

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. Alvin Robinson, Primrose Hospice 'A'	New detached annex for family support, therapy and education (as augmented by surveys received 15.02.2010 and 29.04.2010 and information received 01.03.2010 and 02.03.2010, 10.03.2010 and amended by plans received 10.03.2010 and 17.03.2010 and 10.03.2010) - Primrose Hospice and Cancer Help Centre, St. Godwalds Road, Bromsgrove, B60 3BW	GB	10/0016-CE 01.04.2010

At the meeting of the Committee held on the 29th March 2010 Members resolved to defer the application in order for the applicant to undertake the necessary new surveys as advocated by Natural England and for the application to be brought back to Planning Committee with this information for the consideration of Members.

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WH	Consulted - view received 22.02.2010. No objection.
Strategic Planning	<p>Consulted - view received 29.01.2010.</p> <ul style="list-style-type: none"> ▪ PPG2 and BDLP policies DS2 and S28 apply. ▪ Although the current proposal may be well contained within the existing building, built extension and vegetation (which is not a permanent feature itself), it is not considered that the cumulative additions are proportionate to the size of the original building or that the building will cause limited harm to the openness of the Green Belt. ▪ It is not considered that the reasons provided by the applicant comprise very special circumstances. The applicant fails to explain why extending opening hours or relocating to a bigger property within Bromsgrove town are not options. ▪ As the building will be built on an existing pond, it is important to check there will be no harm to biodiversity. The biodiversity value of open water (including man-made ponds) is recognised in the Worcestershire Biodiversity Action Plan. ▪ Although the site falls outside the Landscape Protection Area, it is important to ensure that the development will contribute positively to the landscape character of the area.
Tree Officer	Consulted - initial view received 17.03.2010. Concerns raised regarding the proximity of the development to a protected yew tree. Re-consulted following receipt of amended plans received 17.03.2010 - view received 17.03.2010. No objection subject to conditions.
ENG	Consulted - view received 15.03.2010. No objection subject to a condition requiring the submission of storm water details. No flood risk assessment required.

NE

Consulted - view received 23.03.2010.

- The ecological survey contains uncertainty regarding great crested newts in the pond on the application site. This uncertainty is primarily due to the unsuitable time of year that the survey work is carried out and amounts to a lack of inadequate information. Additional survey work should be carried out.
- Current PPS9 guidance on biodiversity and conservation enshrines the key principle that "planning decisions should be based on up to date information about the environmental characteristics of their area." While Natural England understands the difficulties with regard to the timescale on available funding support, the Council must remain clear about the PPS9 guidance regarding the submission of ecological information with planning applications.
- It is recommended that planning permission be refused on grounds that the application contains insufficient information to demonstrate whether or not the development would have an adverse impact on legally protected species. Concerns relate specifically to the likely impact upon great crested newts.

Re-consulted following receipt of Great Crested Newt Survey - view received 04.05.2010. Based on the new information provided, Natural England has no objection the proposed development in respect of legally protected species. The creation of a replacement pond, as recommended in the consultant ecologist's report, is welcomed. Retention of the pond, but in a new location and along the lines set out in the report, should help to maintain the biodiversity value of the existing feature. This type of enhancement feature for biodiversity is consistent with the key principles expressed in PPS9 and demonstrates the Council is fulfilling its biodiversity duty under the Natural Environment and Rural and Communities Act 2006.

WWT

Consulted - view received 19.02.2010. No objection. A condition is recommended to cover the mitigation and enhancement measures detailed in the ecological report. It is not considered necessary to wait for further information on great crested newts.

Re-consulted following receipt of Great Crested Newt Survey - view received 29.04.2010. The findings and recommendations in the report are agreed with. A condition is suggested to cover the ecological recommendations and timing of works as suggested in the report.

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Consulted 25.01.2010 (expired 15.02.2010). No response received to date.

Consulted 25.01.2010 (expired 15.02.2010). No response received. Re-consulted 08.03.2010 following receipt of amended plans (expires 22.03.2010). No response received to date.

Publicity 1 letter sent 10.02.2010 (expired 03.2010).
 1 letter sent 08.03.2010 following receipt of amended plans received
 04.03.2010 (expires 22.03.2010).
 1 site notice posted 09.02.2010 (expired 02.03.2010).
 1 site noticed posted 08.03.2010 following receipt of amended plans
 received 04.03.2010 (expires 22.03.2010).
 1 press notice published 28.01.2010 (expired 18.02.2010).
 No response received to date.

The amended plans received on 17.03.2010 show the proposed building positioned 2 metres closer to the common boundary with 47 St. Godwalds Road. Due to the separation distance between the proposal and the boundary (31 metres), it is not considered necessary to re-notify the adjoining occupiers.

The site and its surroundings

Primrose Hospice is located to the east side of St. Godwalds Road on the southern end of a run of development. The hospice building was originally constructed as a rectory in 1868 and has been significantly extended at ground floor level in the last 10 years. The building is located in a good sized plot which benefits from a mature boundary hedge along the roadside boundary. The site contains a number of substantial trees some of which are covered by Tree Preservation Orders. Parking is provided to the north and east of the building, with the remainder of the site providing a formal garden. The site shares its northern boundary with 47 St. Godwalds Road, a residential property. To the south and east, are fields. The site is located in a recognised area of Green Belt.

Primrose Hospice provides the following services:

- i) Support for patients suffering from a range of terminal illnesses.
- ii) The Family Support Service provides advice and counselling to the families of patients and runs a number of support groups.
- iii) Primrose at Home is a team of carers providing basic nursing care and social support for patients and their families in their own homes.
- iv) An in-hospital palliative care unit at the Princess of Wales Hospital.

Proposal

This application seeks consent for a part single, part two storey detached building to house the Hospice's Family Support Service. The building will comprise of offices, counselling and therapy rooms, a teaching room and library. It will be sited on land between the existing hospice and the road. This application also proposes to provide 8 additional parking spaces.

Relevant Policies

WMSS QE1, QE3, QE6, QE7, T2, T7
WCSP SD.2, SD.4, CTC.1, CTC.5, CTC.12, CTC.14, CTC.15, D.38, D.39, T.1, T.4
BDLP DS2, DS13, S28, C4, C10A, C17, C19, TR8, TR11
Others PPS1, PPG2, PPS9, PPG13

Relevant Planning History

B/2007/0780	Addition of glazed walkway and extension to form single storey spiritual room. Approved 04.09.2007.
B/2006/1367	Addition of glazed extension and walkway. Alteration to existing roof. Approved 08.02.2007.
B/2002/0316	Single storey extension to provide patient care areas. Approved 14.05.2002.
B/2000/0936	Single storey and two storey extension to provide patient care and administrative areas. Approved 16.10.2000.
B/1993/0923	Building and excavating an ornamental pool for the enjoyment of patients. Approved 17.02.1994.
B19223	Change of use of dwelling to day hospice. Approved 10.12.1990.
B1923	Extensions and alterations. Approved 10.12.1990.

Notes

The main issue with this application is whether the proposed development is appropriate in the Green Belt and, if not, whether very special circumstances exist to outweigh the harm caused. Consideration must also be given to design, residential amenity, landscape, tree, ecological, sustainability, parking and drainage issues.

Green Belt

Policy DS2 of the Bromsgrove District Local Plan 2004 is in accordance with Planning Policy Guidance Note 2: Green Belts in setting out the instances when development may be considered appropriate in the Green Belt. The proposed development does not fall under any of the specified instances and is therefore an inappropriate form of development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt.

PPG2 states that the most important attribute of Green Belts is their openness. The applicant considers that the proposed annex, by reason of its location within the site and its relationship with surrounding development will be of limited harm to the openness of the Green Belt. I appreciate that the overall impact of the development has been reduced by placing it beside the existing building and that it will be seen in the context of the adjoining built development. However, the building is substantial in size especially when considered with the size of extensions already added to the hospice. I therefore agree with the Strategic Planning Officer that the harm is more than limited.

It now follows for me to consider whether any very special circumstances exist to outweigh the harm caused. The application was accompanied by a supporting statement which has been supplemented with further details and information obtained at a meeting with the applicant. This information puts forward a number of issues in support of the proposed development which are summarised as follows:

- a) In 2008, the Department of Health published its End of Life Care Strategy (ELCS). This guidance seeks to improve the quality of care at the end of life for all patients and for their carers and to enable more patients to live and die in places of their

choice. The strategy requires end of life care providers, such as the hospice, to provide more counselling and therapy rooms and education facilities, places more emphasis on home care services and the provision of support to families. It is hoped that one of the benefits of the strategy will be reduced pressure on hospital services.

- b) Due to an increase in the number of services provided, patients, staff and volunteers, there is no longer sufficient space within the existing building to provide proper counselling and therapy services. This growth is due to increased awareness, better diagnosis of progressive illnesses, increased expectations that families will support relatives with progressive diseases and an increase in the number of people prone to such diseases. The number of staff is expected to increase further with the implementation of the ELCS and the projected increase in mortality figures. The applicant has provided an example room time table which demonstrates limited capacity to increase service provision within the existing building. The hospice is open 4 days a week to allow one day a week for administration / management.
- c) The proposed annex will meet the increased need for services to the community provided by the hospice and its family support network. It will also increase the range of facilities necessary to meet society's ever increasing requirements in respect of medical and social care, particularly since the introduction of the ELCS. Specifically the proposal will:
- Provide additional counselling and therapy rooms and additional staff accommodation to meet the increased demand for the hospice's services.
 - Enable the Family Support Service to remain close to, but separate from, the remainder of the hospice. The current location of the Support Service within the hospice can lead to awkward situations (for example, children receiving counselling seeing hospice patients).
 - Provision of more facilities for children (reducing the amount of children's work taking place at home and schools and providing a more suitable environment for children).
 - Provide a teaching and library area to implement the provisions of the ELCS both in terms of educating existing staff and volunteers and extending the knowledge of care throughout North Worcestershire. A lecturer / practitioner will be employed to undertake this work. The hospice is one of only a few places where students are able to gain experience of palliative care. It is understood that the only other hospice in north Worcestershire (KEMP Hospice in Kidderminster) does not have the space to provide the required facilities.
- d) It is not possible to provide the additional facilities elsewhere due to synergy between the activities that will take place in the annex and the existing hospice. This includes staff working in both buildings and patients and family members arriving at the site together. Clinical staff from the hospice will be involved in the delivery of education and students will need to be able to observe the practice of the hospice. The proposed education facilities will also bring healthcare professionals to the site. This will raise the profile of the hospice, generating more appropriate referrals and improve patient access to the hospice's services.

e) A letter of support has been received from NHS Worcestershire.

In addition to the above, I would note that services offered by the hospice are unique within the District and are of significant value. The Strategic Planning Officer has raised concern that the supporting documentation does not explain why moving to a larger premises is not an option. In response to this, the applicant has advised me that the funding required for the relocation of the hospice would take several years to generate. Further to this, I consider that the tranquil setting of the hospice is an asset given the nature of the work.

In my opinion, the applicant has demonstrated a need for the proposed annex and has justified its location within the hospice grounds. I consider that the issues put forward by the applicant and the unique importance of the services provided, amount to very special circumstances which outweigh the presumption against inappropriate development in the Green Belt and the harm to the openness.

Design

The original Victorian rectory is an impressive building featuring attractive brick detailing. The design of the single storey extension approved in 2001 reflects the basic forms and features of the original building. In contrast, the proposed annex is of a contemporary design. Adjacent to the existing hospice, the annex will be single storey in height allowing it to appear visually subservient to the existing building. The use of a green roof, a covered walkway and large windows along the elevation facing the hospice help to soften the impact between the two differing styles of architecture. The clean simple lines of the annex and the use of render and timber cladding ensure that design of the building does not compete with the level of detailing to the original building. The existing roadside hedge will need to be significantly reduced to make space for the proposed development. However, it is expected that a good level of screening will be retained, preventing views of the whole side elevation from the road.

Residential amenities

47 St. Godwalds Road is located approximately 2 metres below the level of the proposed annex and contains a number of windows which directly face the application site. The separation distance between the annex and the common boundary is some 31 metres and I consider this to be sufficient to adequately protect the amenities of the adjoining occupiers in terms of privacy, light and outlook.

Landscape Issues

The application site adjoins a Landscape Protection Areas to the east and the Landscape Character Area in which it is sited is principal settled farmlands. The proposed development will be mostly screened from the Landscape Protection Area by the existing building and the majority of the vegetation to be removed is not native. I am therefore of the opinion that the development will not adversely affect the landscape character of the area.

Trees

Policy C17 of the BDLP requires development proposals to retain existing trees wherever possible. The proposed car parking spaces require the removal of a few unprotected holly trees. In my opinion, these trees are of limited intrinsic value in their own right. The proposed annex will be located close (minimum 7 metres) to a Yew, an Oak and a Pine, all of which are protected. The Tree Officer has raised no objection to the proposed development subject to conditions. I am therefore of the view that the proposal will not adversely affect the protected trees at the site.

Ecological issues

Planning Policy Statement 9: Biodiversity and Geological Conservation (paragraph 1vi) states that "*The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests.*" Where a proposed development would adversely affect those interests, suitable mitigation measures will need to be secured or, where significant harm cannot be prevented, adequately mitigated against or compensated for, then planning permission should be refused. Article 12 (1) of the EC Habitats Directive requires Member States to take requisite measures to establish a strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites or resting places. This directive is implemented by the Conservation (Natural Habitats, etc.) Regulations 1994.

The application was accompanied by a Phase 1 Habitat Survey and Ecological Survey Assessment. Due to the loss of the pond, the survey concluded that there may be implications with regard to great crested newts (protected under the 1994 Regulations). Further survey work was recommended. However, it was not possible to undertake this work prior to the meeting of the Committee on the 29th March 2010. Natural England therefore objected to the development on grounds that insufficient information had been submitted to demonstrate that the development would not cause undue harm to protected species.

The applicant has now submitted a Great Crested Newt Survey. The document reports that no great crested newts were identified during 4 surveys undertaken in April. It is therefore concluded that the proposal would not involve implications for great crested newts. However, the pond does support the breeding of smooth newts and frogs. Although these species are not provided the same level of legal protection as great crested newts, they are protected under the Wildlife and Countryside Act 1981 (as amended). The report therefore recommends that a replacement pond and hibernaculum be created. The submitted block plan already illustrates a replacement pond. Based on the submission of the Great Crested Newt Survey, Natural England has now raised no objection to the proposed development. I am therefore satisfied that the proposal will not adversely affect legally protected species. Natural England has drawn attention to the recommendations made in the report and I consider it appropriate to impose a conditioning requiring these recommendations to be undertaken.

Sustainability and parking issues

Policy SD.4 of the WCSP requires development proposals to be located so as to minimise the need to travel and where there is access of different modes of transport.

Primrose Hospice is within walking distance of Bromsgrove Station and local bus services and is therefore in compliance with policy SD.4.

Worcestershire Highways has raised no objection to the proposed development and I am therefore satisfied that the site provides adequate parking provision.

Conclusion

The proposed annex and car parking are inappropriate forms of development in the Green Belt. However, very special circumstances have been identified which outweigh the harm caused. The proposed development is found to be acceptable in all other respects.

RECOMMENDATION: that permission be **GRANTED**.

1. C99
2. Details of the form, colour and finish of the materials to be used externally on the walls including doors and windows, door frames and window frames as well as rainwater goods shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.
3. C10
4. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the developer shall erect protective fencing around the Root Protection Areas of the trees on and adjacent to the application site as illustrated by Figure 2 or Figure 3 as appropriate at positions in accordance with Section 5.2.2 of British Standard BS5837:2005 to the satisfaction of the Local Planning Authority. This fencing shall be maintained to the satisfaction of the Local Planning Authority until all development, the subject of this permission, has been completed.
5. No works of any kind, including changes in ground levels, installation of utility services, passage, storage or use of machinery or washing out of mixing or fuel tanks, shall be permitted within the Root Protection Areas of trees on and adjacent to the site without the prior specific written permission of the Local Planning Authority.
6. No materials of any kind shall be stored, installed, burned or disposed of within the Root Protection Areas of trees on and adjacent to the site without the prior specific written permission of the Local Planning Authority.
7. No trees or hedges shall be lopped, topped, felled or uprooted without the specific written permission of the Local Planning Authority.
8. The development hereby approved shall be carried out in accordance with the recommendations set out in the Summary and paragraphs 4.4, 4.7 and 4.12 of the Phase 1 Habitat Survey and Ecological Survey Assessment by Worcestershire Wildlife Consultancy dated January 2010 and part 4 Conclusions and Recommendations of the Great Crested Newt Survey by Worcestershire Wildlife Consultancy dated April 2010.
9. Prior to the commencement of the development hereby approved, including site clearance and the removal of the existing pond, details of the location and extent of the replacement pond shall be submitted to and approved in writing by the Local Planning Authority.

10. The annex building hereby approved shall be used only for purposes connected to and associated with the existing hospice at the application site and for no other purpose (including any other purpose in Class D1 of the schedule to the Town and Country Planning Use Classes (Amendment) Order 2005 or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order).

Reasons

2. To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.
4. - 7. In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
8. & 9. To ensure there are sufficient protection and mitigation measures to address the potential presence of protected species on site in accordance with policy C10A of the Bromsgrove District Local Plan 2004.
10. To preserve the character of the area and as any other use of the building would be inappropriate to the site and contrary to policies DS2 and DS13 of the Bromsgrove District Local Plan 2004 and policy D.39 of the Worcestershire County Structure Plan 2001.

Notes

1. The applicant is reminded that consent will be required from the relevant authority / company for the relocation of the telegraph pole sited in the position of proposed car parking spaces 06 and 07.
2. Attenuation will be required in the form of soakaways or to the new pond with appropriate displacement to accommodate storm conditions.
3. The applicant is advised that this consent does not absolve them from complying with the relevant law concerning protected species, including obtaining and complying with the terms and conditions of any licences required as described in Part IVB of the Circular 06/2005.

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy (WMSS) June 2004, Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan (BDLP) January 2004 and other material considerations as summarised below:

WMSS	QE1, QE3, QE6, QE7, T2, T7
WCSP	SD.2, SD.4, CTC.1, CTC.5, CTC.12, CTC.14, CTC.15, D.38, D.39, T.1, T.4
BDLP	DS2, DS13, S28, C4, C10A, C17, C19, TR8, TR11
Others	PPS1, PPG2, PPS9, PPG13

It is the Council's view that the proposed development does not comply with the provisions of the development plan. However, it is considered that the benefits of the

10/0016-CE - New detached annex for family support, therapy and education - Primrose Hospice and Cancer Help Centre, St. Godwalds Road, Bromsgrove, B60 3BW - Mr. A. Robinson, Primrose Hospice

scheme amount to very special circumstances that justify the granting of planning permission.