

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Kenneth MacKenzie	Provision of 20 Assisted Living Units and 25 Close Care Suites together with communal facilities to form a continuing care retirement community (Use Class C2)  Burcot Grange, 23 Greenhill, Burcot, Worcestershire, B60 1BJ	12.04.2016	15/1008

**RECOMMENDATION:** That, subject to the satisfactory views of the Tree Officer and the approval of an appropriate Legal Mechanism to ensure that there is no further implementation of application B/2010/0337, that planning permission be **GRANTED**.

### **Consultations**

**Highways Department- Worcestershire County Council** Consulted 21.01.2016

No objection subject to the following conditions:

- HC5 - Visibility splays
- HC25 - Turning and parking
- HC36 - Cycle parking
- HC44 - Wheel Washing

**Leisure Services** Consulted 21.01.2016.

I endorse the recommendations made within the Aspect Ecology report of November 2015, and will require that these proposals are fully integrated into the built and landscape designs (including the use of bat bricks/ridge tiles) in sufficient numbers to mitigate the substantial losses - subject to design by a suitably qualified ecologist. The matters of light pollution and boundary treatment also need to be considered.

**Landscape & Tree Officer** Consulted 21.01.2016

No response received to date.

**Lickey and Blackwell Parish Council** Consulted 21.01.2016

No objection.

**Drainage Engineers Internal Planning Consultation** Consulted 21.01.2016

The site falls entirely within flood zone 1 (low risk of fluvial flooding). No objection to the site specific drainage plan and flood risk assessment. No objection in terms of the additional information provided in terms of exceedance flow rating and detailed drainage design 15.03.2016.

**Worcester Regulatory Services- Contaminated Land** Consulted 08.02.2016

No objection subject to conditions.

**Worcester Regulatory Services- Noise, Dust, Odour & Burning** Consulted 08.02.2016

No comments from a nuisance point of view.

**Relevant Policies****Bromsgrove District Local Plan 2004 (BDLP):**

DS2 Green Belt Development Criteria

DS13 Sustainable Development

TR11 Access and Off-Street Parking

**Others:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

**Relevant Planning History**

10/0334	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)	Approved	25.08.2010
10/0337	Demolition of existing outbuildings and extensions. Erection of extensions to provide new care beds; care suites and a Dementia unit.	Approved	18.08.2010
12/0885	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.	Approved	14.02.2013
13/0559	Commencement of works associated with application B/2010/0337	COL Approved	18.08.2014

**Public Comments**

1 comment received summarised as follows:

Objection to major commercial development on green belt land. The existing small rural residential home is to be converted into a major development of multiple blocks. This adds to the disappearance of the countryside in the Blackwell area.

Greenhill is not capable of taking the additional traffic flows arising from extra staff and visitors and larger service vehicles. It is already impossible for vehicles larger than cars to pass each other, and the roadway is dangerous for cyclists and pedestrians even at the present time. There is regular damage to trees, banks and walls lining the roadside from the current volume of traffic, making them unstable and a danger to the public.

## **Proposal Details**

The proposal relates to the provision of a residential care community (C2 Use Class) comprising 20 Assisted Living Units (ALUs), 25 Close Care Suites (CCSs), communal areas and landscaping. The latter would be contained within a single block, three storeys in height, to the north of the existing Burcot Grange. The ALU's would be located further to the north within the existing curtilage and consist of 5 two storey buildings. The application is accompanied by Tree Survey, Ecological Appraisal, Energy and Sustainability Statement, Phase 2 Ground Investigation and Flood Risk Assessment.

## **Assessment of Proposal**

The main considerations in the determination of this application are the impact of the proposal on the openness and visual amenity to the Green Belt, the impact of the proposal on habitats/trees and the highway impact of the proposal.

### **Green Belt**

The site is located entirely within the Green Belt. The proposal would amount to a substantial amount of additional built development extending to 5,216sqm of floorspace. The proposal would not fall into one of the exceptions for appropriate development in the Green Belt set out in paragraph 89 of the National Planning Policy Framework (NPPF). Thereby, it amounts to inappropriate development. The scheme would contain two and three storey buildings and would cause significant harm to the openness of the site. This harm carries substantial weight in the determination of the application in accordance with paragraph 88 of the NPPF and should not be approved except in very special circumstances.

### **Very Special Circumstances**

Members should note the relevant planning history as set out above. There have been two schemes approved previously on this site, (B/2010/0334) for the erection of Close Care Suites and Assisted Living Units and (B/2010/0337) for an extension to the existing Burcot Grange. In the case of 10/0334, the timescale for implementation was extended under application 12/0885 and, at the time of receipt of the current full application, this was capable of implementation. In the case of application 10/0337, a Lawful Development Certificate (LDC) was granted under application 13/0559 in relation to the lawful implementation of 10/0337.

The combined calculated floorspace of these consents 12/0885 and 10/0337 amounts to 5,267sqm which is 51sqm less than the current proposal. Your Officers have verified that the floorspace calculations are accurate. Therefore, the current proposal would not result in any greater harm to openness than the implementation of the consented schemes. The applicant has also provided a Unilateral Undertaking to the effect that no further implementation of 10/0337 will take place. This is currently being reviewed by Legal Services. The fallback in terms of the implementation of the consented schemes therefore amounts to a very special circumstance to justify the proposal.

### Trees/Ecology

The entire curtilage of Burcot Grange is characterised by attractive mature and ornamental trees and the application is supported by a detailed Tree Survey, Tree Constraint and Protection Plans. The detailed Ecological Appraisal makes a number of mitigation recommendations. The views of the Tree Officer are awaited.

### Highways

The matter of additional traffic flows has been raised in the consultation exercise and Members should note the views of Worcestershire Highways. The applicant has provided additional information in terms of motorcycle parking, disabled parking and general information in terms of the use of the buildings and likely movements. It's likely that there will be 50 additional residents between the ALU's and CCSs. There would be a driver employed 7 days a week, one support worker 24 hrs a day, 7 days a week and a maximum of 2 additional support workers for 12 hours per day. The applicant has provided a total of 42 car parking spaces on site for the proposed development. Whilst this amounts to over provision, this is acceptable by virtue of the location of the site.

### Design/Materials

The design principles are set out in detail in the Design and Access Statement and the context of the existing Burcot Grange and surrounding properties has been carefully considered. The proposal respects the existing context through the use of door, window and roof detail. The materials proposed are appropriate.

### Conclusion

The proposal amounts to inappropriate development in the Green Belt. However, in this case, the fallback in terms of implementation of existing permissions is such that it amounts to a very special circumstance to justify the proposal.

**RECOMMENDATION:** That, subject to the satisfactory views of the Tree Officer and the approval of an appropriate Legal Mechanism to ensure that there is no further implementation of application B/2010/0337, that planning permission be **GRANTED**.

### Conditions

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

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

Drawing No.10234 PL 001 Site Location Plan

Drawing No.5729/LM Rev B Proposed Landscape Masterplan  
Drawing No.10234 PL302 Rev B Proposed Elevations Blocks 1 and 2  
Drawing No.10234 PL303 Rev A Proposed Elevations Block 3  
Drawing No.10234 PL304 Rev A Proposed Elevations Block 4 and 5  
Drawing No.10234 PL301 Rev B Proposed Floorplans (ALU)s  
Drawing No.10234 PL202 Rev A Proposed Elevations (CCS)s  
Drawing No.10234 PL201 Rev C Proposed Floorplans (CCS)s  
Drawing No. CWA-15-159-551 Rev P3 Proposed Drainage Plan  
Drawing No. CWA-15-159-510 Rev T1 Proposed Drainage Details  
Materials in accordance with email dated 16.03.2016  
Walls: Bamburgh Red Stock by Weinerburger  
Roof Tiles: Redland plain Natural Red

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

- 3) Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6m above ground level at the centre of the access to the application site and 2.0 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 25 metres in each direction along the nearside edge of the adjoining carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: Required as a pre commencement condition in the interests of highway safety and policy TR11 of the Bromsgrove District Local Plan 2004.

- 4) The development hereby permitted shall not be brought into use until the turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with the Worcestershire County Council Highways Design Guide and these areas shall thereafter be retained and kept available for those users at all times.

Reason: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway in accordance with policy TR11 of the Bromsgrove District Local Plan 2004.

- 5) Prior to the first occupation of the dwellings hereby approved secure parking for 6 cycle parking spaces per be provided to comply with the Council's standards within the curtilage and these facilities shall thereafter be retained for the parking of cycles only.

Reason: In order to meet the Council's Parking Standards and to accord with policy DS13 of the Bromsgrove District Local Plan 2004.

- 6) The development shall not begin until a wheel cleaning apparatus has been provided on the site and which shall be operated and maintained during the construction of the development hereby approved.

Reason: Required as a pre commencement condition to ensure that the wheels of vehicles are cleaned before leaving the site in the interests of Highway Safety and policy TR11 of the Bromsgrove District Local Plan 2004.

- 7) Unless otherwise agreed by the Local Planning Authority, development, other than that required as part of the approved scheme of remediation must not commence until a preliminary risk assessment has been carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
- 8) Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11.
- 9) Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11
- 10) Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 11) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
- 12) Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

- 13) 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(conditions 7-13): Required as pre commencement conditions 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.

- 14) The occupancy of the development hereby approved shall be limited to persons aged 65 and over (the qualifying person), together with any spouse or partner and any surviving spouse or partner. The applicant shall retain a register of occupants which shall be provided to the Local Planning Authority upon reasonable request.

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.

- 15) The development hereby approved shall be carried out in strict accordance with the recommendations as set out in Section 6 of the Ecological Appraisal (Report Ref: ECO4378.EcoApp.vf) unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the ecological resources of the site in accordance with the National Planning Policy Framework, Wildlife and Countryside Act 1981 and the Natural Environment and Rural Communities Act 2006.

### **Informatives**

- 1) The local planning authority is aware of the requirement in the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with applicants in a positive and proactive manner, seeking solutions to problems arising from applications.

In this case the applicant:

- sought detailed pre-application advice from the authority and acted upon this advice in advance of the application submission

The proposal therefore delivers a policy compliant sustainable form of development.

- 2) The attention of the applicant is drawn to the need to keep the Highway free from any mud or other material emanating from the application site of any works pertaining thereto.
- 3) This permission does not authorise the applicant to carry out works within the publicly maintained highway.

Dropped kerbs to enable access onto properties for vehicles must only be constructed by Ringway Infrastructure Services, Worcestershire County Councils approved contractor. The applicant is solely responsible for all costs associated with construction of the access. For further information, please contact Ringway direct on 01905 751651 or email: [worcestershirevehicle.crossing@ringway.co.uk](mailto:worcestershirevehicle.crossing@ringway.co.uk)

- 4) This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor following the issue of a license under Section 184 and 278 of the Highways Act, 1980.

Please contact Ringway Infrastructure Services, Worcestershire County Councils approved contractor. The applicant is solely responsible for all costs associated with construction of the access. For further information, please contact Ringway direct on 01905 751651 or email : [worcestershirevehicle.crossing@ringway.co.uk](mailto:worcestershirevehicle.crossing@ringway.co.uk)

- 5) The applicant is advised to reduce or eliminate instances of lighting spill. Ideally, lighting of the following types (in the absence of superior alternatives) should be provided:

- \*Narrow Spectrum Lights with no UV content

- \*Low pressure sodium and warm white LED

- \*Directional down lights - illuminating below the horizontal plane which avoid light trespass into the environment.

Any proposed landscape/car park or external building lighting needs to be either PIR activated (as appropriate) or timed, and appropriately designed to prevent light pollution or spill to minimise potential disturbance of potential bat forage routes.

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