development must be quantified. This information was sought from the applicant on 07.10.2011 under Article 3(2) of the Town and Country Planning (General Development Procedure) Order 1995. Full details were provided of the scale of the proposal at this outline stage. The total floorspace generated amounts to approximately 2,700sqm. Members should note that this figure is a conservative estimate as there is a lower ground floor level proposed for part of the building. To put it into context, it is the equivalent of three times the size of all of the outbuildings and extensions to be removed from The Uplands and nearly twice the size of the existing 'Uplands' with its attendant outbuildings and extensions. The proposed building would have a varied eaves height (with an average of 5.6m) and the building would be afforded substantially high roofs with ridges as high as 10.3m.

### *Openness*

PPG2 states that the most important attribute of Green Belts are their openness. The proposal relates to a substantial building as outlined above and this would have an attendant significant impact on the openness of the site. I note the proximity of Burcot Grange to the south west (with a substantial extension on this side) and consider that there would be a significant cumulative impact on openness arising from the additional bulk. The previously approved substantial extension of Burcot Grange Ref: (B/2010/0337) to this side of the building is noted. The function of Green Belt in paragraph 1.5 of PPG2 is clearly set out including the prevention of encroachment into the countryside. The development proposed would not check the unrestricted sprawl of built up areas and would have the effect of extending urban development into the countryside and would potentially reduce the potential for the recycling of urban land. The proposal conflicts with these purposes of including land within the Green Belt. Therefore, the proposal conflicts with the provisions of the development plan and the advice of PPG2.

### *Visual Amenity*

The site for the proposed dementia unit is within the attractive setting of the land to the west of The Uplands. The impact of the proposal on the visual amenity of the area is assessed as a separate harm to that arising from the impact on openness. The impact on the visual amenity of the area is dependent on the surrounding topography, trees and landscaping and the level of visibility from public vantage points. Members should note the contents of the Design and Access Statement and the Landscape and Visual Assessment (LVA) accompanying the application. I note that there is a substantial existing vegetation structure on the northern, southern and eastern boundaries of the site and the site is in an elevated position with respect to Green Hill such that the views of the proposal and the existing 'Uplands' are obscured. I do not concur with the views of the LVA that the impact of the development from the west is filtered by the existing built form of Burcot Grange, where the additional substantial building would have a negative cumulative impact on visual amenity. I also note that substantial harm arises to the visual amenity and function of the Green Belt arising from the new car park with 30 spaces. The introduction of built development into this rural setting would have a detrimental impact on visual amenity, but the impact is reduced by virtue of topography and landscaping and the harm arising is given moderate weight. It should be noted that this factor in no way mitigates the substantial harm by virtue of inappropriateness arising from the loss of openness to the site as outlined above. In summary, the proposal conflicts directly with the advice of PPG2, policy PA1 of the West Midlands Spatial Strategy, saved Policies SD.2, D.28 and D.38 of the WCSP and policies DS2 and DS13 of the BDLP.

#### (iii) Whether Very Special Circumstances exist to outweigh the identified harm

The material considerations put forward by the applicant in favour of the outline proposal are the following:

- a) The need for specialist housing to meet the needs of the vulnerable suffering from dementia and memory loss
- b) The fact that the lawful use of the site is a Class C2 Residential Institution
- c) The synergy between the proposal and the existing and proposed facilities at Burcot Grange enabling a self contained development with public transport availability
- d) The advantages of returning The Uplands to its original form in keeping with the locality
- e) The advantages of securing an improvement to the existing access to Burcot Grange and the removal of the residential institution use of the existing access at The Uplands

The requirement for a case for very special circumstances to be provided by the applicant is stated within paragraph 3.4 of PPG2 as follows:

"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".

Members should note the 'very special circumstances' amount to an entirely special and unique occurrence which could not result in a precedent being set for the proposal or analogous proposals elsewhere in the Green Belt. Whilst there is no specific prescription of the circumstances in the context of PPG2 which amount to very special circumstances, Members should seriously consider whether or not the circumstances of this proposal are entirely unique or special.

The advantages of the proposal must be weighed against the significant harm caused to openness, the most important attribute of Green Belts. Members should note that the correct test to apply is to examine whether or not the *cumulative* effect of the issues put forward amount to very special circumstances to justify the proposal. This is the test set out in the Court of Appeal decision in *Wychavon District Council v Secretary of State and Butler* [2008]. The material considerations raised by the applicant will be examined to determine the weight that should be afforded to them and to a combination of them.

- a) Need for the facility

The applicant has presented estimated prevalence levels for dementia in Worcestershire in the period 2010 - 2020 based on population estimates. These figures are outlined in the 'Living Well with Dementia - A Strategy for Worcestershire 2011 - 2016 report dated July 2011. The report states that there are an estimated 7590 people with the condition and it is estimated to grow to 10,262 persons by 2020, an increase of 3% per annum. The Worcestershire Joint Strategic Needs Assessment for adults published by

Worcestershire County Council identifies depression and dementia as being the main issues facing older people in Worcestershire in the next 20 years. The applicant states that it is imperative that the needs of these vulnerable groups are met through engagement with the planning system.

Policy S6 of the BDLP refers to the need to take account of the changing housing needs of the population, particularly the trend towards smaller households and the special needs of particular groups. The explanatory text refers to proximity to shops and public transport infrastructure. Whilst this policy is rather generic, policy CP8 of the emerging Core Strategy 2 refers more explicitly to the need to provide additional housing (of various type, design and tenure) to meet the needs of older people. The preference will be to provide such housing and facilities within defined settlements.

On the basis of the figures presented, it is evident that there is an ongoing need for additional specialized care facilities within Worcestershire and this is a material consideration which is of moderate weight. However, the matter is complicated that the figures refer to the entire county and any facility would be likely to meet the specialist care needs from within Worcestershire and the Birmingham conurbation. Members should also note the previously approved applications at Burcot Grange (Ref: B/2010/0334 and B2010/0337) comprising a new dementia unit, close care suites and 16 assisted living units which will have met some of the need for the types of accommodation required.

b) Existing Lawful C2 use

The previous use of The Uplands as a children's home is accepted and this falls within the C2 category of the Town and Country Use Classes Order 1987 (as amended). Therefore the proposed use of the site as a care facility is consistent with the previous use. However, the applicant discounts the use of the existing building for the purposes of providing a care facility because the existing 'Uplands' and outbuildings would represent an outdated means of providing the type of care proposed. This form of accommodation would be functionally institutionalized. These points are factual and relate to care provision standards. I conclude that the fact that the subsisting residential institution is in need of extensive updating is not a material consideration of relevance.

c) The synergy between the proposal and the existing and proposed facilities at Burcot Grange enabling self containment and access to public transport

The applicant has been successful in purchasing The Uplands which would facilitate integration with the existing facilities at Burcot Grange and with those facilities already approved under B/2010/0334 and B/2010/0337 as outlined above. This would enable a single management approach for the entire site to be adopted. These matters are an advantage for the applicant in terms of management but have little relationship to general land use planning objectives. It is unclear what relevance the availability of public

transport has in respect of the ownership and management of the site other than the bus stop is located outside Burcot Grange.

As Members are aware, planning permission relates strictly to the land and not the applicant. It may be possible in the future that the joint ownership of these properties ceases to be material and the synergy referred to no longer endures. Thereby, for the reasons outlined, this factor is accorded limited weight.

- d) The advantages of returning The Uplands to its original form in keeping with the locality

The part of the application which relates to the sympathetic conversion of The Uplands in a manner which restores its original Victorian character is welcome and this is supported in the representations received above. Furthermore, the removal of the outbuildings which are currently scattered around the site is an advantage.

In terms of the impact on openness, the scheme would result in a reduction of built floorspace around The Uplands amounting to approximately 980sqm. However, the proposed new facility would have a floorpace of the order of 2,700sqm. It is accepted that the proposal would be a single building and the setting of The Uplands would be enhanced. However, the scale of the new facility substantially outweighs the benefits of the conversion element of the scheme. The position of the applicant that the reinstatement of The Uplands could not be achieved other than through an association with Burcot Grange is not accepted because there are several ways in which the development potential of The Uplands could have been harnessed.

- e) The advantages of securing an improvement to the existing access to Burcot Grange and the removal of the residential institution use of the existing access at The Uplands

The applicant is placing emphasis on the planning benefits of the enhanced access arrangements, with enhancements to the existing entrance to Burcot Grange which leads onto a new access to the proposed care facility. The transport statement states that only modest widening of the bank on the existing access to Burcot Grange is proposed. The substitution of the use of the access for The Uplands is afforded limited weight in favour of the proposal since this access has been used continuously since the site operated as a children's home, a use which has not been abandoned and could be reinstated. The access to The Uplands would still be in use for the dwellings and the overall benefits to highway safety are, at best, neutral.

### Balancing Exercise

It is clearly advised in PPG2 that the government attaches great importance to Green Belts. They are of paramount importance and their continued protection

takes precedence over other land use objectives. As outlined above, the proposal would result in significant harm to the openness of the Green Belt at this location and this is accorded *significant* weight. The proposal also conflicts with the purposes of including land within Green Belt and this also carries significant weight. The harm arising in terms of visual amenity is accorded moderate weight.

In terms of the benefits of the scheme put forward by the applicant, the ongoing need for specialist care facilities has been outlined. This is a material consideration and should be afforded moderate weight. The existing lawful use of The Uplands; enhancements proposed to its character; synergy and self containment; the improvements proposed in terms of access and highway safety are either irrelevant or accorded very limited weight. In accordance with the balancing exercise test set out in *Wychavon DC v SoS and Butler [2008]*(EWCA Civ 692), I conclude that the set of circumstances, viewed objectively are not reasonably capable of being described as 'very special'. Therefore, there are no very special circumstances identified to justify the proposal which results in substantial harm to the Green Belt. Members should note that for the proposal to be acceptable, other considerations must *clearly* outweigh the identified harm to the Green Belt and the test is certainly not met in this case.

(iv) Character

The impact of the proposed now build dementia care unit has largely been addressed under the heading of visual amenity. The application for this building is in outline form at this stage. The impact on the character of the streetscene arising from the proposal is modest, taking the existing landscape features and topography into account.

(v) Highways

Members should note the Transport Statement which accompanies the application outlines the arrangements for access and parking provision. The enhancements to access involve modest changes to the existing bank at the access to Burcot Grange to enhance visibility. There would be a total of 30 additional parking spaces provided to serve the new facility and these would be located within the boundary of The Uplands along the western boundary with Burcot Grange. Trip generation data indicates that the impact on the road network would be modest. There is no objection raised by WH. The proposal complies with policy TR11 from a technical perspective. However, Members should be mindful of the level of existing and approved development at Burcot Grange and the concerns expressed in the representations from local residents and the Parish Council in respect of the traffic impact on Green Hill.

(vi) Trees and Ecology

The location of the proposed new facility enables the retention of the majority of the existing trees on the site. These details are outlined in the Landscape and Visual Assessment and an Arboricultural Summary Report. The latter is in accordance with BS5837:2005 (Trees in relation to Construction). The proposal



envisages the loss of a total of 5 trees from the site and the remainder would be protected with tree protection fencing. The views of the Tree Officer are awaited.

Members are aware of the statutory duty of the Local Planning Authority to ensure that particular identified species in the Habitats Directive and Wildlife and Countryside Act 1981 are afforded protection in respect of all development proposals. The site contains a large number of trees and there are opportunities for roosting bats within the main 'Uplands' and in the surrounding outbuildings. The site has already been surveyed for Great Crested Newts (GCN)s as part of the previous application at Burcot Grange. (Ref: B/2010/0334) and the ecologists have confirmed that these findings of no GCNs present remain valid. In terms of bats, the mitigation proposals have been outlined in the Method Statement provided by the ecologists and largely relate to the existing 'Uplands' and the modern outbuildings. It is not envisaged that the new build element would result in any additional risk to bats.

(vii) Infrastructure Requirements

The proposed new facility relates to the provision of a 58 bed dementia unit and does not amount to residential accommodation. Accordingly, the provisions of SPG11 and the requirements of policy DS11 in terms of contributions towards infrastructure will not apply.

Overall Conclusion

The applicant has presented a hybrid application, one with full and outline components though additional details in relation to the scale of the outline proposal have been sought and received. It is at the discretion of the local authority as to whether a hybrid application can be accepted and the term 'hybrid application' is not defined in statute. Members must consider the application (both full and outline components) as if it were a normal singular application on the basis of the development plan and other material considerations.

The detailed application relates to the conversion of The Uplands and existing coach house into residential use and includes the removal of modern extensions and outbuildings at the site. This proposal is acceptable.

The outline application relates to the provision of a new 58 bed dementia unit at The Uplands. This amounts to inappropriate development in the Green Belt at a substantial scale and from the balancing exercise outlined above, there are no material considerations put forward which would amount to very special circumstances to justify the proposal. Whilst there is a recognized need for additional elderly care facilities, there is still potential to provide these through the conversion of The Uplands or through the removal of existing extensions and outbuildings and their replacement with a purpose built facility of equivalent scale. The main objection to this proposal is the vast scale of the development proposed. Members are reminded of the recent appeal decision at 'The Leys' Residential Home (Ref: B/2010/0849) for the provision of specialist care facilities which was dismissed at appeal on the grounds of inappropriate development in the Green Belt. The scale of the proposal at The Uplands is substantially larger than the

**11/0796-DK** - Redevelopment of exiting residential institution within Class C2, to provide 58 dementia/memory loss units (Use Class C2) (outline); Demolition of extensions and out-buildings to The Uplands and alterations to original building to provide 5 no. apartments and a dwelling within the coach house (use Class C3) (full) Alterations to the existing accesses and additional car parking - The Uplands, 33 Greenhill, Burcot, Bromsgrove, B60 1BL - Mr. and Mrs. Bales

appeal dismissed at 'The Leys'. On the basis of all of the evidence above, I recommend that permission be refused.

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

- (a) The proposal is inappropriate development in the Green Belt and would cause significant harm to the openness and visual amenities of the Green Belt in this location and would conflict with four of the five purposes of including land within the Green Belt as set out in Planning Policy Guidance Note 2. No very special circumstances have been put forward or exist that clearly outweigh the harm caused and therefore the proposal is contrary to policies SD.2, D.28, D.38, and D.39 of the Worcestershire County Structure Plan and policies DS2 and DS13 of the Bromsgrove District Local Plan and the provisions of PPG2 (Green Belts).