

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|--|---|--------------------|----------------------------------|
| PIPSILVER LIMITED 'B' | Nursing home and associated offices: outline - Land at Redditch Road, Hopwood - (as amended by design and access statement received 21.06.2007 and augmented by plans and letter received 24.09.2007, development assessment received 24.09.2007 and extended Phase 1 Habitat Survey received 24.09.2007) | GB | B/2007/0626 24.12.2007 |

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

Consultations

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| WCC(HP) | <p>Consulted - views received 18.07.2007:</p> <ul style="list-style-type: none"> The applicant has not submitted sufficient information to determine the suitability of the means of access. The details submitted indicate a fourth arm to the existing roundabout, but has not indicated the visibility splays, radii or confirmed its conformity to the Design Manual for Roads and Bridges. The applicant has not submitted a safety audit or transport statement as part of the application. These details are fundamental to the determination of the suitability of the means of access. My observations are that the exit on the roundabout is designed so that accessing the roundabout is unachievable without significant conflict with other road users and the entry angle from the A441 (from the north) would result in large vehicles over riding the nearside kerb line. It is recommended that this application be refused as insufficient information has been submitted to confirm the acceptability of the means of access and egress to the site. This could be adverse to the free flow of traffic using this roundabout and consequently impact on road safety. |
| Highways Agency | <p>Consulted - views received 04.07.2007:</p> <ul style="list-style-type: none"> No objection. |
| ENG | <p>Consulted - views received 21.06.2007:</p> <ul style="list-style-type: none"> No objection subject to Conditions. |
| Local Plans | <p>Consulted - views received 13.06.2007:</p> <ul style="list-style-type: none"> No objection subject to Conditions. |
| Trees | |
| EHO | <p>Consulted - views received 28.06.2007:</p> <ul style="list-style-type: none"> No objection subject to Conditions relating to site investigation. |
| Contaminated Land | |
| EDO | <p>Consulted - views received 12.06.2007:</p> <ul style="list-style-type: none"> Economic Development strongly supports the application. There is a serious shortage of nursing home accommodation in north Worcestershire and South Birmingham. |

- NEO Consulted following receipt of ecological survey - views received 05.08.2007:
- Provided that the recommendations of the habitat survey are followed, the application should meet with the requirements of PPS9. However, at present there is no information to show that these recommendations are being followed.
 - The recommendation to maintain and enhance the existing hedgerows is being followed in part. Although the northern and eastern hedges are being maintained, the existing hawthorn hedge in the south-west corner is being removed. Some form of replacement planting and enhancements to compensate for this would be welcomed, as this hedgerow provides a potential flight line for bats, nesting opportunities for birds, and cover for other species. Habitat enhancement features, as recommended by the report, are not shown as being included.
 - There are no details on the SUDs scheme recommended by the survey. It is preferable that this information be supplied prior to the granting of permission, in order that the site and its layout be considered as a whole.
 - The Habitat Survey recommends a specialist invertebrate survey be carried out. As of yet, this has not been done. It also recommends that the ongoing management of the site be agreed through a Permanent Nature Conservation Management Plan. These recommendations should be met prior to commencement of works on the site. The carrying out of a pre-clearance search by a suitably qualified ecologist should also be agreed, and works should be timed to be outside of the bird nesting season, as recommended by the survey.
 - Provided that these recommendations, as made by the habitat survey supplied, are followed, then the development should meet with the requirements of PPS9 and of our Local Plan policies on nature conservation.
- WWT Consulted - views received 02.10.2007:
- We note the contents of the ecological survey and would echo the recommendations made within it.
 - Provided that they can be followed we would not wish to comment further at the outline stage other than to say that the overall scheme for a SUDS should be included within the outline layout so as to ensure that it can be accommodated in a full application later on.
- WCC(CA) Consulted 25.06.2007: views awaited.
- Alvechurch PC Consulted - views received:
- No objection.
- Reconsulted - views received 06.11.2007:
- No objection.

- Publicity
- 6 letters sent 26.03.2007 (expire 16.04.2007).
 - 10 letters sent 05.11.2007 (expire 19.11.2007).
 - 2 site notices posted 13.07.2007 (expire 03.08.2007).
 - 1 press notice published 22.06.2007 (expires 13.07.2007).
 - 1 press notice published 06.07.2007 (expires 27.07.2007).
- 5 responses received:
- This is a Green Belt site and should be left undeveloped.
 - Traffic hazard due to A441.
 - Increased pollution.
 - Is there a proven need for such accommodation in Hopwood?
There are two existing homes in Hopwood and at least three in Alvechurch.
 - Loss of wildlife.

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 cluster of derelict portacabin-type structures to the northern boundary adjacent to the site entrance, storage containers 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 Croke 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 originally reserved all matters for future consideration apart from access arrangements. Following the serving of the requisite notice under Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 on 18th April 2007, matters relating to layout, scale, appearance and landscaping are now to be determined at this stage. These details in their entirety were received on 24th September 2007.

The nursing home building is two-storey in appearance with an extended "C" shaped footprint consisting of 3,200 square metres. The building has a height to ridge of 8.8 metres and is proposed to be constructed from a combination of contrasting brickwork banks and course, timber clad gables and a tile roof. The two-storey detached ancillary office building has maximum dimensions of 12 metres by 15 metres with a height to ridge of 8.8 metres with materials to match the proposed care home building.

The existing vehicular entrance is proposed to be closed and a new vehicular access proposed centrally within the site leading off the roundabout located on Redditch Road. A car-park consisting of 40 no. spaces is proposed, together with associated circulation space. The land to the southern aspect of the site is proposed to be landscaped.

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 Planning Statement and Development Assessment (looking at nursing home need and provision) has accompanied the application, together with a Phase 1 Ecological Survey at the request of the Local Planning Authority.

For the reference of Members, an outline application for the erection of an office building on this site appears earlier on this Agenda under planning reference B/2007/0261.

Relevant Policies

WMSS UR4, PA1, PA14, QE3, QE6, T2, T3
WCSP SD.2, SD.3, SD.4, CTC.1, CTC.5, CTC.14, CTC.15, D.19, D.26, D.28, T.1
BDLP DS1, DS2, DS13, C4, C10A, C12, C16, C17, E4, E9, TR11
Others PPS1, PPG2, PPG4, PPS7, PPS9, PPG13, PPS23, Circular 06/05

Relevant Planning History

B/2007/0261 Office development (outline): pending.
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

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 6th 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 MUA's. Outside MUA's, emphasis should be given to locating development where (amongst other criteria) it can help create more sustainable communities by providing a better balance between housing and employment. Policy PA14 states that, even where development helps provide a sustainable rural economy, most development should be concentrated in towns and other large settlements accessible to their hinterlands. 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 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" (*my emphasis*).

The words "very special" to be given their ordinary, natural meaning. The meaning of the word "special" include those which exceed or excel those which are common. The test in relation to Green Belt policy qualifies that meaning to the extent that the circumstances have to be "very" special.

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

The applicant's Agent has submitted additional information in support of the application. This can be summarised as:

- (a) The site is not a virgin green field location as it has an established B8 use.
- (b) There is an established use for the storage of plant across the entire site, with no restrictions on the intensification or the hours of operation for this use. The development will enhance the Green Belt by removing the non-conforming yet established use that encompasses the entire site and replacing this with a benign use over a small part of the site - the remainder being landscaped.
- (c) It will enhance the amenity of adjacent residential properties by removing an uncontrolled non-conforming use and remove forever the prospect of other on-conforming uses coming forward such as a traveller's encampment, etc.
- (d) The scheme will bring the site into more productive use in terms of providing real economic benefit to the local community by means of local employment and training opportunities.
- (e) There is a clear need for additional nursing home facilities in this area.

I have noted these views. With regard to point (a), although it is acknowledged it has previously been developed, it remains that the site is located in the Green Belt and its re-use must be tested against Green Belt policy. Whilst noting the support for the re-use of previously developed land, PPS1 also advocates similar advice in WMSS and WCSP in seeking to focus developments which are likely to attract a large number of trips in existing centres (paragraph 27). Whilst the re-development of this site is preferable to a green field site in a similar location, I do not consider that PPS1 as a whole provides policy support for the provision of a nursing home with a total floor area of some 3,550 square metres on a site not within an existing urban area.

Although I note the existence of the CLEUD for the storage of plant referred to in point (b), Members will be aware that 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 six years and the site at present is predominantly open. Although I note the frontage site contains existing vegetation, I am not convinced that this or enhanced planting will totally screen the new building from public vantage points along Redditch Road. The new vehicular access to serve the site will also inevitably allow clear views into the site from Redditch Road. Furthermore, although development 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.

With regard to point (a), this scheme represents inappropriate development in the Green Belt and clearly cannot be seen as relating to appropriate development as advocated by national and local planning policy. Members will note this site is currently open and contains no permanent buildings or built footprint. The erection of a permanent building on this site will therefore have a highly noticeable effect on the openness of the Green Belt and, in my view, would have a greater impact on the openness Green Belt over and above that of the current appearance of the site. Although I note the presence of the CLEUD, this site has previously been marketed for such a use without success and, furthermore, Members will note that the lawful use of the site has not been undertaken for at least seven years. The site as it currently exists is predominantly open and does not contain plant storage advocated by the Certificate. As such, I consider points (b) and (c) to not be of significant justification.

There has been no evidence provided to me to demonstrate that this development would provide local employment opportunities as advocated by point (d). Members will be aware of the location of the site on the A441 Redditch Road and the close proximity of the site to Junction 2 of the M42. Even if there is a need for such facilities, I am of the view that there is no need for these to be provided within the Green Belt. This application therefore does not provide a unique opportunity as other more appropriate sites exist.

With regard to point (e), I note a document has been submitted that considers the provision of nursing homes in a wider context and deals with the broader political and social issues relating to nursing care provision. Whilst I am of the view that it would appear there is a degree of need for increased nursing home places within the District as a whole, I am of the view that such need does not carry sufficient weight to amount to very special circumstances to override Green Belt policy. Such need could be met in the wider area with particular regard to non-Green Belt locations and not solely in Hopwood.

Having considered all matters, 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, as 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 approximately 82 metres from the rear elevations of these dwellings and approximately 50 metres from the rear garden boundaries. The detached ancillary office building is located approximately 11 metres from the rear garden boundaries. The northern boundary contains a mature belt of semi-mature and mature

trees. Although I note the views of third parties, 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 Habitat Survey has accompanied the application. The NEO and WWT have commented that provided the recommendations of the habitat survey are followed, the application should 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 strong objection raised by the WCC(HP). These points have been put to the applicant's Agent for reference and I am yet to receive a formal response. I will update Members at the Committee on this issue.

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 and I do not consider that a Green Travel Plan would adequately address this concern.

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 the WCC(HP).

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

- (a) The proposed development relates to inappropriate development in the Green Belt. The scheme would harm the openness of the site and is likely to encourage more car trips to and from the site. The application site is not within an urban area and is not in a location well-served by public transport. No very special circumstances exist that clearly outweigh the harm caused and therefore the proposal is contrary to policies PA1, PA14 and T2 of the West Midlands Spatial Strategy, policies SD.2, SD.4, D.28, D.38, D.39 and T.1 of the Worcestershire County Structure Plan, policies DS2 and DS13 of the Bromsgrove District Local Plan and the provisions of PPG2.

- (b) 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.