

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mrs M Birchill	<p>Single storey, first floor and two storey extensions to existing 20-bed residential care home to create a 48-bed residential care home; 3 no. additional communal living/dining rooms, a laundry room, enclosed landscaped garden, car parking and associated works</p> <p>Retirement Home, Hopwood Court, Birmingham Road, Hopwood, Worcestershire B48 7AQ</p>	16.07.2020	20/00458/FUL

**This application comes before the Planning Committee because it is for Major development**

**RECOMMENDATION:** That planning permission be Refused

### Consultations

#### **Alvechurch Parish Council**

No objections

#### **North Worcestershire Water Management**

The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Risk to the site from surface water flooding is indicated as low based on the EA's flood mapping. There are no details provided of the proposed drainage layout for the scheme so to ensure that there is appropriate drainage for the site, a site drainage strategy condition should be attached to any consent

#### **WCC Highways**

No objections raised subject to the imposition of conditions.

The site is located in a semi-rural location off a classified road, the site benefits from an existing vehicular access with acceptable visibility in both directions from the exiting access. Birmingham Rd benefits from footpaths located within grass verges, no street lighting is present in the vicinity. The site is located within walking distance of a public house and a petrol station and also a bus route and bus stops are located a short distance from the proposed development.

The applicant has indicated an increase in the number of bedrooms from 20 to 48 bedrooms.

At present the site benefits from 10 car parking spaces which is to be increased to 30 parking spaces, the applicant has provided justification for the proposed increase in car parking within Appendix A of the Transport Statement and this is deemed to be acceptable.

The increase in vehicle movements would not have a severe impact on the surrounding highway network and thus, the impact would be negligible.

Due to the increase in numbers of residents, a contribution of £2500 to Worcestershire County Council would be appropriate in this instance given the percentage of residents who are unlikely to be able to access conventional public transport.

Having undertaken a robust assessment of the planning application, based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained.

Conditions are recommended to be imposed with respect to: conformity with submitted details; provision of Electric Vehicle Charging Facilities; cycle parking provision.

### **Arboricultural Officer**

The Northern boundary of the site opposite the front on the building is defined by a mixed species hedge and tree line. The proposal highlights an intention to upgrade the parking area local to this hedge and tree line feature. As the proposed new parking area closely abuts the hedge and tree line feature it creates a heavy incursion into the BS5837:2012 recommended Root Protection Area (RPA) of the hedge and trees, any section of the new parking area that creates an incursion into the RPA of the hedge or trees on this boundary should be installed by use of a suitable grade of No Dig construction over the existing ground levels.

The North-Eastern boundary of the site is defined again by a mixed species hedge and tree line. The hedge line would be unaffected by the proposed footprint of the development. However the footprint of the development causes an incursion into the BS5837:2012 recommended RPA of 1 x Oak and 1 x Horse Chestnut. The conflict by the proposed development with the Oak tree has been recognised although no arboricultural reports have been supplied with the application as it is highlighted on the "Proposed Site Plan" as a tree either for removal or to be crown reduced. The Oak and Chestnut are good quality mature trees within the site and I therefore object to the level of immediate conflict which would occur.

The South-Western boundary of the site is defined again by a mixed species hedge and tree line. The proposal will require the heavy cutting back or removal and replanting of sections of the hedge line to which I would have no objection. However the proposed footprint of the development creates a level of incursion into the RPA on 2 x Oak trees. The two Oak trees are good quality mature trees within the site and I therefore object to the level of immediate conflict.

In total there are fourteen trees highlighted as either "Trees to be removed /Crown to be reduced". Out of the fourteen, seven are trees to which I would object to being removed and I have reservations over the level of crown management that would be required. The application should be supported by a BS5837:2012 arboricultural survey and method statement.

## **Publicity**

A total of 14 neighbour notification letters were sent on 24.04.2020 expired 18.05.2020

A site notice was displayed on 23.04.2020 expired on 17.05.2020

The development was advertised in the Bromsgrove Standard on 01.05.2020 and expired 18.05.2020

No third party representations have been received

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP6 Infrastructure Contributions

BDP10 Homes for the Elderly

BDP12 Sustainable Communities

BDP13 New Employment Development

BDP15 Rural Renaissance

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP21 Natural Environment

### **Others**

ALVNP Alvechurch Neighbourhood Plan:

Policy HDNE1 – Built Heritage and Local Character

Policy HDNE2 – Local Distinctiveness

Policy H5 – Sustainable Development Through Design

Bromsgrove High Quality Design SPD

NPPF National Planning Policy Framework (2021)

## **Relevant Planning History**

B/15451/1987	Change of use to home for the elderly	Approved	14.09.1987
B/15686/1987	Side extension to rest home	Approved	09.11.1987
B/19808/1990	Ground floor extension to retirement home.	Approved	05.11.1990

B/1993/0315	Ground floor extension to residents lounge and laundry	Approved	21.06.1993
B/1995/0264	Conservatory to front elevation.	Approved	24.05.1995
B/2008/0090	Proposed front conservatory to nursing home to provide occupational therapy room for residents.	Approved	12.03.2008

## **Assessment of Proposal**

### **The site and its surroundings**

The site measures 0.67 hectares and is located within the Green Belt, as defined on the Bromsgrove District Plan Policies Map.

The care home is situated along a long private driveway accessed off the eastern side of the Birmingham Road (A441). The existing care home was created in 1987 by the combining of a pair of semi-detached dwellings which would have originally been built symmetrically and appear to be Edwardian in character. The existing care home provides 20 bedrooms.

The existing property fronts the driveway with its private garden set to the rear (south/southeast). The garden is extensive and is largely laid to lawn. There is a change in levels across the site with the care home itself being set on higher ground with the garden sloping away towards the southeast.

The perimeter of the garden is bound by mature hedgerow planting. The Worcester and Birmingham Canal runs in an east/west direction to the south of the site.

### **The proposed development**

Full planning permission is sought for single storey, first floor and two storey extensions to increase the size of the care home from a 20-bed residential care home to a 48-bed residential care home. The proposed extensions would also provide 3 no. additional communal living/dining rooms, a laundry room and an enclosed landscaped garden.

All of the new bedrooms would have en-suite facilities with bedrooms (excluding storage and the en-suite) ranging between 9 square metres and 17 square metres. The majority of the bedrooms are between 11 and 13 square metres in area (excluding the en-suite and storage).

Car parking provision would increase from the current 10 no. spaces to 30 no. spaces, predominately following the northern site boundary. Alterations to the driveway would be made to facilitate turning and manoeuvring.

The single storey extension would be roofed with a sedum 'green' roof with lantern lights allowing natural light into the corridors. The single storey extension has been designed to provide an internal 'loop' for residents to walk along during inclement

weather. On account of the fall in the site level, a number of platform lifts are provided along the corridor to ensure 'access for all'.

## Assessment

### **Principle of development**

Policy BDP10 sets out that the Council will encourage the provision of housing for the elderly where appropriate whilst avoiding an undue concentration in any location. The applicant has commissioned an 'Assessment of Need' report submitted by Tetlow King which concludes that there is a current shortfall of residential and dementia beds and this is exacerbated by the concentration of residential care closer to Bromsgrove and Alvechurch. The north-eastern end of the District is considered to be particularly poorly served.

This shortfall reflects that set out in the District Plan (Policy BDP10) which predicts that the population aged over 60 will increase substantially. The Strategic Housing Market Assessment (SHMA) 2012 shows that within the District the proportion of older person households is forecast to grow from 21.4% to around 33% of the total population by 2030.

The Alvechurch Neighbourhood Plan recognises this, noting that "The Parish's population has a high percentage of elderly residents: 29% of our residents are aged over 60" and that "Elderly people are a growing proportion of Alvechurch population. Population projections suggest that this trend is likely to continue and become more pronounced."

Policy BDP10 of the local plan highlights the critical present and future need. It notes that there will be a very large increase in the need and demand for housing with care for older people (paragraph 8.87) and that a failure to provide alternatives for the increasing pensioner population will result in most people staying in their existing family homes. The consequence being a poorer quality of life and "dramatically reducing the supply of such properties in the local housing market." (paragraph 8.88).

The National Planning Policy Framework (NPPF) at Paragraph 60 sets out that to support the objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.

The Governments Planning Practice Guidance (PPG) stresses that the need to provide housing for older people is critical. In this respect, it has to be concluded that the needs of BDC's ageing population are acute, and evidenced national, regional and local need is currently unmet and forecasted to remain unmet in the foreseeable future. The principle of the proposed development is acceptable.

### **Green Belt**

The site is located within the designated Green Belt.

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It reads on to say that the essential characteristics of Green Belts are their openness and their permanence.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (Paragraph 147). Paragraphs 149 and 150 set out certain forms of development that are not inappropriate in the Green Belt.

Paragraph 149(c) states that the “extension or alteration of a building” is appropriate development provided that the development does not result in disproportionate additions over and above the size of the original building.

Policy BDP4 of the Bromsgrove District Plan (BDP) similarly allows for proportionate extensions to buildings within the Green Belt but distinguishes between residential buildings and non-residential buildings. Whilst a proportionate extension to a dwelling is considered to be up to 40% over and above the original, a proportionate extension to a non-residential building is not defined by a numerical figure. Instead, Policy BDP4(d) states that extensions to non-residential buildings should be proportionate and that the potential impact to the openness and purposes of the Green Belt should be taken into account. It further states that proposals that can demonstrate significant benefits to the local economy and/or community will be considered favourably.

Having regard to the above, the existing floor space present within the care home equates to 660m<sup>2</sup>. If permission were to be granted, total floor space following the development would rise to 2400m<sup>2</sup>, a total increase of 1740m<sup>2</sup>. This, in itself would represent a non-proportionate (disproportionate) increase. It should also be noted that the property has been extended significantly in the past following the original buildings residential change of use to care home in 1987. Relevant planning history is set out earlier in this report and extensions which have been added in the past are clearly visible.

With regards to the impact of the proposal on the openness of the Green Belt, other than the proposed first floor extensions, the remainder of the extensions would result in the footprint of the building becoming less consolidated and more sprawling.

Although many of the extensions would be single storey and would include a flat roof, two storey extensions are also proposed and the additional bulk and volume of the proposed development would occupy an area of the site which is currently free of permanent built form and would therefore reduce the open appearance of this part of the site.

Overall, the proposals would be considered to have a significant impact on openness. The courts have held that Openness is capable of having both spatial and visual aspects, in other words, the visual impact of the proposal may be relevant, as could its volume. In spatial terms alone, the impact of the development would be significant.

In visual terms, the applicant states that:

*the application site is set back from Birmingham Road, located beyond an intervening paddock. Mature hedgerow planting grows at the back of the footway of Birmingham Road providing screening in the summer months such that the intervening paddock is not visible. In the winter months, the screening thins but whilst filtered views can be gained, these are still heavily masked by the dense hedgerow.....The intervening paddock is bound on all sides by mature hedgerow, including on its eastern boundary with the application site. That hedgerow is mature and dense in nature and, whilst deciduous, adds a further level of screening from Birmingham Road. Cumulatively, the*

*two hedgerows and the intervening paddock mean the application site; specifically, the area where the proposed development is to be sited, is not visible from the western footway on Birmingham Road..... The application site is bound on both its side boundaries by mature hedgerow planting. The southern boundary is similarly well screened and ends before reaching the canal's northern bank. As one walks along the canal, from Hopwood in an east/north-easterly direction, the site remains well screened from the towpath. There is significant screening in winter months when the site is at its most visible. These distant, glimpsed and filtered views are lost for a significant part of the year when hedges and trees are in leaf. The boundary hedgerows to the application site are under the ownership/control of the Applicant.*

The applicant also refers to the nearest public right of way (PROW) which is footpath 518(C) to the east. This footpath leaves the canal towpath and heads in an eastern direction across fields. I would agree with the applicants' assertions that the application site is heavily screened from the point the PROW joins the towpath with the existing development only glimpsed through existing trees and hedges in winter months, a view which would be lost when vegetation is in leaf. Whilst also agreeing with the applicants' general assertions regarding the lack of visual intrusion which would be caused by the proposed development it should not be forgotten that a number of existing trees would need to be removed to facilitate the proposed extensions and although replacement planting is proposed in mitigation for this loss, the new planting will take time to mature and offer an appropriate screen.

Whilst concluding that in visual terms the proposed development would not be significant, in spatial terms the proposals would be, and contrary to the applicants' assertions, I believe that the proposals would fail to safeguard the countryside from encroachment having regard to the purposes of the Green Belt as set out under Paragraph 138 of the Framework.

Both your officers and the applicant accept that the proposals represent disproportionate additions and that in a spatial sense i.e. volumetric, the proposed development represents inappropriate development having regard to Paragraph 149, exception c) since the extensions are in excess of what can reasonably be considered to be proportionate.

As far as Policy BDP4(d) of the Bromsgrove District Plan is concerned, (as set out above) the proposal is also considered to fail in so far as the first part of BDP4(d) is concerned. The second part of Policy BDP4(d) which comments that *proposals that can demonstrate significant benefits to the local economy and/or community will be considered favourably* will be considered below.

### **Very Special Circumstances**

The proposals would not meet any of the exceptions to inappropriate development as set out under Paragraph 149 of the NPPF. Paragraphs 147 and 148 of the NPPF state that inappropriate development within the Green Belt is harmful by definition and should not be approved unless very special circumstances exist. Substantial weight should be given to any harm to the Green Belt and very special circumstances do not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Whether approval of the proposals can demonstrate significant benefits to the local economy and/or to the community is a matter of planning judgement. Clearly approval of the development would create short term construction jobs and could provide employment to the local community. In this respect the applicant states that at present there are 12 full time existing employees and 20 part time employees which would rise to 24 full time employees and 40 part time employees if permission were to be granted. Although difficult to quantify, the applicant also states the development would increase the number of visits by specialist care workers, therapists, hairdressers and entertainers thus supporting third party businesses and the local economy in line with Policies BDP13 and BDP15 of the District Plan.

The applicant has raised a number of matters which, it has been suggested, amount to very special circumstances (VSC) which cumulatively outweigh the harm to the Green Belt by reason of inappropriateness. These include: Acute housing need for the elderly; lack of alternative sites within the District outside of Green Belt; economic benefits; freeing up general housing and health and wellbeing effects.

In terms of need, there is an undisputed need for care home provision in the UK. Planning Practice Guidance (PPG) (paragraph 001) was introduced in June 2019 and emphasises that “the need to provide housing for older people is critical.” It highlights that people are living longer lives and that the proportion of older people in the population is increasing. By 2041 there is estimated to be some 3.2 million people aged 85 and over. The applicant also highlights the 2017 Local Government Association (LGA) report, “Housing our Ageing Population” which includes within it, a number of case studies/best practice which includes Worcestershire. It explains that by 2031 there will be a 42% increase in people aged over 60 and a 136% increase in those aged over 85.

Whilst the matters advanced by the applicant are material planning considerations in the determination of the application it is also necessary to examine whether there are genuine VSC, effectively unique to this site and development proposal which mean that the site would not be viable in the future if planning permission were not to be granted in this case. To this end, the applicant has commissioned a report produced by Christie & Co to undertake a review into the viability of Hopwood Court, to determine the need to extend the existing care home in order for it to remain economically viable.

This has been independently assessed by Andrew Golland Associates (AGA) Chartered Surveyors on behalf of the Council. AGA are retained consultants for several Councils across England and Wales in viability matters.

The key issue raised in the viability case for the applicants is that additional rooms are needed in order that the current nursing home operation (of 20 rooms) remains viable.

With respect to the ‘business’ case, AGA recognises that the balance between ‘openings’ (of care homes) versus ‘closings’ is in favour of larger operations. However, AGA comments that there are still a significant number of smaller care homes being opened and this to some extent weakens the case for an automatic assumption that in order to survive, the current facilities should be expanded.

On the viability question, AGA content that insufficient evidence has been provided to show that additional units actually tip an ‘otherwise’ unviable operation into a viable one.



AGA has also concluded that the additional units of accommodation do not stack up without significant loan funding. AGA comments that staff costs are a challenging issue and comments likely that these will rise significantly as a result of Brexit, and hence would impact negatively on the viability of any additional accommodation. Further, Christie's report fails in AGA's view to make the case for potential economies of scale created by additional accommodation. Much firmer evidence is considered to be needed and AGA consider that the information submitted does not tip the balance in favour of a consent.

Based on the evidence submitted, officers are not satisfied that the survival of the business is dependent on the proposed development. In view of this and having examined the other matters raised, it is not considered that the reasons put forward would amount to very special circumstances that would outweigh the substantial harm arising to the Green Belt by reason of inappropriateness.

### **Design and Appearance**

Policy BDP 19 of the BDP seeks high quality design which would enhance the character of the local area. The original building is traditional in appearance, although it has been altered and extended substantially over a number of years. The proposed two storey extensions are considered to complement the design of the existing building and the single storey extensions, whilst being substantial in footprint, would be flat roofed. Furthermore, the single storey extensions finished in white render (walls) under a green roof would reduce the dominance of the extensions and also results in a development that would be distinguishable as a modern addition. The 'Courtyard' area creates a sensory garden, designed to invoke memories for people suffering with dementia. Overall, the design and appearance of the proposal is considered to be acceptable and in accordance with the requirements of Policy BDP 19.

### **Highway matters**

Members will note that WCC Highways have raised no objection to the application from a highway safety perspective. They have noted that 10 car parking spaces exist at the site and that a further 20 new car parking spaces would be proposed. They deem this to be satisfactory. No objections are raised subject to the imposition of conditions pertaining to: cycle parking provision; conformity with submitted details; and the provision of an electric vehicle charging facility.

WCC highways consider that many residents are unlikely to drive to and from the site for a number of reasons including age and general health conditions.

As such the County Council consider it reasonable for the developer to make a financial contribution of £2500 towards a Community Transport Service which is funded by WCC. The cost of running the service has been calculated as £2500 for 5 years. The request for the financial contribution sought would be served via a unilateral undertaking between the developer and Worcestershire County Council. The request is considered to be reasonable and necessary and is agreed to by the applicant.

### **Tree matters**

The Tree Officers comments above are noted and it is clear that trees would need to be removed in order facilitate the proposed development. The Tree Officer has objected to

the removal of seven of the trees. However, the trees in question are not protected and could be felled at any time without consent. The submitted plans show that extensive replacement tree planting is proposed to the western and eastern boundaries of the site as mitigation and an appropriately worded planning condition could specify the species and standard of new planting in the event of planning permission being granted. A full arboricultural survey and method statement in accordance with BS5837:2012 outlining measures for tree protection during the construction period could similarly be secured by planning condition.

### **Other Matters**

As the nearest residential properties (located at 'the Drive') are in excess of 100 metres (to the west) of the Care Home, there would be no adverse impact to residential amenities as a result of the proposal. No third party representations have been received.

### **Conclusion**

As the proposal would result in disproportionate additions to a non-residential building in the Green Belt that would also fail to preserve the openness of the Green Belt, the proposal would constitute inappropriate development. Paragraphs 147 and 148 of the NPPF state that inappropriate development within the Green Belt is harmful by definition and should not be approved unless very special circumstances exist. Substantial weight should be given to any harm to the Green Belt and very special circumstances do not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Paragraph 84 of the NPPF supports the sustainable growth of businesses in rural areas and this is reflected in the Bromsgrove District Plan which supports economic development in rural areas through proportionate extensions to existing businesses. In this case the proposal would result in economic benefits to the care home and would help address identified need for such accommodation. Policy BDP10 of the Bromsgrove District Plan sets out that while one-in-six of the UK population is currently aged 65 and over, by 2050 one in-four will be. Local data and trends set out within Policy BDP10 suggest that within the rural district of Bromsgrove, the population aged 60 and over will increase substantially in the longer-term. Whilst these matters should be afforded appropriate weight, substantial weight should be afforded to the harm caused to the green belt in this case.

The applicant's viability case has been independently critiqued by Andrew Golland Associates on behalf of the Council. This concludes that the applicant has not demonstrated that the business would fail without the proposed extensions. Whilst the need for care homes within the district cannot be disputed, this should not come at any cost, and significant expansion in green belt locations should be guarded against.

The design and appearance of the proposal is considered acceptable, and no harm has been found in relation to highways, trees or residential amenity. As this is expected of all new development, these matters are given neutral weight in the planning balance.

Whilst the generic benefits of such provision would comply with Policy BDP10 (homes for the elderly) the business case of the development has not been proven and it is not considered that there are very special circumstances present that would outweigh the substantial harm arising to the Green Belt.

**RECOMMENDATION:** That planning permission be Refused

**Reason for refusal**

- 1) The site is located within an area identified within the Development Plan as falling within the Green Belt where there is a presumption against inappropriate development. In such an area, development is limited to that which is not inappropriate to a Green Belt and which would preserve its openness. The proposal does not meet any of the policy criteria specified at Policy BDP4 of the Bromsgrove District Plan (BDP) or at Paragraph 149 of the National Planning Policy Framework 2021 (NPPF) and as such the proposal would amount to inappropriate development, which by definition, is harmful to the Green Belt. The development would reduce the openness of the Green Belt and furthermore, the development would result in encroachment in the countryside, conflicting with the purposes of Green Belt policy. No very special circumstances exist or have been put forward to clearly outweigh the significant harm caused to the Green Belt. As such the proposal is considered to be contrary to Policy BDP.4 of the Bromsgrove District Plan and the provisions of the Alvechurch Neighbourhood Plan and the National Planning Policy Framework.

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