

Applicant	Proposal	Plan Ref.
Priory Healthcare	Demolition of two storey wing of existing Class C2 use building and the erection of a new part-single/part-two storey detached building and associated works, including reconfiguration of car parking Lickey Hill Nursing Home, Warren Lane, Lickey B45 8ER	18/01053/FUL

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Cofton Hackett Parish Council

They make the following comments:-

- There are no objections in principle to the demolition and building works. It does seem however a great deal of change to reduce the number of beds from the current 97 to 39.
- Although, as stated, the applicant intends to operate the site as a bespoke healthcare facility it begs the question as to what type of healthcare.
- Before the Parish Council could remove their concerns is the BDC Planning Department be able to reassure the residents there will be no increase in the risks to local people and to visitors to the area and local facilities

Worcestershire Highways:

No objections subject to a condition requiring conformity to the submitted plans. The reasoned justification includes the following:

- Reduction of the number of beds from 97 to 39 resulting in a decrease in the number of trips albeit with a net increase in floor area of 303sqm.
- Good accessibility of the site to pedestrians, cyclist and public transport users
- TRICS assessment – 8 fewer return trips with no detriment to local junctions.
- They are content that the proposed car parking provision would be adequate for the proposed building

Conditions are recommended should the Council be minded to approve covering electric vehicle charging, accessible parking provision, motor vehicle parking, and conformity with submitted details

Tree Officer:

No objections subject to conditions related to protection of trees to be retained within influencing distance of any demolition or construction of the building and car park.

Worcestershire Wildlife Trust:

No objections subject to condition requiring a plan showing the location of each intervention (bat boxes etc). The reason justification supports the recommendations of the WYG bat survey and states that the outline bat mitigation strategy is in line with the law and relevant planning guidance

Community Safety Officer :

Concerns about the proposed development for the following summarised reasons:

- Secluded location in an area offering good accessibility to criminals and the users of the building would be vulnerable
- Details of the external lighting including position, amount, type, uniformity and support to an effective CCTV system are absent.
- Vulnerability of the car park and open spaces
- Creation of a narrow pathway between proposed and resulting existing building – not well lit and lacking natural surveillance
- Multiplicity of accesses which would be vulnerable

North Worcestershire Water Management - make the following comments

- Low risk of flooding since it is flood zone 1 and has a low surface water risk according to the EA's surface water flood maps
- Surface water from extra hard surfaces can be kept on site using a soakaway or other infiltration advice provided ground conditions allow
- No need for a drainage condition since it is considered to be covered by Building Regulations

NHS Primary Care Redditch and Bromsgrove Clinical Commissioning Group

Due to the proposed reduction from 97 to 39 rooms it is likely to reduce the impact on the services of nearby GP practices unless the home intends to provide a highly specialised service. Whilst it is acknowledged that the provision of care and therapy for adults suffering from a range of mental health illnesses is specialised it would not give rise to significantly higher primary health care provision. Therefore there is no need for additional primary care provision and the securing of contributions. There is currently a premises capacity deficit in the Redditch and Bromsgrove area.

NHS Acute Hospitals NHS Trust

As this particular development is an intensive care centre for people suffering from mental illnesses, there would be no need to mitigate the impact on an already overburdened health services. Therefore no financial contributions are sought

Public Notifications

- 5 Neighbours notified – 27/09/18 (Expiry - 21/10/18)
- Site Notices – 06/09/18 (Expiry 27/09/18)
- Press Notice - 14/09/18 (Expiry 01/10/18)
- No representations

Site Description

The 0.7 hectare site is located to the north of Warren Lane and is partly enclosed, surrounded on its north, east and west sides by woodland. To the south of the site are several detached dwellings set within relative large grounds. The Lickey Hills Visitor Centre lies approximately 70 metres to the south east. The land surrounding the site is predominantly rural in character, most of which forming part of the Lickey Hills Country Park. The application site comprises a substantial two storey building configured in an 'L' shape layout, with a large car parking area to the front

Proposed Development

It is proposed to demolish a two-storey section of the western portion of the existing building and erect a new part-single/part-two storey detached building on both the footprint of the demolished building and on some of the front car park resulting in an extra 303 square metres of accommodation. The proposed development would encroach into the northern part of the existing car park and to compensate it is proposed to extend the car park to the south-west into an enclosed area which has groups of trees and shrubs. There would be an increase of parking provision from the current 35 car parking spaces to the proposed 43 car parking spaces, representing an increase of 8 car parking spaces.

It is stated that the proposed development works are necessitated by the desire of the applicant to replace the existing 97 bed care home and to operate the site as a bespoke healthcare facility for 39 service users under the site's lawful Class C2 use.

The applicant has clarified that the site will provide care and therapy for adults suffering from a range of mental health illness, such as stress, depression and anxiety. The existing retained building will house two areas delivering care to both private and NHS patients. The new building will accommodate patients who need intensive support over a shorter period of time than those in the existing building. The two areas are interdependent as the care pathway of many patients will see them transition from one to the other as their treatment progresses. On this basis the applicant's case that the proposed use falls within Use Class C2 is accepted

Planning History –

The site has been in use as a nursing home since about 1988 when planning permission was granted for the change of use from a squash club (LPA ref. B/16092/1988). In January 2018, an application was made to remove condition 2 of permission B/16092/1988 and the application was approved by the Council (LPA ref. 17/01333/FUL). This means that the site can now be used for any purposes in Use Class C2, without the need for planning permission.

Planning Policies

Bromsgrove District Plan

- BDP1 Sustainable Development Principles
- BDP 2 Settlement Hierarchy
- BDP4 Green Belt
- BDP6 Infrastructure Contributions
- BDP12 Sustainable Communities
- BDP 16 Sustainable Transport
- BDP19 High Quality Design
- BDP21 Natural Environment
- BDP24 Green Infrastructure

Others

- High Quality Design SPD
- Lickey & Blackwell Village Design Statement SPG 9

- Lickey & Blackwell and Cofton Hackett Neighbourhood Plan. Submitted and has gone through examination with the publication of the Inspectors report making minimal substantive changes. Moderate weight
- NPPF National Planning Policy Framework (2019)
- NPPG National Planning Practice Guidance

ASSESSMENT

It is considered that there are two main issues:

Issue 1: Green Belt - Whether this is inappropriate development, in principle, and whether it would cause unacceptable harm to openness and the purposes of green belt policy and if it is inappropriate whether there are very special circumstances which clearly outweigh the harm.

Issue 2: Whether the proposed development represents high quality design and protects rural character

Other Issues :

- The effect of the proposed development on the natural environment – particularly bats
- The effect of the proposed development on the green infrastructure
- The effect of the proposed development in terms of the effect of the increase population on infrastructure, facilities and services
- The effect of the proposed development on highway safety

Green Belt –

The National Planning Policy Framework (NPPF) and Bromsgrove District Plan policy BDP 4 states that the construction of new buildings, other than in connection with a small number of exceptions, should be regarded as inappropriate in the Green Belt. Inappropriate development according to the NPPF is harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with Paragraph 145 of the NPPF and BDP 4 the construction of new buildings in the Green Belt is inappropriate development unless it falls within specific categories of exceptions. In this context, the only realistic category of exception it might potentially fall within is the partial or complete redevelopment of previously developed land which does not have a greater impact on the openness of the Green Belt than the existing development.

It is considered that the construction of the detached building over part of the car park, in additions to being rebuilt on the footprint of the wing to be demolished, involving an extra 303 square metres of floor space, inherently involve a greater impact on the openness of the Green Belt.. Furthermore it estimate of the additional volume of the resulting building would be 1210 cubic metres and since most of it would be in the front wing it would be more prominent. There would also be harm to the purposes of the green belt, particularly assisting in safeguarding the countryside from encroachment, as per paragraph 134 of the NPPF. Therefore, it does not fall in any of the categories within paragraph 145 or BDP4, and consequently it is inappropriate development which should only be approved in very special circumstances. These would only arise when the harm by reason of ‘inappropriateness’, loss of openness and all other harms are ‘clearly outweighed’ by

other considerations. The NPPF paragraph 143 states that inappropriate development is, by definition, harmful to Green Belt and should not be approved except in very special circumstances.

Regarding the question of very special circumstance the applicant has submitted a number of points in support of the application. The Supplementary Supporting Statements states that demand for both Acute and Psychiatric Intensive Care Units (PICU) has greatly increased over recent years. NHS Trusts are facing financial challenges and are unable to provide the capital to improve and maintain these services, especially in light of increased scrutiny from the Care Quality Commission (CQC). The applicant's services have sustained high occupancy throughout 2018 and 2019 and they are often unable to meet the demand for more NHS placements, meaning that patients are held in inappropriate environments, such as police stations and emergency hospital departments. The ability to provide these vital services on one site will enable the applicant to provide additional much needed capacity to support the high numbers of NHS patients requiring in-patient care and support.

It is further stated that the applicant works closely with NHS Trusts in the surrounding area to meet NHS targets around 'out of area' placements. Additional beds in this locality will allow more patients to be treated closer to home. People with mental health problems will usually access health, education or social services before accessing the specialist services provided by the applicant. The applicant's specialist services are not normally provided by the NHS and this is reflected in a significant number of people from the local area being referred to in-patient facilities out of the local area, and away from their family and friends.

Along with this statement, the applicant provides an appeal decision relating to the applicant's Woking hospital which is also located within the Green Belt – (PINS REF. APP/A3655/A/10/2125384). The Inspector states at para 13 *"Priory Group provides in-patient facilities for children referred by local NHS trusts, which cannot offer such facilities...I consider that the ability for children from the local area to be treated locally, close to their family and friends, is an extremely important benefit."*

The applicant argues that placing patients for treatment closer to home is of crucial importance and is a very high priority for the NHS, The new facilities also need to be co-located, as various elements are interdependent for operational reasons. It is more effective to provide the accommodation and care at an established site, where existing structures and resources can be efficiently utilised and where significant investment has already been made.

The site would have a rear garden and this is considered to be an important part of the environment and care afforded to patients who may use them for horticultural therapy, sport or relaxing with some areas made more secure than other to cater for a range of potential patient needs

These matters have been carefully considered. It is accepted that there may be some need for facilities to provide care and therapy for a range of mental health illnesses and the site could provide interdependent care pathways. However, this need seems primarily to come from NHS Trusts in Birmingham and Solihull and Coventry and Warwickshire rather than North Worcestershire. There is no justification as to why these needs cannot be satisfied on sites in urban areas, or in

countryside outside the green belt. Moreover, the applicant's statement implies the greatest need comes from NHS Trust areas outside North Worcestershire and that clients might well come predominately from the whole of Birmingham or Coventry. This could undermine the reasoning that the clients would be close to home. Furthermore, from reviewing the CCG comments it is evident this would result in the provision of a reduced number of beds inherent with the specialised facility, at a time when North Worcestershire has a deficit of nursing home beds. Therefore I conclude that the matters put forward by the applicant do not amount to very special circumstances required to outweigh the identified harm to the Green Belt.

Whether the proposed development represents high quality design and protects rural character

The existing substantial L' shaped footprint of the two storey building and the existing car part takes up most of the relatively confined site and is already a relatively dominant complex in the context of the rural environment of the Lickey Hills. Warren Lane, as analysed with the Cofton Hackett Character Appraisal, which is one of the reports associated with the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan, has a rural character with sporadic cottages and interesting world war buildings together with the Lickey Hills country park visitors centre and the Drovers Way bridleway running north from Warren Lane adjacent to the care home.

The existing part of the building which fronts the car park and access has regular symmetrical window openings which results in a distinctive active frontage facing south, which can be seen from the junction of the driveway leading to it from Warren Lane. In contrast, the proposed two storey projecting wing, with a truncated pitched/flat roofed gable end and with its large, asymmetric windows together with a flat roofed single storey component and with face materials of brick and timber cladding would be unduly dominant and would not harmonise the west-east part of the existing building. Moreover, it would result in an inward looking building orientated to face what would become a central courtyard. The loss of car parking, hardstanding would be made up by removing a landscaped area in the front of the site which currently helps integrated the building and would leave insufficient remaining space for meaningful replacement trees and shrubs.

It is considered this is poor design which does not enhance the character and distinctiveness of the local area, contrary to BDP19.1e. Moreover, since it would not leave enough space to incorporate sufficient and appropriate soft landscaping it the resultant building would not be sufficiently disguised and would appear as an over developed complex, in the context of the rural surroundings described in the Warren Lane section of the Character Appraisal. Policy BD2 of the Neighbourhood Plan requires that new development should reinforce the distinctive character and should respond positively to its local context as described in the Character Appraisal. This is further reinforced by the High Quality Design SPD, paragraphs,4.2.11 & 12, which states, amongst other things, that new residential development should embody the particular characteristics of the built and natural environment in which it is located

In terms of crime prevention, Community Safety have cited a number of concerns regarding the design. The applicant has responded by inviting the council to condition things like lighting and CCTV cameras. However, planning conditions

cannot ameliorate fundamental design flaws. In particular, it is not good design to have a detached block separated by a narrow alley from the main building and there would be relatively narrow strips of amenity space to the sides which do not benefit from good natural surveillance. The NPPF paragraph 127f) states, amongst other things, that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime do not undermine the quality of life. Moreover, it would not accord with the Bromsgrove District Plan policy BDP 19 'High Quality Design' and in particular o) relating to 'Designing out crime and fear of crime by incorporating 'Secure by Design' measures. This is reinforced in the High Quality Design SPD which states, amongst other things, that surveillance should be ensured to provide safe and secure places to live.

In terms of the residential amenity, the small and narrow outdoor amenity spaces would be heavily shaded by the proposed building and surrounding trees and would be incompatible with the desire to create an outdoor amenity space for therapeutic horticulture. Therefore, it is considered proposed development would not be in accordance with BDP19.1m) since it would not have sufficient functional space for everyday activities meeting people's needs and expectations of the residential development they occupy. It is considered that this policy is applicable because the proposed development which would fall within is a C2 'residential institutions' use class, is still a residential use. Whilst the High Quality Design SPD which requires a minimum of 70 square metres amenity space for each dwelling cannot be directly applied to residential institutions it indicates that the proposed amount of amenity space for this residential institutional use housing 39 people is relatively small.

In conclusion, the proposed development represents poor design which does not harmonise with the character of the area, does not design out crime and does not meet the needs and activities of its future occupants.

Other issues

The revised response of the NHS Acute Hospitals and NHS Primary Health CCG presents a reasoned justification for not securing contributions, in this case. Therefore it can be concluded that the proposed development would not result in unacceptable pressure on infrastructure, services and facilities and it would comply with policy BDP6.

The Worcestershire Wildlife Trust's response regarding the submitted outline bat mitigation strategy and the scope to address other bat matters by planning conditions leads to the conclusion that the proposed development would not cause unacceptable harm to the natural environment and that this would comply with policy BDP21.

Since there are no highways objections it can be concluded that the proposed development is in accordance with the policy BDP16

Similarly, in view of the tree officer comments it can be concluded that the proposed development is in accordance with BDP24.

Regarding the reassurance sought by the Cofton Hackett Parish Council about the actual or perceived risk to the community of as a result of the development these are purely operational matters and are not planning related. The applicant explains this would be a specialist facility for care and therapy for adults suffering from a range of mental health illness and the proposed design follows this function.

Conclusion

The proposed development would cause unacceptable harm in respect of green belt appropriateness, purposes and openness. It would also cause unacceptable harm in terms of rural character and poor design. No very circumstances exist or have been put forward to outweigh the harm by virtue of inappropriateness and the other harm identified.. Therefore it would conflict with Bromsgrove District Local Plan Policy BDP4.4 and 19.1 and the National Planning Policy Framework (NPPF) paragraphs 145 and 146.

RECOMMENDATION That planning permission be **REFUSED**

1. The proposed development would not fall within the definitions of exceptions to the general presumption against development within the Green Belt, as set out in Bromsgrove District Plan Policy BDP4.4 and the National Planning Policy Framework (NPPF) paragraphs 145 and 146. Furthermore, the resultant encroachment into the openness of the Green belt would be contrary to the key purpose served by Green Belt, set out in NPPF paragraph 134c. Very special circumstances do not exist which clearly outweigh the harm by reason of inappropriateness and all other harms. Therefore, the proposed development conflicts with policy BDP4 and paragraphs 144 and 145g of the NPPF.
2. The proposed development, which, by reason of the scale of the development, its orientation and fenestration, would result in an overly dominant complex of buildings with a mismatched and inactive frontage, which does not harmonise with the distinctive character of the rural area, does not design out crime and does not meet the needs and activities of its future occupants. It would thereby conflict with Bromsgrove District Plan policy BDP.19, the High Quality Design Guide SPD and the NPPF,

Case officer: David Edmonds. Tel 01527 881345
Email: David.Edmonds@bromsgroveandredditch.gov.uk