

| Name of Applicant | Proposal | Expiry Date | Plan Ref. |
|----------------------|--|-------------|--------------|
| GNM Developments Ltd | Demolition of the former Prince of Wales public house and the erection of a 72 bedroom care home facility with frontage parking together with the change of use of former agricultural land at the rear to ancillary amenity space for residents including the provision of Green Care Farming with landscaping, and associated works. (Cross boundary application - Solihull and Bromsgrove). Prince Of Wales Public House, High Street, Solihull, B90 1JW | 18.11.2022 | 22/01146/FUL |

RECOMMENDATION:

(a) MINDED to **GRANT** full planning permission

(b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the application following the receipt of a suitable and satisfactory legal mechanism to ensure that the development of both elements of the site (the care home and open space) are constructed and that neither element can be developed in isolation.

Consultations

Community Safety

Concerns raised regarding the design of the building and wider site

Arboricultural Officer

I have visited the site this morning and confirm that I believe T18 of the Apex AIA to be T55 of Bromsgrove District Council TPO (14) 2022 which is a multi-stem Sycamore. Even accepting that this is a TPO protected tree it has no great prominence in the street scene of the High Street / Maypole Lane and is only majorly visible from the track to the Western side of the site. The layout plans also show an intention to plant around 49 new trees within the landscaping of the site which will help mitigate the loss of any existing trees.

Therefore I would be agreeable to the loss of T18 of the Apex AIA in view of the level of mitigation tree planting proposed within the scheme.

Wythall Parish Council

Objection, it is considered to be inappropriate development of Green Belt land

Highways - Bromsgrove

Worcestershire County Council (WCC) has no jurisdiction over the highway immediately fronting the application site nor over the pedestrian and vehicle access to the site. In

addition, the proposal is unlikely to lead to an increase in traffic on nearby roads within Worcestershire.

In light of this clarification Worcestershire County Council, as adjacent Highway Authority, have no comment to make regarding the application.

North Worcestershire Water Management

No objections subject to conditions

Solihull Metropolitan Borough Council

No comments received to date

Public Consultation

A site notice was displayed at the site 21.09.22 (expired 15.10.22)

The application was advertised in the Press 30.09.22 (expired 17.10.22)

No representations have been received.

Relevant Policies

BDP4 Green Belt

NPPF National Planning Policy Framework

Relevant Planning History

Solihull Metropolitan Borough Council reference PL/2022/01784/PPFL:

Demolition of the former Prince of Wales public house and the erection of a 72 bedroom care home facility with frontage parking together with the change of use of former agricultural land at the rear to ancillary amenity space for residents including the provision of Green Care Farming with landscaping, and associated works (Cross boundary application - Solihull and Bromsgrove).

Procedural Matters

This application is a cross boundary application with Solihull Metropolitan Borough Council (SMBC). The site is dissected by the District/Metropolitan Borough Council boundary such that approximately half of the site lies within Bromsgrove District Council's (BDC) jurisdiction.

As a matter of principle, the site is considered appropriate for its intended use as a care home. The application is recommended for approval by SMBC and will be considered at a meeting of their Planning Committee on 1st February. The outcome of this meeting will be reported to Members by way of an update.

Given that the site crosses an administrative boundary it is considered necessary for the application to be subject to a s106 legal agreement to ensure that both the care home and the associated open space are provided across the site.

Proposal Description

The development comprises the demolition of the Prince of Wales Public House and its replacement with a three-storey care home providing 72 bedrooms. Access is provided off High Street with vehicular parking to the front of the site.

The building takes a relatively modern form, comprising a mixture of pitched and flat roof elements and proposes the use of a varied palette of materials including metal profile roofing, cladding and brickwork. All of the proposed building lies within SMBC.

To the rear of the site, ancillary amenity space is proposed for the residents of the care home which comprises large scale tree planting/landscaping and the provision of a Green Care Farm. It is this land which lies within BDC.

Assessment of Proposal

Green Belt

The rear of the site which comprises the element within BDC lies within the Green Belt. It is therefore necessary to consider whether the development comprises inappropriate development in the Green Belt.

Policy BDP 4 of the Bromsgrove District Plan does not outline development which is considered inappropriate in the Green Belt except where it concerns the provision of new buildings. Therefore, guidance is found in the National Planning Policy Framework (NPPF). Paragraph 147 explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 goes on to confirm that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 150 of the NPPF states that certain other forms of development (those not comprising the construction of new buildings) are not inappropriate, providing they preserve openness and do not conflict with the purposes of including land within the green belt. These exceptions include at e) material changes of use of land. Outdoor sport and recreation, cemeteries and burial grounds are cited as examples of changes of use of land, but these are preceded by the words "such as...". The list is therefore clearly not intended to be exhaustive. As such it is considered that the proposal to change the use of land to the rear of the public house to ancillary amenity space for the residents of the care home can fall within this category of development.

The site plan indicates that the amenity area will be subject to significant landscaping, including tree planting, the formation of woodland paths, raised planters and large areas of grasses and herbaceous perennials. Part of the site will be in agricultural use as a green care farm. Around the perimeter of the site a substantial buffer area is shown, described as 'defensive planting'. No buildings are proposed on this area and care homes do not benefit from permitted development rights for the construction of incidental building

therefore any proposal for such structures would require a separate application for planning permission.

The existing land is semi derelict and unmanaged. Whilst described as former agricultural land it appears to have historically been associated with the public house and its wider land holding. Given the landscaping proposals shown on the submitted plans, including the large scale tree planting proposed it is considered that the proposal will preserve the openness of the Green Belt.

It is also necessary, in accordance with paragraph 150 of the NPPF to consider whether any conflict would arise with the Green Belt purposes, which are set out in NPPF paragraph 138, and include safeguarding the countryside from encroachment. As set out above, the land in question appears to have historically been associated with the wider use of the site as a public house. Whilst it does not appear to have been maintained as a formal 'beer garden' it likely that the public house could have chosen to put the land to this use without the need for planning permission. Furthermore, as referenced above, this area will be heavily landscaped and in part used for agricultural purposes which is broadly considered an appropriate use in the Green Belt. A more formal amenity area for residents will be provided adjacent to the proposed building, however this will lie outside of the Green Belt. Taking all these matters in to account it is considered that the proposal will not encroach into the countryside and therefore no conflict with paragraph 138 of the NPPF will arise.

Japanese Knotweed

The land to the rear of the site suffers from a significant invasion of Japanese Knotweed. Treatment of this is underway and about to go into the 3rd of 5 years with a view to removing this in its entirety during demolition of the public house. Members will note that Japanese Knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981.

A survey has been submitted with the application with respect to Japanese Knotweed which include details of a proposed treatment and monitoring schedule. It is considered necessary to attach a condition to this permission to ensure that the works are undertaken and further ensure that the landscaping to the amenity area can be achieved in order to create a satisfactory form of development.

Trees

The scheme requires the removal of one tree subject to a tree preservation order on the western boundary of the site. The tree officer has been consulted on the proposal and as members will note from earlier in this report no objection is raised to the removal. A condition is recommended which includes the submission of soft landscaping proposals for consideration including replacement tree planting which will mitigate for the loss.

Conclusion

The principle of developing the wider site as a care home is considered acceptable. The rear portion of the site which lies within BDC is within the Green Belt, however it is considered that the proposal will not represent inappropriate development. Other matters relating to the land within the control of BDC can be adequately controlled by condition.

No representations have been received in relation to the application and the Parish Council concerns with respect to the development being inappropriate in the Green Belt have been dealt with above.

RECOMMENDATION:

(a) MINDED to **GRANT** full planning permission

(b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the application following the receipt of a suitable and satisfactory legal mechanism to ensure that the development of both elements of the site (the care home and open space) are constructed and that neither element can be developed in isolation

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development shall be carried out in accordance with the following plans and drawings:

DR-A-02-101 Rev P4 - Proposed Layout Site Block Plan
DR-A-02-102 Rev P4 - Proposed Layout Site Plan
DR-A-03-100 Rev P2 - Proposed Layout Lower Ground Floor
DR-A-03-101 Rev P4 - Proposed Layout Ground Floor Plan
DR-A-03-102 Rev P4 - Proposed Layout First Floor Plan
DR-A-03-103 Rev P4 - Proposed Layout Second Floor Plan
DR-A-04-100 Rev P3 - Proposed Layout Section AA and BB
DR-A-05-100 Rev P4 - Proposed Layout Street Elevation AA and BB
DR-A-05-101 Rev P4 - Proposed Layout Street Elevations CC and DD
DR-A-05-102 Rev P4 - Proposed Layout Elevations AA and BB
DR-A-05-103 Rev P4 - Proposed Layout Elevations CC and DD

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

3. No works in connection with site drainage shall commence until a scheme for a surface water drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include details of surface water drainage measures, including for all hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015). If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

Reason: To allow proper consideration of the proposed foul and surface water drainage systems and to ensure that the development is provided with a satisfactory means of drainage.

4. The permeable paving areas shall be maintained to facilitate the optimal functionality and performance of the surface water drainage scheme. Permeable surfaces shall not be replaced by impermeable surfaces without prior written approval from the Local Planning Authority.

Reason: To ensure the long term effectiveness of the surface water drainage at the site.

5. The development hereby approved shall be carried out in complete accordance with the Arboricultural Impact Assessment submitted in support of the application, reference Arboricultural Impact Assessment BS5837:2012 AEL-18561-AIA Rev B dated 30th November 2022 by Apex Environmental Ltd unless otherwise agreed in writing with the Local Planning Authority.

Reason: To minimise the impact of the development on trees and hedgerows of significance.

6. The development hereby approved shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, lighting etc.); retained historic landscape features and proposals for restoration. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason: To minimise the effect and enhance the character of the development.

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of 5 years from the date of planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season (October-March), unless the Local Planning Authority gives its written consent to any variation.

Any tree, hedge or shrub scheduled for retention which is lost for any reason during development works, shall be replaced with a tree, hedge or shrub of a size and species to be agreed in writing with the Local Planning Authority and planted during the first planting season after its loss.

Reason: To retain the character of the landscape.

8. The development hereby approved shall not be first used or occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) is/are occupied. Development shall be carried out in accordance with the approved details.

Reason: To minimise the effect and enhance the character of the development.

9. No development works, other than demolition, clearance of demolition waste, and site compound set up, shall proceed until the methodology for eradicating Japanese Knotweed from the site has been completed in full and complete accordance with the submitted document reference "Japanese Knotweed Survey dated 11th March 2021 job number PROJ587 by Knotweed Service (UK) Ltd". Upon completion of the measures set out therein, a report, prepared by a suitably qualified person, shall be submitted evidencing and confirming that the specified eradication measures have been fully and appropriately implemented. No built development works shall proceed until and unless that completion report has been approved in writing by the local planning authority. Any long-term mitigation and monitoring set out in those reports, shall be carried out in accordance with the approved details.

Reason: To prevent the spread of Japanese Knotweed which is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981.

Case Officer: Sarah Hazlewood Tel: 01527 881720
Email: sarah.hazlewood@bromsgroveandredditch.gov.uk