

PLANNING APPLICATION NUMBER:P12/1425

Type of approval sought	Full Planning Permission
Ward	Halesowen South
Applicant	Mr & Mrs Billingham
Location:	LAPAL HOUSE, LAPAL LANE SOUTH, HALESOWEN, B62 0ES
Proposal	FOLLOWING DEMOLITION OF EXISTING OUTBUILDING ERECTION OF PURPOSE MADE OUTBUILDINGS FOR GARAGES, STORAGE AND SHORT STAY RESPITE CARE (RESUBMISSION OF WITHDRAWN APPLICATION P11/1390)
Recommendation Summary:	REFUSE

SITE AND SURROUNDINGS

- 1 The application site consists of the late 19th Century Lapal House and Lapal Lodge, which are set within mature landscaped gardens located within the southern Green Belt off the rural Lapal Lane South.
- 2 The approximately 1.5 hectare site is located within an undulating landscape of fields with only part of the Lapal Lodge buildings visible from the highway. The rest of the site is substantially screened by mature tree planting and the location of the site within a depression, with Lapal Farm to the east being at a higher level.
- 3 The principal buildings on the site, Lapal House and Lapal Lodge operate as a residential care home and have been extended a number of times in their lifetime.
- 4 The site is within the green belt and open countryside.

PROPOSAL

- 5 The application seeks the removal of an existing group of garages, car ports and other outbuildings which are located about 40m to the north west of the main building on the site, and for erection of a new single storey U shaped building, which would include some accommodation within part of its roof space.
- 6 The building would be constructed of oak with a steep pitched roof with cupola detailing. The building would have a floor space of approximately 430m² and would include two garages, a high car port, a large lobby area, 5 units of accommodation each with its own lounge, bedroom and bathroom on the ground floor for short term respite care. At first floor level there would be a further smaller lobby with an office and a store.
- 7 The building would also have a raised platform around three sides of the building, extending out by up to 3.5m on the rear (northwest) elevation.
- 8 The application has been supported by a Design and Access Statement, a ecological report and structural calculations.

HISTORY

APPLICATION No.	PROPOSAL	DECISION	DATE
97/50820	Erection Of Extension To Provide 10 Self Contained Single Bed Units.	Granted	11/9/97
P00/50738	Erection Of Laundry Room Extension (Retrospective).	Granted	15/06/00
P02/1585	Extension To Provide 10 No. Bedrooms.	Granted	21/10/02
P04/0572	Rear/Side Extension To Lapal House, Two Storey Extension To Lapal Lodge And Sun Room Extension	Withdrawn	19/11/04
P05/0137	Rear/Side Extension To Lapal House, And Two Storey Extension To Lapal Lodge And Sun Room Extension (Resubmission Of Withdrawn	Granted	18/03/05

	Application P04/0572)		
P07/1081	Erection of new garages, storage and day facilities	Granted	23/7/07
P08/1257	Erection Of Two Storey Rear Extension To House A Lift	Granted	12/8/08
P10/1491	Demolition Of Existing Conservatory And Erection Of Enlarged Conservatory.	Granted	9/12/10
P11/0381	Variation Of Conditions 2 & 3 Of Planning Approval P10/1491 To Allow Materials Other Than Those Indicated On The Approved Plans And That The Development Shall Be Carried Out In Accordance With The Following Plans 0996/01 And 0996/02 A.	Granted	6/6/11
P11/1390	Erection Of Purpose Made Outbuildings For Garages, Storage And Short Stay Respite Care (Following Demolition Of Existing Outbuildings)	Withdrawn	5/1/12
P11/1498	Erection Of Two Storey Rear Extension To House Lift.	Granted	16/1/12

- 9 Planning application P11/1390 was identical to this application but was withdrawn to allow negotiation with the Canal and Rivers Trust with regard to the Lapal canal tunnel which is understood to pass under the site.
- 10 Planning application P07/1081 granted planning permission for a similarly design building in 2007. However, this permission has now expired and therefore has little weight. The use of the building with that proposal including garaging and storage, but included a replacement day room which is currently located next to the main nursing home building.
- 11 The height of the building was also less than currently proposed as no accommodation was proposed within the roof space. The day room use is no longer proposed with the current application and the existing sizeable day room is to be retained.

PUBLIC CONSULTATION

- 12 No representations received, following consultation with 4 adjoining neighbours, posting of a site notice and the publication of an advert within a local newspaper.

OTHER CONSULTATION

- 13 Group Engineer (Development): No objection.
- 14 Head of Environmental Health and Trading Standards: No objection
- 15 Canal and Rivers Trust: No objection, subject to a drainage condition

RELEVANT PLANNING POLICY

- National Planning Guidance 2012

National Planning Policy Framework

- Section 9 – Protecting the Green Belt

- Black Country Core Strategy (BCCS) (2011)

CSP2 Development Outside the Growth Network

DEL1 Infrastructure Provision

HOU5 Education and Health Care Facilities

ENV 1 Nature Conservation

ENV 2 Historic Character and Local Distinctiveness

ENV 3 Design Quality

ENV 4 Canals

- Saved Unitary Development Plan (UDP) (2005)

DD1 Urban Design

DD4 Development in Residential Areas

DD10 Nature Conservation and Development

CS1 Special Needs Accommodation

NC1 Biodiversity

NC6 Wildlife Species

NC9 Mature Trees

NC10 The Urban Forest

SO1 Green Belt

- Supplementary Planning Guidance/Documents

Nature Conservation Supplementary Planning Document

Planning Obligations Supplementary Planning Document 2011

Design for Community Safety Supplementary Planning Guidance

A Strategy for Dudley Canals

Parking Standards Supplementary Planning Document 2012

ASSESSMENT

16 The main issues are

- Principle
- Design and Green Belt Issues
- Neighbour Amenity
- Occupier Amenity
- Access and Parking
- Nature Conservation
- Planning Obligations

Principle

17 The site is located with the Green Belt as such paragraphs 79 to 92 of the National Planning Policy Framework (NPPF) are of relevance to the application. The purpose of the designation is protect the openness of green belt land and,

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and

- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 18 When considering any planning application, the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘
- 19 A local planning authority should regard the construction of new buildings as inappropriate in Green Belt and should not be approved unless there are Very Special Circumstances that would outweigh the harm caused. Exceptions to this are:
- buildings for agriculture and forestry;
 - provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 20 In addition the NPPF does permit the re-use of buildings provided that the buildings are of permanent and substantial construction, as well as transport infrastructure or development related to mineral extraction.

- 21 The NPPF states that very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 22 Policy CS1 – Special Needs Accommodation states the future provision of special needs accommodation within the Borough will be supported. The policy states that the accommodation (Generally C2 use) should be distributed throughout the borough to maximise choice.
- 23 The policy also states that the use should be within easy reach of a shopping centre and public transport, be suitable for providing care, provide a reasonable and attractive area of open space, or should be near public open space, be in scale and character with the surrounding area, as well as having satisfactory parking. In addition there is a need to prevent over concentration of such uses.
- 24 Also are of relevance are the general design and amenity policies (DD1 and DD4 of the Saved Dudley Unitary Development Plan and ENV2 of the Black Country Core Strategy) that require proposals to appropriate to the character of the area and to be of appropriate design. In addition DD4 expressly requires development not to cause harm to residential amenity.

Design and Green Belt Issues

- 25 The proposed building is proposed within the grounds of the existing nursing home and would be roughly U shape in form with garaging down the one side. The building would be constructed in timber with steep pitched roofs on two sides, of which one side includes accommodation within the roof space. The building includes a small cupula to the roof, feature gablets and half gable detailing. The building also incorporates raised platforms and walkways on three sides. Overall the building could be said to have the appearance of a sports pavilion or large scale equestrian building.

- 26 Whilst the building through its use of timber is unconventional in the locality it is not considered that its design is harmful. Moreover, the timber design in part has been selected due to the light weight nature, as the Lapal canal tunnel is believed to be located close to the site. This matter is considered in more detail below.
- 27 The existing buildings to be demolished to make way for the proposed development consist of a series of light weight/temporary structures, such as shed car ports and storage buildings and a summer house. The approximate floor space of these buildings is just over 130m² and based on the figures supplied by the applicant have an approximately cumulative volume of 338m³. These buildings are also generally single storey and as such do not exceed much more than 3m in height.
- 28 The replacement building would have a floor space of just 429m² and if the raised platforms are added this increases to over 520m². The height of the proposed building to its main eaves level would be 2.3m, but rising to 7m to the main ridge height at the lowest ground level.
- 29 The volume of the proposed building would in excess of 1300m³, and this excludes the volume from the gablets and dormers, the raised platforms and the volume below the finished floor level which have been excluded from the calculation.
- 30 As stated above the NPPF requires any replacement building to not be materially larger than what it replaces. In this case the replacement building would be some four times larger, and as such is considered to be materially larger.
- 31 The NPPF also requires replacement buildings to be in the same use as the previous use. In this case the garage and storage use would be acceptable, but clearly the respite care accommodation is considered to be a new planning use.
- 32 The provision of the accommodation for respite care is a consideration and provides an opportunity for full time carers to take a break for caring for their dependants. However, the advice within the NPPF is clear that *very special circumstances* need to be put forward to justify inappropriate development in the green belt and the harm

caused from normal green belt policy. In this case no very special circumstances are considered to exist which would overcome the substantial harm caused and to allow deviation from the established green belt policy.

- 33 It is accepted that the building is well screened by the main nursing home itself and the planting within the grounds of the home. However, the advice within the NPPF makes no exception to the provision of unacceptable development even if it is well screened from the surrounding area, as the purpose of the green belt is to principally protect openness and prevent sporadic development.
- 34 The applicant has briefly made reference to the surrendering of other part implemented planning permissions at the site. However, no formal offer has been made to the Council. In addition whilst a planning permission which has not been implemented can effectively be revoked through a legal agreement it is not considered possible to revoke where a permission has been partly implemented as it would potentially make the development thus far complete unauthorised.
- 35 As stated above planning permission was previously granted for a similar building in the same position. However, this permission has expired and therefore no fall back exists. The previous permission differs from this application in that the building was proposed in part for a different use (a day room) and a large existing building on the site was also to be demolished. This building is to be retained in this case.

Neighbour Amenity

- 36 The location of the development within the large grounds to the nursing home means there would be no adverse impact to neighbour amenity.

Occupier Amenity

- 37 The site is not subject to any sources of noise, with the A456 and the M5 sufficiently distant as not to cause harm to amenity.

Access and parking

- 38 There are considerable areas of hard standing and car parking within the site which can accommodate the additional car parking requirement for the proposed development.

Nature Conservation

- 39 A nature conservation survey has been submitted with the application due to the rural nature of the site.
- 40 The report concludes that there was little bat activity in the locality and the emergent survey work suggested no bats were coming from any of the outbuildings. However, the survey does recommend that care is taken when demolishing the buildings.
- 41 The report advises that there is potential for nature conservation enhancement at the site by enhancing bat roosting opportunities and providing native planting. The report also advises that high intensity security should be avoided as well.

Trees

- 42 No mitigation has been proposed for the loss of trees, the impact of construction. However, the Council's Tree Protection Officer previously recommended a number of conditions including the carrying out of a BS:5837 Tree survey assessing the quality of trees on site prior to commencement of development. As long as this is complied with, then it is not anticipated that any adverse impact upon mature trees will occur in accordance with Policies NC9 – Mature Trees and NC10 – The Urban Forest.

Canal Issues

43 The application site is located on or close to the alignment of the abandoned Lapal canal tunnel and as such is a material consideration.

44 The Canal & River Trust (formerly British Waterways) objected to the previous application (P11/1390) as there was insufficient information to establish that the developer has taken any potential instability into account.

45 The Design and Access Statement submitted with the current application, under Geological Constraints states:-

'A previous application identical to this one was withdrawn on 5 January 2012 number P11/1390 to enable discussions with British Waterways concerning an underground tunnel which passes below the proposed development.

After consultations it was agreed that an area of earth beneath the building should be removed as an under-croft to balance out and equal the loading above the tunnel.

Structural calculations have confirmed that this equates to a depth of 1.2m of subsoil below the footprint of the proposals, this would form the under-croft void below a concrete beam and block floor.'

46 Canal & River Trust have confirmed that consultants working on behalf of the applicant have been in dialogue and the 'under-croft' design proposed by the designers which has been accepted by the Trust

47 Canal & River Trust are of the view that the site is not directly over the line of the tunnel (taking the line to be straight between the portals) but care should still be exercised when excavating for the foundations in case any former shaft structures are located. If any shafts are located then they should be treated and an exclusion

zone of at least twice the diameter of the shaft should be established around the shaft.

- 48 Therefore the Canal & River Trust have no objection in principle subject to the development being constructed in accordance with the approved details the imposition of a drainage condition, together with an informative.

Planning Obligations

- 49 Black Country Core Strategy (BCCS) Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.

- 50 Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

- 51 The obligations which have been potentially triggered according to the Planning Obligations SPD if the proposed development would have been acceptable are:

- Nature Conservation
- Transport Infrastructure Improvements
- Air Quality Enhancement

- 52 However, as the development is not acceptable in principle no obligations are required to off set the impact of the proposed development.

CONCLUSION

53 The application site is located within the green belt as such there is a presumption against new development, unless it relates to agriculture forestry or one of the acceptable uses outlined in the (National Planning Policy Framework) NPPF. Moreover, the NPPF does allow for the replacement buildings as long as they are not materially larger and of the same use as the buildings replaced. In this case the proposed replacement building is significantly larger and introduces an additional use beyond what the existing buildings are used for. The development, however, poses no harm to neighbour, amenity is of acceptable design and would provide sufficient space for parking. Consideration has been given to policies CSP2 Development Outside the Growth Network, DEL1 Infrastructure Provision, HOU5 Education and Health Care Facilities, ENV 1 Nature Conservation, ENV 2 Historic Character and Local Distinctiveness, ENV 3 Design Quality, and ENV 4 Canals of the Black Country Core Strategy and saved policies DD1 Urban Design, DD4 Development in Residential Areas, DD10 Nature Conservation and Development, CS1 Special Needs Accommodation, NC1 Biodiversity, NC6 Wildlife Species, NC9 Mature Trees, NC10 The Urban Forest, and SO1 Green Belt of the Dudley Unitary Development Plan.

RECOMMENDATION

It is recommended that the application be REFUSED

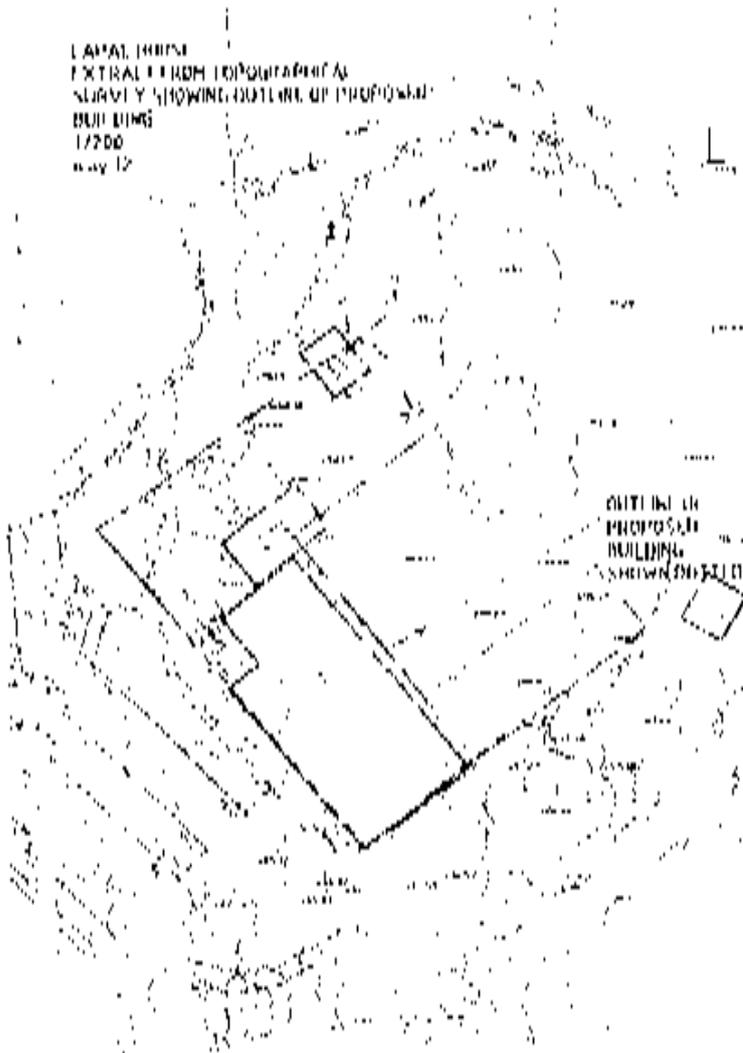
Informative

The local planning authority is aware of the requirement of paragraph 186 and 187 in the National Planning Policy Framework to work with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application. In this case, after careful balanced consideration the LPA/Officers maintains that the principle of development cannot be supported as the scheme is contrary to the Development Plan and the proposal would not result in the creation of a sustainable form of development and thereby failing to improve the economic, social and environmental conditions of the area.

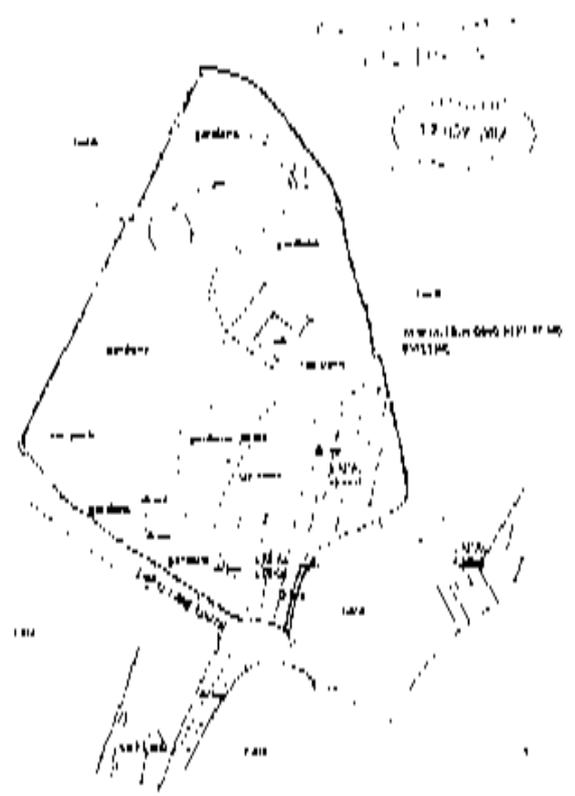
Conditions and/or reasons:

1. There is a general presumption against new development in green belt. Exceptions to this general presumption include where existing buildings are to be redeveloped for the same use as long as they are of similar scale to the buildings they replace. In this case the replacement building will introduce an additional use and would be disproportionately larger than the buildings being replaced. In addition there are no very special circumstances in this case to outweigh the harm that would be caused to the green belt and deviate from established green belt policy. Therefore the proposed development is contrary to saved Policy SO1 of the Dudley Unitary Development Plan and Paragraphs 79 to 92 of the National Planning Policy Framework.

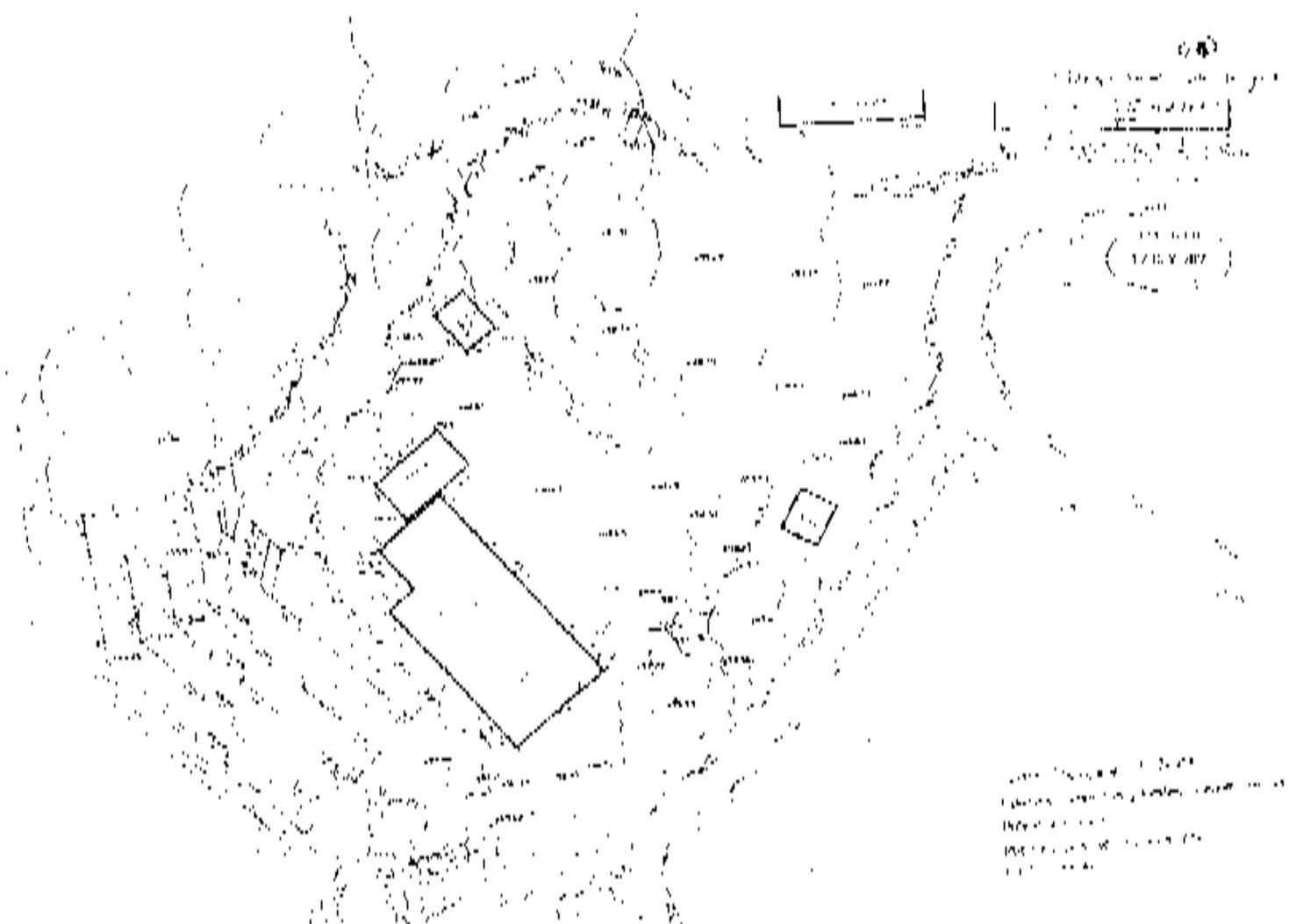
LAMAL IRONS
 EXTRACT FROM TOPOGRAPHICAL
 SURVEY SHOWING OUTLINE OF PROPOSED
 BUILDING
 1/200
 May 12



OUTLINE OF
 PROPOSED
 BUILDING
 SHOWN IN RED



LOCATION PLAN 1/1250
 showing proposed layout with new foundations



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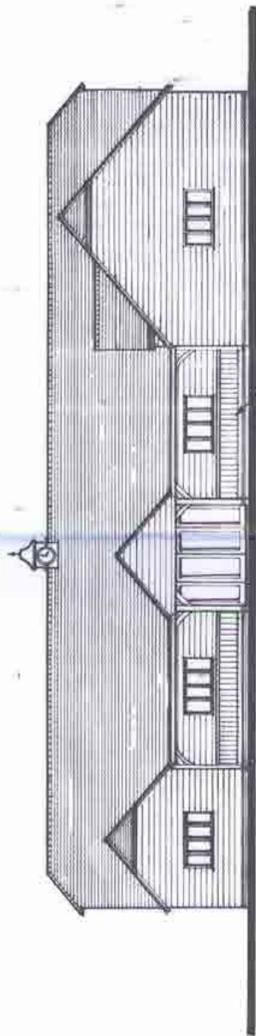
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17 JULY 1977

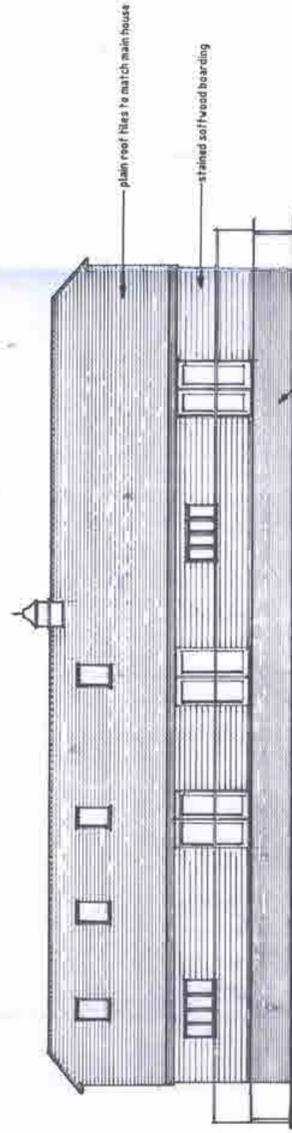
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DCG/2002
 dty no. 0964/01/rev B
 Proposed floor plans and elevations
 P12/1425

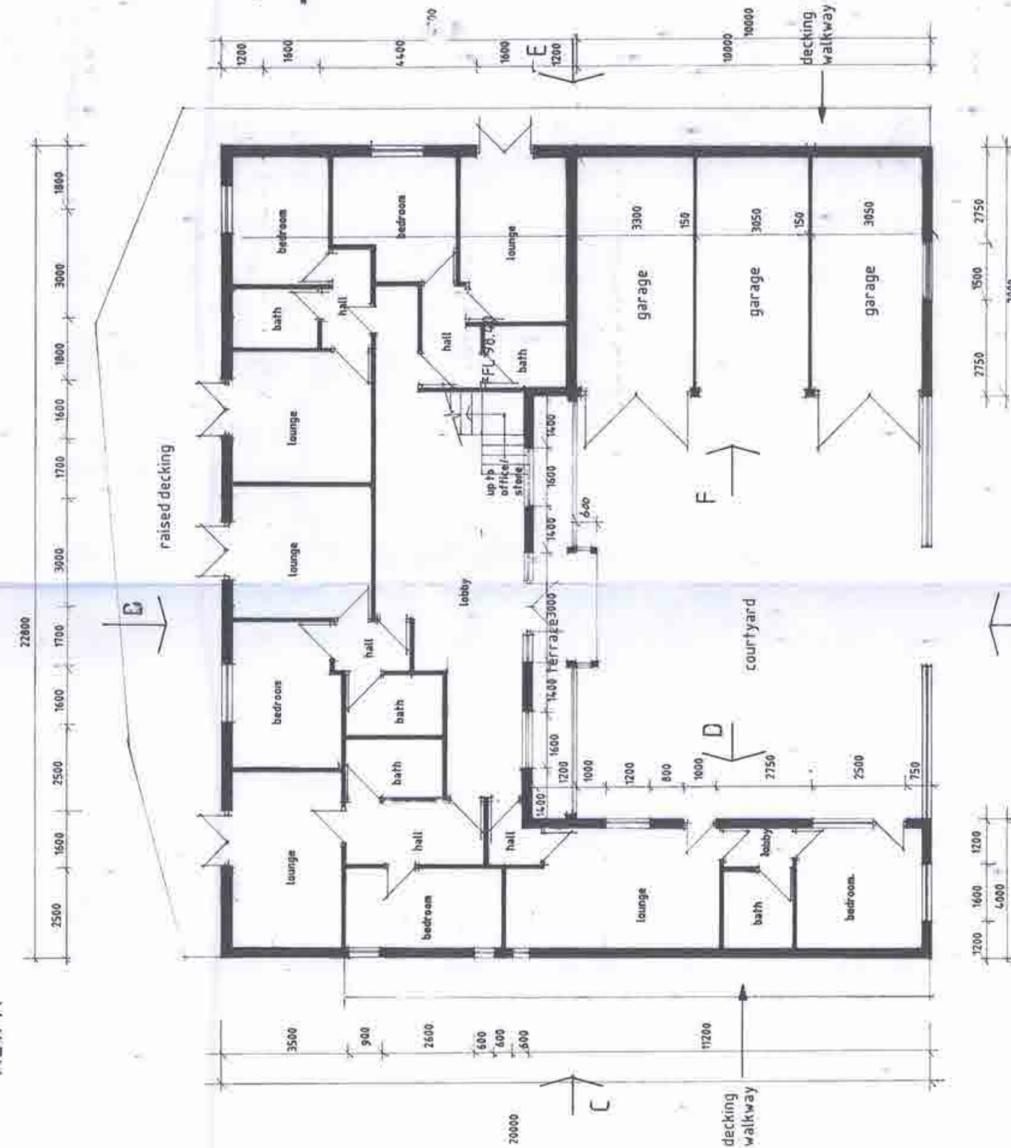
ELEVATIONS: 1/100



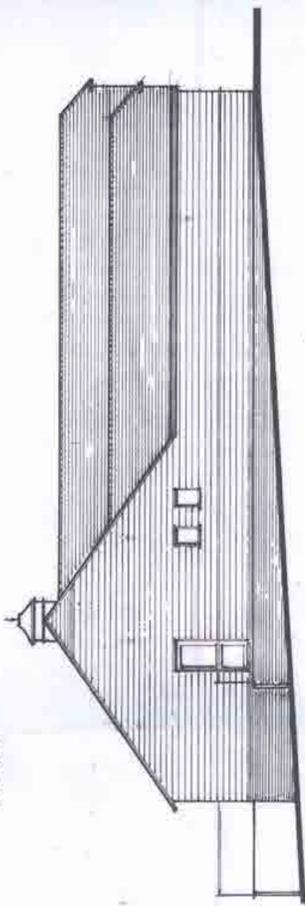
VIEW A



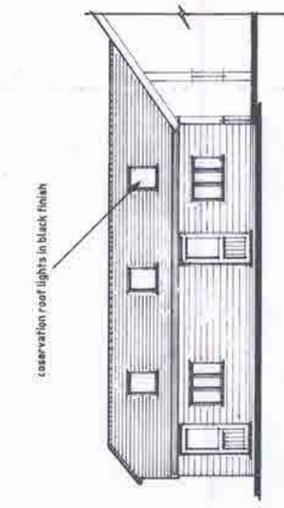
VIEW B



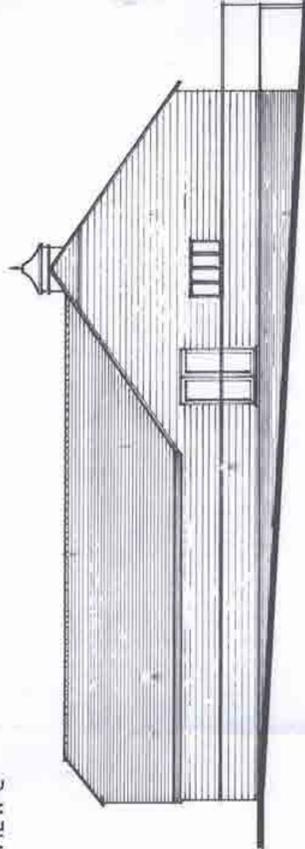
SITE/FLOOR PLAN 1/100



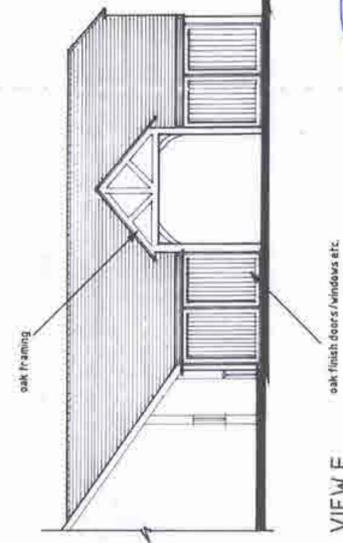
VIEW C



VIEW D



VIEW E



VIEW F



REV B first floor added oct 11
 REV A building reg. details added feb. 08

PROJECT
 PROPOSED REPLACEMENT OF EXISTING OUTBUILDINGS TO PROVIDE
 PURPOSE MADE OUTBUILDINGS FOR GARAGES, STORAGE, AND
 SHORT STAY RESPIRE CARE
 AT LAPAL HOUSE AND LODGE CARE HOME, LAPAL LANE SOUTH
 HALESOWEN

FIRST FLOOR PLAN 1/100

CLIVE WALKER AND ASSOCIATES

DATE	SCALE	DRG. NO.	REV.
nov 06	1/100	0964/01	B