

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr and Mrs M Bales 'A'	Extension of time to planning permission 10/0334 (Provision of 13 close care suites and 16 assisted living units to form continuing care retirement community – Burcot Grange Residential Home, 23 Greenhill, Burcot, Bromsgrove, Worcestershire, B60 1BJ	GB	B/2012/0885 17.01.2013

RECOMMENDATION: that Permission be **GRANTED**.

Consultations

Lickey and Blackwell PC	Consulted 21.01.2013. Response received: 21.11.2012. Lickey and Blackwell Parish Council have no objections to extension of time on this application provided the original conditions remain in place.
WH	Consulted 26.10.2012. Response received: 30.11.2012. No objection.
ENG	Consulted 26.10.2012. Response received: 29.10.2012. There is no known flood risk to the site, and as there was a condition attached to 10/0334 (C5) for storm water disposal and this should also be applied to this extension of time application.
Strategic Planning Officer	Consulted 26.10.2012. No response received.
Strategic Housing Manager	Consulted 26.10.2012. No response received.
West Mercia Police	Consulted 26.10.2012. No response received.
Worcestershire Wildlife Trust	Consulted 26.10.2012. No response received.
Tree Officer	Consulted 26.10.2012. No response received.
EDO	Consulted 26.10.2012. No response received.
COARCH	Consulted 26.10.2012. No response received.
WRS (Contaminated Land)	Consulted 26.10.2012. No objections raised.
Publicity	Site notice posted 11.12.2012. Expired: 01.01.2013. Press Notice posted 02.11.2012 Expired: 23.11.2012. No responses received.

The site and its surroundings

The application site comprises a large nursing home on the north side of Greenhill which was built in 1890 in Tudor Revival style with many surviving external and internal features. It was designed by Jethro Cousins for Henry Osler as private house before becoming hospital in 1937 and finally a care home in 1992. There are later extensions on the east and north east sides. The original building is set in a very attractive timbered setting with substantial mature cedars, chestnuts and oaks in addition to a range of ornamental shrubs. There is a circular access to the front and the attractive façade of the buildings is partly concealed by the trees to the front. There are fields adjoining the property to the east and west and residential properties on Green Hill to the front. There is a large curtilage to the front and rear with the land substantially falling away to the rear of the property. It is the rear of the property which is the subject of this outline application and the gardens are currently used as a recreational facility for residents. The site currently has accommodation for 40 residents. There are 31 bedrooms and 5 x 1 bed close care suites currently on the site. There are also additional communal facilities including a library, IT room and shop.

Proposal

Members should note that this is an Extension of Time application for planning permission B/2010/0334 which was an outline application for the development of 13 close care suites and 16 assisted living units to form continuing care retirement community. Since the proposal was an *outline* application with all matters reserved apart from access. Therefore the plans accompanying this application the application are indicative only. The application is accompanied by a Ground Investigation Report and Ecological Method Statement, Tree Protection and Landscaping Plans.

Members should note that there are currently two applications for discharging conditions on previous applications at Burcot Grange, namely B/2012/0906 to discharge conditions on B/2010/0334) and B/2012/0898 (to discharge conditions on B/2010/0337).

Relevant Policies

- 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/1999/1067 Insertion of dormer windows into rest room roof. Granted 20.12.1999.
- B/1995/0616 Two Storey Extension to provide 8 bedrooms and associated amenities
Granted 09.10.1995

Relevant Policies

- WMRSS QE3
- WCSP SD2, SD3, SD4, SD8, SD9, D28, D35, D38, D39, T1.
- BDLP DS1, DS2, DS3, DS13, S29, ES4, ES5, E9, C17, TR11, TR8.
- Draft CP22
- CS2
- NPPF Paragraphs 79 - 92

Notes:

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

- (i) Whether the principle of the extension of time of the existing consent is acceptable
- (ii) Whether there are any significant policy changes since the original application B/2010/0334 was considered

(i) Assessment

The *Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012* came into force on the 01st October 2012. This follows on from the *Town and Country Planning (General Development Procedure) (Amendment No. 3) Order 2009* was introduced on 1st October 2009 in order to provide greater flexibility in terms of the implementation of planning permissions. One of the amendments was the provision to allow the time limit for unimplemented consents to be extended through an application. There does not appear to be an established approach towards the assessment of such application so I will refer to the Department for Communities and Local Government publication (DCLG) publication: *Greater Flexibility for Planning Permissions: Guidance*. The outcome of a successful application will be consent with a new time limit attached. Conditions can be varied if there has been a significant change in policy since the original application. I note that paragraph 13 makes it clear that additional information other than that on the application form is usually not required except for applications where an EIA was required and may need updating. It is noted in this instance that the applicant has provided additional information but that this is not required according to the advice of the above publication.

The requirements for the eligibility of a planning permission under the above provisions is that the permission has not been implemented and would have been extant on 01st October 2010 and the application is eligible.

Planning application B/2010/0334 for the development of close care suites and assisted living units at Burcot Grange was considered to amount to inappropriate development in the Green Belt. However, Members considered factors such as the need for more specialised accommodation for the elderly and the absence of alternative sites to amount to very special circumstances to justify granting permission.

Members should note that this report will not seek to reappraise the principle of the development but will focus on the policy changes which have occurred since the application B/2010/0334 was considered.

The planning permission B/2010/0334 was extant and unimplemented on the 01st October 2010 and I do not consider that the principle of extending the lifetime of the permission is in doubt in this instance.

(ii) Policy Changes – National Planning Policy Framework

The most significant policy change in the intervening period since the application was first examined is the National Planning Policy Framework (NPPF) which came into force on

the 27 March 2012, the policies of which apply immediately. National Planning Policy Guidance Notes and Planning Policy Statements cease to exist, including all relevant circulars and guidance (a list of which is contained in Annexe 3 to the NPPF).

Planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan currently consists of Local and Regional planning policy documents. The NPPF is also a significant material consideration in planning decisions. The Development Plan will continue to include all the saved Policies of the Bromsgrove District Local Plan. Due weight will be given to these policies according to their *degree of consistency* with the framework set out in the NPPF (the closer the Policies in the Plan to the policies in the Framework, the greater the weight that may be given). Weight may be given to emerging policies in some circumstances.

In terms of the consideration of the previous planning application (B/2010/0334), 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 were cited. Paragraphs 88 and 89 of the NPPF are directly relevant to these policies and are consistent with them.

Members should note that there have been no objections received from Statutory Consultees including Worcestershire Highways. The comments of WRS are noted and there is no objection to the extension of time and some of the conditions attached to the original permission are recommended for discharge. These will not be reapplied to the new permission.

Members should note that the applicant has made an application (B/2012/0906) for the discharge of conditions 5, 7, 17, 20 and 23 attached to B/2010/0334. The relevant consultees (Drainage Engineer, Worcestershire Regulatory Services and Tree Officer) have agreed to the discharge of conditions 5, 7 and 20 and these will be amended to reflect this fact and ensure that the development is carried out in accordance with the approved conditions.

Conclusion

The provision of greater flexibility in relation to planning permissions is a key part of the NPPF and the objective of the Government is to ensure that the planning system does everything it can to support sustainable growth and take changing economic circumstances into account. There are no other significant policy changes which would necessitate additional conditions.

RECOMMENDATION: that Permission be **GRANTED**.

Conditions

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the Reserved Matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

2. Before any development is commenced, approval shall be obtained from the Local Planning Authority in writing of the details of the appearance (to include full floor plans and elevations of the proposals) and landscaping proposals (hereinafter called "the Reserved Matters") of the site.

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

3. The application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission

Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.

4. Details of the form, colour and finish of the materials to be used externally on the walls and roofs, including doors and windows, door frames window frames and rainwater goods shall be subject to the approval, in writing, of the Local Planning Authority before any work on the site commences.

Reason: In order to secure a well-planned development in accordance with Policy DS13 of the Bromsgrove District Local Plan 2004.

5. The disposal of storm and foul water shall be in accordance with the Provisional Drainage Plan@1:500 (Ref: 2012-07-23 Rev A) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure the satisfactory drainage conditions in accordance with policy ES5 of the Bromsgrove District Local Plan 2004.

6. The occupancy of the development hereby approved shall be limited to persons age 65 and over, the Qualifying Person together with any spouse or partner of the Qualifying Person and any widow or widower or surviving spouse or partner of the Qualifying Person, unless otherwise agreed in writing by the Local Planning Authority. Prior to the commencement of development a scheme for occupancy of the development shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: This is to ensure that the development initially meets and continues to meet provision for housing needs for those aged 65 and over in perpetuity in accordance with policies DS13 and S28 of the Bromsgrove District Local Plan 2004.

7. The development hereby approved shall be implemented in accordance with the recommendations as set out in Section 5 of the Applied Geology Report on Ground Investigation at Burcot Grange and the Uplands Bromsgrove (Ref: AG1572-11-L81) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ES7 of the adopted Local Plan (January 2004)]

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ES7 of the adopted Local Plan (January 2004)]

9. The landscaping and tree planting on the site shall take place in accordance with Drawing Ref: No. BUR 01-0334@1:250 Received 25.10.2012 and shall be implemented within 12 months of the date of occupation of the development hereby approved.

Reason: In order to secure the satisfactory landscaping of the site in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.

9. 13 additional car parking spaces shall be provided on site and shall be reserved solely for that purpose and such spaces be made available for the use before the development hereby approved is occupied. The applicant shall submit details of the additional spaces to the satisfaction of the Local Planning Authority.

Reason: In order to comply with the Council's Parking Standards and policy TR11 of the Bromsgrove District Local Plan 2004.

8. Prior to the first occupation of the care units hereby approved secure parking for 6 cycles to comply with the Council's standards shall be provided within the curtilage of the application site and these facilities shall thereafter be retained for the parking of cycles only.

Reason: In order to comply with the Council's Parking Standards and policy TR11 of the Bromsgrove District Local Plan 2004.

9. The development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Councils Travel plan co-ordinator.

Reason: To reduce vehicle movements and promote sustainable access in accordance with policy TR11 of the Bromsgrove District Local Plan 2004.

10. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, a complete Tree Survey and Tree Protection Plan shall be submitted to the approval of the Local Planning Authority. This survey and plan shall include all trees in accordance with British Standard BS5837:2005 and shall detail how trees on the site shall be protected during construction.
11. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, protective fencing shall be erected around the Root Protection Areas of all trees shown retained on the approved plans on and adjacent to the application site. This fencing shall be constructed and positioned in accordance with Figure 2 and Section 5.2.2 of British Standard BS5837:2005 subject to the on-site approval of the Local Planning Authority. The fencing shall be maintained as approved until all development, subject of this permission, has been completed.
12. Where any works are proposed or required within the Root Protection Area of any trees on or adjacent to the application site, these shall only be carried out in accordance with the Arboricultural Method Statement BS5837 prepared by Aspect Arboriculture (Ref: AA.AMS.01 (Rev_B), Received 14th April 2010).
13. Prior to the development being occupied or operational, the approved landscaping scheme (in accordance with Drawing Ref: BUR-010334, Received 25.10.2012) shall be completed to the satisfaction of the Local Planning Authority.
14. Should any trees or hedges shown on the approved plans to be retained or planted as part of the approved landscaping scheme either die, become diseased or are removed within 5 years, they shall be replaced or restored to the satisfaction of the Local Planning Authority.

Reasons (11 –14): In order to protect the trees, hedges & landscaping features which form an important part of the amenity of the site and adjacent properties in accordance with policies C17 and DS13 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.

15. The development hereby approved shall not be commenced until suitable mitigation and compensation measures for protected species are implemented in

accordance with the Method Statement Documents 1 and 2 prepared by Middlemarch Environmental (Refs- MME-107385-01, MME-107385-02) Received 01st July 2010.

In order to ensure that appropriate mitigation measures are implemented to ensure compliance with the Wildlife and Countryside Act 1981, Conservation (Natural Habitats &c.) Regulations 1994, the requirements of Policy C11 of the Bromsgrove District Local Plan 2004 and the advice of PPS9 (Biodiversity and Geological Conservation).

16. The works of mitigation and compensation for protected species must be undertaken by a registered ecologist or other qualified person in accordance with Section B (pages 6-7) of the report prepared by Middlemarch Environmental (Ref: RT-MME-107385-02) Received 01st July 2010.

In order to ensure that appropriate mitigation measures are implemented to ensure compliance with the Wildlife and Countryside Act 1981, Conservation (Natural Habitats &c.) Regulations 1994, the requirements of Policy C11 of the Bromsgrove District Local Plan 2004 and the advice of PPS9 (Biodiversity and Geological Conservation).

17. The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:

Reason: For the avoidance of doubt and in the interests of proper planning.

Site Location Plan 1:2500 unreferenced
Site Plan as Proposed 1:100 A101 Rev A
Topographical Survey 1:500 1033-01-a A
View from the East as Proposed NTS A110
View from the South as Proposed NTS A111
Tree Survey Report Cresswell Associates February 2009-05-19
Tree Survey Sheet 1 of 3 1:500 V001 01
Tree Survey Sheet 2 of 3 1:500 V002 01
Tree Survey Sheet 3 of 3 1:500 V003 01
Supporting Planning Statement February 2009
Ecological Appraisal February 2009
Transport Statement February 2009
Flood Risk Assessment February 2009
Existing Drainage Layout Sheet 1 of 2 1:500 8168
Proposed Drainage Strategy Sheet 2 of 2 1:500 8168
Design and Access Statement

Notes

All building work should be carried out outside the bird nesting season (1 March – 31 August inclusive)

The granting of planning consent does not supersede the applicant's responsibilities for biodiversity under the Wildlife and Countryside Act 1981 (as amended), the Countryside

and Rights of Way Act 2000, the Natural Environment and Rural Communities Act 2006 and the Badgers Act 1992.

This consent does not absolve the applicant for complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV of Circular 06/2005.

This consent does not permit the erection of any form of advertisement on the site.

The development should conform to Secured by Design Standards (Commercial). Details can be found at www.securedbydesign.com. The applicant is encouraged to contact PC Stan Baker, Crime Risk Manager, West Mercia Constabulary, 17 The Crescent, Bromsgrove, Worcestershire, B60 2DF to discuss this matter further.

Under the terms of the Water Resources Act 1991, an impounding Licence may be required from the Agency for the impounding of any watercourse, ditch or stream (eg. by dam, weir etc) and an Abstraction Licence may be required from the Agency for the abstractions of water from any inland water or underground strata. This is dependent on water resource availability and may not be granted.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan 2004 (BDLP) and the National Planning Policy Framework (NPPF) 2012 as summarised below:

WMSS	QE1, QE2, QE3, QE6, PA1, PA14, UR4, T2, T3
WCSP	SD.2, SD.3, SD.4, SD.6, SD.7, CTC.1, D19, D20, D23, D.25, D.26
BDLP	DS4, DS12, DS13, E4, E9, TR1, TR11, ES3, ES4, ES7, WYT4
Draft CS2	CP11, CP12
NPPF	Paragraphs 18 – 22, 29, 30.

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance; there are no justifiable reasons to refuse planning permission.

CASE OFFICER DETAILS

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