

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mr Amit Midha, c/o Mr David Holland, 'A'	22 Bedroom EMI unit and associated facilities The Leys Rest Home Old Birmingham Road Alvechurch Birmingham Worcestershire B48 7TQ	Green Belt	11.02.2010

RECOMMENDATION: that permission be **REFUSED**.

Consultations

Alvechurch PC	<p>Consulted 19.11. Response received: 08.12, The Parish Council raise the following concerns:</p> <ol style="list-style-type: none"> 1. The applicant has given the following responses on the application form: <ul style="list-style-type: none"> 7) Waste and Storage Collection – No to all waste provision. 8) Neighbour & Community Consultation – No to neighbourhood consultation 11) Car parking – the car parking included 9 seems to be inadequate to the number of employees and visitors. 12) Foul sewage - Unknown to both questions on foul and sewage. 13) Assessment of flood risk – No to most questions on flood risk and soakaway for surface drainage. There is also a watercourse for the river Arrow from property to river, but APC are unsure whether it is 20 metres or more. <p>There are concerns that no consideration has been given to these important parts prior to the application.</p> <ol style="list-style-type: none"> 2. Access for emergency services and local traffic – is a traffic report required? 3. Previous barn conversion for farm dwelling – are there additional development constraints?
WCC (HP)	<p>Consulted 19.11, Response received: 24.11. Recommends that the permission be refused for the following reasons:-</p> <p>The development will have an adverse impact on the highway due to the extra traffic generated by the development and its failure to provide sustainable means of access.</p> <p>The site will significantly increase car activity for staff, professionals and visitors and the road is narrow and is not suitable for increased trip generation. There is no suitable access provided for pedestrian access</p>

or cycle access and the application does not give regard to access via the public transport network.

The increased trip generation exposes pedestrians to greater risk due to the lack of a footway back towards Alvechurch Village, this applies for persons going to the Leys and using Birmingham Road for recreation.

The existing site access suffers from reduced visibility to the right due to excessive hedge growth in third party ownership and extra trip generation increase the risk of a vehicle to vehicle collision.

There is also insufficient car parking to suit the developments needs. WCC's car parking standards would require 1 space per member of staff and 1 space per 4 bedrooms, notwithstanding the existing building being below these standards the pro rata increase of 31 car parking spaces, 2 disabled spaces and 6 sheltered secure cycle spaces and this parking provision is not provided. The proposed 9 car parking spaces in total are considered to be a significant shortfall that will result in vehicles being displaced onto the Birmingham Road and the adjacent verge, both will disrupt pedestrian and car activity.

As the development relies on car borne access, it fails to provide adequate facilities to cater for these vehicles, also its isolated location and lack of infrastructure to the nearby bus stops, footways and village amenities places vulnerable persons at risk and fails to promote sustainable development.

ENG

Consulted 19.11 Response received: 23.11

No objection subject to the following conditions:

1. The disposal of storm water shall be by means approved by the LPA. The approved system shall be operational before building works commence. Balancing will be required in accordance with EA policy. There is no public surface water sewer available and no surface water will be allowed to discharge to the foul water sewer. Any additional flows that are generated by new structures and hardstanding are to be attenuated before being allowed to discharge to the foul water sewer.
2. The disposal of foul water shall be by means approved by the LPA. There is a need to ensure that the existing pumping arrangements are capable of accommodating additional units ie the correct capacity in relation to pump operation and that there is an adequate maintenance schedule.

LP

Consulted 19.11. Response received 20.11.

The site is in the Green Belt in the Bromsgrove District Local Plan 2004. Therefore PPG2 and the Local Plan policy DS2 are relevant.

The proposal appears from the plan to be a very large extension of the existing building. There is a general presumption against development in the Green Belt and this proposal does not meet the exceptions listed in DS2 or PPG2. It is therefore necessary for the applicant to demonstrate any very special circumstances to outweigh the material harm to the openness of the Green Belt.

I note that a similar application to extend the nursing home to provide 18 bedrooms with en-suites and community day care facilities was refused in 1992 (B/0062/1991).

WCC Public Consulted 19.11. No response to date.
Rights of Way
Ramblers Association
EA
Natural England
Worcestershire Wildlife Trust
Tree Officer
EH
(Commercial)

Consulted 19.11. No response to date.
Consulted 19.11. No response to date.
Consulted 19.11. Response received 20.01 as follows
Environment Agency objects to the proposal. The flood risk assessment is inadequate. It is not robust enough to show that the proposed development is not at risk from flooding.
Consulted 12.01. No response to date.
Consulted 12.01. No response to date.
Consulted 19.11. Response received:
Consulted 19.11. Response received 20.11

This section has no objections in principle to the above application.

The premises and food business will be required to comply with Food Safety legislation which is enforced by this Council and Health and Safety legislation which may be enforced by this Council depending on the level of medical care provided. The premises will be subject to routine inspection to assess compliance.

I would strongly recommend that advice be sought on detailed compliance with this legislation from the Commercial Team at Bromsgrove District Council (telephone number 01527 881434) at the earliest opportunity.

It is also a legal requirement that the premises be registered with this Department at least 28 days before starting the food business.

EH
(Contaminated Land)

Annex 2 of Planning Policy Statement 23 states that the developer must submit "sufficient information" to demonstrate that the site is either not adversely affected by contamination or that the site can be made suitable for use with regards to any contamination prior to the granting of any planning consent, i.e. at the application stage. This applies where a sensitive receptor is proposed, i.e. where a residential end-use is proposed.

Records indicate that the above site lies approximately 80m from a former landfill site. Records suggest that this landfill was licensed to accept inert, industrial and special wastes. Records also indicate that some household waste may also have been received at the site.

No objection to the proposed development subject to the following conditions:

Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 6 have been complied with:

1. A preliminary risk assessment must be carried out. This study shall take the form of a desk top 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.
2. Where necessary a scheme for detailed site investigation and risk assessment must be submitted to and approved in writing by the Local Planning Authority. 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"
3. Where necessary detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report is subject to the written approval of the Local Planning Authority. 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"
4. Where 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. 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.
5. Where necessary 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.
6. Where necessary, 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.
7. 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:

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 [in accordance with policy ES7 of the adopted Local Plan (January 2004)]

Publicity

7 letters posted on: 19.11.2009 (expire on: 10.12.2009).

1 letter posted: 26.11.2009 (expires on 17/12/2009)

Site notice posted on 19.11.2009 (expires on: 10/12/2009).

Five letters of objection received 22.11.2009, 08.12.2009, 10.12.2009 and 11.12.2009 summarised as appropriate:

- The peacefulness and seclusion of No. 1 'The Stables' would be adversely affected. This would greatly affect the marketability of the property.
- There would be a significant loss of privacy to No.1 'The Stables' as the proposed development would directly overlook the rear garden and the NE corner of the extension would directly abut the boundary. The area directly to the front of the property would be dominated by the extension.
- The current access is inadequate for the existing care home, for the existing four residential properties and for an extension which would increase the size of the care home by over 200%.
- The scale of the development is enormous with a floorspace 3.6 times bigger than the existing care home. The design of the extension in no way reflects the character of the existing building.
- The proposal would result in a loss of amenity, both in terms of noise generation, smells and light pollution.
- The proposed extension by virtue of its size and bulk would be out of keeping with the character of the existing building
- The proposal is an inappropriate form of development in the Green Belt and would detrimentally affect the visual amenity of the area. It would also result in a greater number of traffic movements and commercial deliveries contrary to Green Belt objectives.
- There has recently been approval for a 30 bed EMI unit in the District so the quantitative need for a 22 bed EMI unit has not been proven.
- The level of car parking proposed (11 spaces) is totally inadequate to deal with 41 residents, 23 staff and large numbers

of visitors. There are four allocated spaces in the parking area for existing residents of the barn conversions but these are most often used for visitors to the care home. There will be potentially 41 sets of visitors at the site.

- The location is not sustainable and most visitors and patients will arrive by car or taxi. The car park is always full to capacity with the existing number of residents. The quality of life for the residents of the converted barns will become unbearable with increased noise from vehicles and service deliveries. Walking and cycling on Birmingham Road would be significantly discouraged through the increased risk posed by additional traffic. The alternative access to the north for the residents is inadequately maintained and is only used by two residents.
- The use of the access on the opposite side of the road from the entrance by agricultural vehicles means that the proposal will result in further traffic conflict at the entrance. The conflict is most critical at the times at which nursing shifts change over.
- There are limited economic benefits from the scheme and there are alternative sequentially preferable sites in the District available. There are safety issues for residents in terms of the proximity of the river and the motorway and there have been instances of residents leaving the site and having to be rescued.
- The access is inadequate for emergency vehicles. There will be random parking on Birmingham Road which is single carriageway and inadequate for the volumes of traffic which would be generated. The site could not be accessed by emergency vehicles in winter conditions.
- The road is dangerous in terms of the speed of vehicles and the proposal will further increase the risk. There has been a fatality on Old Birmingham Road in the recent past.
- The sewage from the existing care home and the five residential properties currently depends on a small shared pumping station and there has been no consultation with residents on the adequacy of this for the extension and the potential financial consequences for residents. It is very unlikely that the existing system will be able to cope with an additional 22 bed unit.

The site and its surroundings

The application site is a large detached building used as a Nursing Home on the south side of Old Birmingham Road. It is an attractive late 19th Century structure with the main elevation facing west to an extensive garden area. The River Arrow flows along the boundary of the garden and there are a range of trees present including cypresses and other, mainly coniferous trees. There are a range of converted outbuildings to the north of the main building and a limited area for parking immediately inside the entrance.

Proposal

The proposal is for a 22 Bedroom EMI (Elderly Mentally Inform) unit and associated facilities. In terms of the scale of the proposal, it will comprise a floorspace of 1028m² in the form of a single storey extension to the South East of the existing two storey building. The extension will be oriented around a central courtyard and the new unit will comprise 22 bedrooms, kitchen, dining, reception and other service areas. The existing building contains 20 bedrooms with a lounge and dining room on the ground floor. These rooms are considerably smaller than any of the rooms in the proposed extension. 11 parking spaces are proposed to the west of the existing building along the boundary of the curtilage close to the *River Arrow*.

Relevant Planning History

- B/0905/1991 Alterations and extensions to create 24 bedroom nursing home. Refused: 12.12.1991. Appeal Dismissed 02.02.1993.
- B/0062/1991 Extension to nursing home to provide 18 bedrooms with en-suites and community day care facilities. Refused: 11.03.1991.
- B/12225/1984 Change of use to private nursing home. Granted 10.10.1984.

Relevant Policies

- WMSS QE3, PA1, PA14.
- WCSP SD2, SD3, SD4, SD8, SD9, D28, D35, D38, D39, T1.
- BDLP DS1, DS2, DS3, DS13, S29, ES4, ES5, E9, TR11, TR8.
- Others PPS1, PPG2, PPS6, PPS7, PPG13.

Notes:

The main issues in the determination of this application are the following:

- (i) Green Belt
- (ii) Consideration of whether there are very special circumstances
- (iii) Highway Impact
- (iv) Drainage and Flood Risk
- (v) Residential amenity
- (vi) Design

(i) Green Belt

The site is situated in the Green Belt and therefore PPG2, Policies D.39 and D28 of the Worcestershire Structure Plan (1996 - 2011) and Policy DS2 of the adopted Bromsgrove District Local Plan will apply to the development. It is clear that the proposal is not an essential facility for outdoor sport or recreation or for uses which maintain the openness of the Green Belt. It is clear that the proposal is inappropriate development and the

applicant has been invited to submit any very special circumstances which may be present to justify the proposal.

I do not consider that the proposed development would only cause marginal harm to the interests of the Green Belt as stated by the Applicant. There would be a substantial loss of openness to the south of the existing building with an attendant harm to the visual amenity of the rural location. This would be evident from the perspective of Old Birmingham Road, the public footpath to the south of the application site and from the neighbouring residential immediately to the north.

(ii) Very Special Circumstances

Inappropriate Development in the Green Belt should only be allowed in 'very special circumstances'. Members will note that it is very rare indeed for very special circumstances to exist such that the circumstance is so unique that it could never be repeated in other applications for commercial extensions in the Green Belt.

The applicant has submitted a Planning Design and Access Statement to address the issue of very special circumstances. A sequential test has also been presented in this respect. The applicant accepts the position that the proposal is inappropriate development and refers to parts 3.2 and 3.8 of PPG2 in stating that there are a large number of EMI units closing and no sites are suitable outside the Green Belt. It is also stated that the extension is sited in such a position as to minimize its impact on the openness of the area as it is well screened from public points of view. This cannot be considered in the category of the reuse of a building (paragraph 3.8 of PPG2). It is very clear that the proposal is a substantial extension to the existing building and not the reuse of an existing building.

Members should note that the extension of a building in a C2 use (residential institution) in the Green Belt is inappropriate development and the inspector for the appeal of application B/1991/0905 considered the extension of such a building to be inappropriate development before the exigencies of more stringent guidance in PPG2 (1995) came into effect.

The sequential test provided in the Applicant's statement considers alternative sites within and on the edge of Alvechurch. I consider that this assessment has been an unhelpful diversion from the issue as four of the identified sites are currently in use as playing fields and there would be a strong community and policy resistance to changing their designation. Even if the proposal site was considered 'sequentially' preferable in the context of revised PPS4, this would still not overcome the presumption against inappropriate development.

The Applicant contends that the site does not meet the standards outlined by the Care Quality Commission under Section 23(1) of the Care Standards Act 2000. There is pressure from government to enhance the quality of residential care homes. The application of the above Act has caused the closure of a number of care homes. There is no reference made to the Commission for Social Care Inspection (CSCI) to show that the existing facility is so inadequate that such a substantial extension is required.

The Applicant contends that the expansion of the care home is essential for financial viability and that there is currently a waiting list for potential new occupants. Statistics are referred to, but not supplied. It is stated that the nursing home had to decline acceptance of 11 new residents because the existing facility was at capacity. However, there is no assessment of what alternative sites may be available for occupation in the nearby urban areas of Birmingham, Bromsgrove or Redditch which would justify a pressing need to allow a development of this scale in the Green Belt. I would expect detailed data to be provided at the County or Sub-Regional level to substantiate the need referred to. In terms of financial considerations, these have been ruled not to amount to very special circumstances even in the Inspectors decision on this same site in 1991 (B/1991/0905).

In terms of very special circumstances, the Applicant refers to Vision Engineering vs Secretary of State for the Environment (1991). This relates to the determination of planning applications in Green Belts and it is incumbent in the case of a development which is inappropriate that the decision maker expresses a view as to the harm to the Green Belt and the lack of weight of countervailing considerations of the advantages of allowing the development. There needs to be consideration of whether the objection to a development could be overcome through conditions. The case arose because of the conflict with the presumption in favour of development in proceeding planning legislation. However, there is now an established and clear presumption against inappropriate development in the Green Belt and the presumption in favour of development in accordance with the provisions of the development plan, now applies. This is the approach taken in the assessment of this application and Members should note that the advice of PPG2 postdates the judgement referred to by the Applicant.

The creation of employment from the proposal is referred to by the Applicant. I consider this to be a purely economic argument and policy and case law are consistent in not accepting that economic arguments are very special circumstances.

In summary, the Applicant has failed to provide any statistical evidence to support the proposal under consideration. It is therefore difficult, if not impossible for Officers and Members to determine that there are very special circumstances in this case or that the advantages of the scheme in meeting any identified need are so great that they outweigh the identified harm.

(iii) Highway Impact

Members should note the views of Worcestershire Highways. Policy TR11 of the BDLP states that all new development needs to make provision for the safe access and egress from the site as well as adequate parking. There is impaired visibility for vehicles leaving the site to the detriment of highway safety. The 11 parking spaces proposed are inadequate for the proposal and will result in displacement onto Birmingham Road.

The Transport Statement provided states that there are currently only two visitors per day for the 20 patients and there would only be four for the new facility. It is inconceivable that there would be such a low level of visitors and these numbers would significantly increase at the weekends.

Members should note the significant and valid concerns of the residents of the converted buildings (No. 1-4 'The Stables') especially in relation to parking and the inadequacy of

the existing access to accommodate these properties, the existing care home and the new extension which is 1.8 times the size of the existing facility. These concerns have been raised with the Applicant and to date there has been no response. As such the proposal is contrary to policy TR11. I note the concerns raised in terms of sustainability by Highways. The site is not in a sustainable location with limited pedestrian or public transport accessibility. The proposal fails policy DS13 and the advice of PPG13. Members should note the updated guidance of PPS4 where more stringent criteria sustainability apply to development. To approve the scheme would be contrary to national planning policy guidance.

(iv) Drainage and Flood Risk

The Environment Agency has been consulted on the application and their views are awaited. The site is very close to the River Arrow, particularly the car parking area. Members should note that a care home is a very sensitive end use. I note the concerns of residents in respect of the adequacy of the sewage pumping facility which serves the care home and the existing residential properties. The Drainage Engineer has stated that the facility may not have the capacity and this facility would need to be improved in order to facilitate the development. This could be resolved by conditions.

Members should note that the Environment Agency object to the proposal on the basis of flood risk. The Flood Risk Assessment provided is inadequate to overcome their concerns. The applicant has failed to consider alternative sites in a sequential test as required by PPS25.

Residential Amenity

Members should note the significant concerns of the residents of 1-4 'The Stables' which are on the northern boundary of the application site. It is reasonable to consider that there is already a significant loss of residential amenity arising from the activities of the existing facility and that amenity would be further eroded if the proposal was approved. Whilst, I do not consider the loss of property value is a significant material consideration per se, the additional vehicle, use of the singular access and movement (as yet unquantified) of commercial service and emergency vehicles would overall result in a significant loss of amenity. As such this breaches policy E9 which states that extensions to commercial facilities should not result in harm to residential amenity through noise, smells vibration or reduced daylighting. As well as the general harm, there would be a specific loss of amenity to the garden of No. 1 'The Stables' because of the proximity of the proposal to the property boundary (approximately 1m). The entire outlook from Nos. 1 and 2 would be radically changed with the windows on these properties facing a new large complex.

Design

I consider that the design of the proposal, while functional for the purposes of a care home is utilitarian in design. The proposal neither reflects the character of the existing attractive Victorian building nor represents an advanced modern design. I consider that the design of the proposal is harmful to the residential amenity for the neighbouring residents and for the wider public amenity. This design would greatly erode the visual

amenity of the site and the Green Belt, further adding to the harm caused by the loss of openness.

Conclusion

The substantial extension of the care home is inappropriate development in the Green Belt. The applicant has not provided any very special circumstances which outweigh the harm caused and the PPG2 makes it very clear that the onus is on the applicant to demonstrate that there are very special circumstances. Thereby, the proposal conflicts with the policies of the Worcestershire County Structure Plan and the Bromsgrove District Local Plan and the advice of PPG2. Furthermore, the proposal does not demonstrate adequate parking, safe means of access and egress from the site and would harm the amenity of existing residential properties. An appeal for a similar proposal was dismissed on this site in 1993 (B1991/0905). On the basis of all of the evidence, I recommend that permission be refused.

RECOMMENDATION that planning permission be **REFUSED** for the following reasons:

- (a) The proposal is inappropriate development in the Green Belt and would cause significant harm to the openness and visual amenities of the Green Belt in this location and would conflict with four of the five purposes of including land within the Green Belt as set out in PPG2. No very special circumstances have been put forward or exist that clearly outweigh the harm caused and therefore the proposal is contrary to policies PA1 and PA14 of the West Midlands Spatial Strategy, policies SD.2, D.28, D.38, and D.39 of the Worcestershire County Structure Plan and policies DS2 and DS13 of the Bromsgrove District Local Plan and the provisions of PPG2 (Green Belts).
- (b) No information has been provided to prove that the scheme at present would not jeopardise highway safety and the free flow of traffic upon the local highway network due to an under provision of car parking and lack of an adequate access. As such, the development is considered to be contrary to policy T.1 of the Worcestershire County Structure Plan 2001 and policy TR11 of the Bromsgrove District Local Plan 2004.
- (c) The proposal is not in a location which would be accessible to variety of means of transport and other services contrary to policies SD4 of the Worcestershire County Structure Plan and DS13 of the Bromsgrove District Local Plan 2004.
- (d) The proposal would have a significantly detrimental impact on the amenity of residents adjoining the application site contrary to policies E4 and DS13 of the Bromsgrove District Local Plan 2004.
- (e) The Flood Risk Assessment provided is not robust enough to show that the proposed development is not at risk from flooding or would increase the risk of flooding to third parties. As such, the proposal is contrary to policy ES2 of the Bromsgrove District Local Plan 2004 and the advice of PPS25 (development and flood risk).