



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 6TH MARCH 2017
AT 6.00 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE, B61 8DA

PLEASE NOTE THE COUNCIL'S NEW PREMISES AS INDICATED ABOVE AND THAT AFTER 5PM, ACCESS TO THE PARKSIDE SUITE IS VIA THE MAIN ENTRANCE DOOR ON THE STOURBRIDGE ROAD. PLEASE ALSO NOTE THAT THERE IS NO PUBLIC PARKING AVAILABLE FOR THE NEW PREMISES. THE NEAREST PARKING IS THE PARKSIDE (MARKET STREET) PAY AND DISPLAY CAR PARK.

MEMBERS: Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), C. Allen-Jones, S. J. Baxter, M. T. Buxton, C.A. Hotham, S. R. Peters, S. P. Shannon, M. A. Sherrey, C. J. Spencer and P. J. Whittaker

Updates to the Reports of the Head of Planning and Regeneration Services will be available in the Council Chamber one hour prior to Meeting. You are advised to arrive in advance of the start of the Meeting to allow yourself sufficient time to read the updates.

Members of the Committee are requested to arrive at least fifteen minutes before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting.

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 6th February 2017 (Pages 1 - 4)
4. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
5. 2016/1056 - Demolition of the former Job Centre Plus and Masonic Hall, and the erection of 14 "MyPlace" supported apartments (Use Class C2) and 5 houses (Class C3) - Masonic Hall and former Job Centre, Churchfields, Bromsgrove, Worcestershire B61 8DX - Bromford Housing Group (Pages 5 - 16)
6. 2016/1175 - Proposed mixed use development comprising 7 no. ground floor A1 and A2 Class Units and 10 no. upper floor residential apartments (4 x 1 bed and 6 x 2 bed) - New Rose and Crown, 217 New Road, Rubery B45 9JN - Mr Peter Styles (Pages 17 - 24)
7. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

22nd February 2017



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can attend all Council, Cabinet and Committee / Board meetings, except for any part of the meeting when the business would disclose confidential or "exempt" information.
- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees, etc., is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees / Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

at www.bromsgrove.gov.uk

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Information for Members of the Public

The Planning Committee comprises 11 Councillors. Meetings are held once a month on Mondays **at 6.00 p.m.** in the Parkside Suite, Parkside, Market Street, Bromsgrove, B61 8DA - access to the Parkside Suite after 5pm is via the main entrance door on the Stourbridge Road. The nearest available public parking for the new premises is Parkside (Market Street) Pay and Display. .

The Chairman of the Committee, who is responsible for the conduct of the meeting, sits at the head of the table. The other Councillors sit around the inner-tables in their party groupings. To the immediate right of the Chairman are the Planning Officers. To the left of the Chairman is the Solicitor who provides legal advice, and the Democratic Services Officer who takes the Minutes of the Meeting. The Officers are paid employees of the Council who attend the Meeting to advise the Committee. They can make recommendations, and give advice (both in terms of procedures which must be followed by the Committee, and on planning legislation / policy / guidance), but they are not permitted to take part in the decision making.

All items on the Agenda are (usually) for discussion in public. You have the right to request to inspect copies of previous Minutes, reports on this agenda, together with the background documents used in the preparation of these reports. Any Update Reports for the items on the Agenda are published on the Council's Website at least one hour before the start of the meeting, and extra copies of the Agenda and Reports, together with the Update Report, are available in the public gallery. The Chairman will normally take each item of the Agenda in turn although, in particular circumstances, these may be taken out of sequence.

The Agenda is divided into the following sections:-

- Procedural Items

Procedural matters usually take just a few minutes and include: apologies for absence, approval of the Minutes of the previous meeting(s) and, where necessary, election of a Chairman and / or Vice-Chairman. In addition, Councillors are asked to declare whether they have any disclosable pecuniary and / or other disclosable interests in any items to be discussed. If a Councillor declares a disclosable pecuniary interest, he/she will withdraw from the meeting during the discussion and voting on that item. However, it is up to the individual Councillor concerned to decide whether or not to declare any interest.

- Reports of the Head of Planning and Regeneration

(i) **Plans and Applications to Develop, or Change of Use** - Reports on all applications will include a response from consultees, a summary of

any observations received and a recommendation. Recent consultation responses will be reported at the meeting within the Update Report.

Each application will be considered in turn. When the Chairman considers that there has been sufficient discussion, a decision will be called for. Councillors may decide that, in order to make a fully informed decision, they need to visit the site. If this is the case, then a decision on the application will be deferred until the next meeting of the Committee. Alternatively, a decision may be deferred in order that more information can be presented / reported. If the Councillors consider that they can proceed to making a decision, they can either accept the recommendation(s) made in the report (suggesting any additional conditions and / or reasons for their decision), or they can propose an amendment, whereby Councillors may make their own recommendation. A decision will then be taken, usually by way of a show of hands, and the Chairman will announce the result of the vote. Officers are not permitted to vote on applications.

Note: **Delegation** - All items are presumed to be matters which the Planning Committee has delegated powers to determine. In those instances where delegation will not or is unlikely to apply, an appropriate indication will be given at the meeting.

Any members of the public wishing to make late additional representations should do so in writing, or by contacting their Ward Councillor(s) well in advance of the Meeting. You can find out who your Ward Councillor(s) is/are at www.writetothem.com.

Members of the public should note that any application can be determined in any manner, notwithstanding any (or no) recommendation being made to the Planning Committee.

- (ii) **Development Control (Planning Enforcement) / Building Control** - These matters include such items as to whether or not enforcement action should be taken, applications to carry out work on trees that are the subject of a Tree Preservation Order, etc.. 'Public Speaking' policy does not apply to this type of report, and enforcement matters are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Reports of the Head of Legal and Democratic Services

These reports relate to, for example, cases where authority is sought to commence legal proceedings for non-compliance with a variety of formal planning notices. They are generally mainly concerned with administrative and legal aspects of planning matters. 'Public Speaking' policy does not apply to this type of report, and legal issues are normally dealt with as confidential items (see 'Confidential / Exempt Business' below).

- Urgent Business

In exceptional circumstances, and at the discretion of the Chairman, certain items may be raised at the meeting which are not on the Agenda. The Agenda is published a week in advance of the meeting and an urgent

matter may require a decision. However, the Chairman must give a reason for accepting any "urgent business". 'Public Speaking' policy would not necessarily apply to this type of report.

- **Confidential / Exempt Business**

Certain items on the Agenda may be marked "confidential" or "exempt"; any papers relating to such items will not be available to the press and public. The Committee has the right to ask the press and public to leave the room while these reports are considered. Brief details of the matters to be discussed will be given, but the Committee has to give specific reasons for excluding the press and public.

Public Speaking

Where members of the public have registered to speak on planning applications, the item will be dealt with in the following order (subject to the discretion of the Chairman):-

- Introduction of item by the Chairman;
- Officer's presentation;
- Representations by objector;
- Representations by applicant (or representative) or supporter;
- Parish Council speaker (if applicable) and / or Ward Councillor;
- Consideration of application by Councillors, including questions to officers.

All public speakers will be called to the designated area by the Chairman and will have a maximum of 3 minutes to address the Committee.

Feedback forms will be available within the Council Chamber for the duration of the meeting in order that members of the public may comment on the facilities for speaking at Planning Committee meetings.

NOTES

Councillors who have not been appointed to the Planning Committee but who wish to attend and to make comments on any application on the attached agenda are required to inform the Chairman and the relevant Committee Services Officer before 12:00 noon on the day of the meeting. They will also be subject to three minute time limit.

Councillors who are interested in the detail of any matter to be considered are invited to consult the files with the relevant Officer(s) in order to avoid unnecessary debate on such detail at the meeting. Members of the Committee are requested to arrive at least one hour before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be

sought to enable answers to be given at the meeting. Councillors should familiarise themselves with the location of particular sites of interest to minimise the need for Committee Site Visits.

Councillors are respectfully reminded that applications deferred for more information should be kept to a minimum and only brought back to Committee for determination where the matter cannot be authorised to be determined by the Head of Planning and Regeneration Services.

In certain circumstances, items may be taken out of the order than that shown on the agenda and, therefore, no certain advice can be provided about the time at which any item may be considered. However, it is recommended that any person attending a meeting of the Committee, whether to speak or to just observe proceedings and listen to the debate, be present for the commencement of the meeting at 6.00 p.m.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - SECTION 100D

1. All applications for planning permission include, as background papers, the following documents:-
 - a. The application - the forms and any other written documents submitted by the applicant, the applicant's architect or agent, or both, whichever the case may be, together with any submitted plans, drawings or diagrams.
 - b. Letters of objection, observations, comments or other representations received about the proposals.
 - c. Any written notes by officers relating to the application and contained within the file relating to the particular application.
 - d. Invitations to the Council to comment or make observations on matters which are primarily the concern of another Authority, Statutory Body or Government Department.
2. In relation to any matters referred to in the reports, the following are regarded as the standard background papers:-

Policies contained within the County Structure Plan and Local Plan below, and Planning Policy Statements, specifically referred to as follows:-

WCSP	-	Worcester County Structure Plan 2001
BDLP	-	Bromsgrove District Local Plan 2004
DCS2	-	Draft Core Strategy 2
PPG's	-	Planning Policy Guidance Notes
PPS's	-	Planning Policy Statements
SPG	-	Supplementary Policy Guidance (Bromsgrove District)

3. Any other items listed, or referred to, in the report.

Note: For the purposes of the Local Government (Access to Information) Act 1985, unless otherwise stated against a particular report, "background papers" in accordance with Section 100D will always include the Case Officer's written report and any letters or memoranda of representation received (including correspondence from Parish Councils, the Highway Authority, statutory consultees, other 'statutory undertakers' and all internal District Council Departments).

Further information

If you require any further information on the Planning Committee, or wish to register to speak on any application for planning permission to be considered by the Committee, in the first instance, please contact Jan Smyth, Democratic Services Officer, at jan.smyth@bromsgroveandredditch.gov.uk, or telephone (01527) 64252 Extn. 3266.

ABBREVIATIONS

ADR	Area of Development Restraint
AGLV	Area of Great Landscape Value (Structure Plan)
CA	Conservation Area
DS	Development Site
EMP	Employment
GB	Green Belt
LB	Listed Building
LPA	Landscape Protection Area
OPS	Open Space
PSS	Primary Shopping Street
RES	Residential
RETAIL	Retail
SAM	Scheduled Ancient Monument
SSS	Secondary Shopping Street
SSSI	Site of Special Scientific Interest
SWS	Special Wildlife Site
TCZ	Town Centre Zone
TPO	Tree Preservation Order
VE	Village Envelope
WH	Worcestershire Highways
WCC(CA)	County Archaeology
WCC(EA)	County Education Authority
WCC(PROW)	Public Rights of Way
WCC(SS)	County Council Social Services
WCC(Landscape)	County Landscape Officer
BCO	Building Control Officer
CCO	Climate Change Officer
CLO	Contaminated Land Officer
CO	Conservation Officer
EDO	Economic Development Officer
ENG	Drainage Engineer
LS	Legal Services
SHM	Strategic Housing Manager
SPM	Strategic Planning Manager
TO	Tree Officer
WRS	Worcestershire Regulatory Services
AC	Agricultural Consultant
AMS	Ancient Monuments Society
AWM	Advantage West Midlands
BW	British Waterways
CAA	Civil Aviation Authority
CABE	Commission for Architecture and the Built Environment
CBA	Council for British Archaeology
CE	Centro
CN	Central Networks
CPRE	Campaign for the Protection of Rural England

ABBREVIATIONS (cont'd)

CSO	Community Safety Officer
EA	Environment Agency
EH	English Heritage
FC	Forestry Commission
GHSoc	Garden History Society
GG	Georgian Group
HA	Highways Agency
H&WGT	Hereford and Worcester Garden Trust
HLS	Head of Leisure and Cultural Services
HSE	Health and Safety Executive
ICNIRP	International Commission on Non-Ionizing Radiation Protection
IWA	Inland Waterways Association
JRC	The Joint Radio Company Limited
NE	Natural England
NG	National Grid
NR	Network Rail
NT	National Trust
RA	Ramblers Association
SE	Sport England
SPAB	Society for the Protection of Ancient Buildings
STW	Severn Trent Water
TCo	Transco
TCS	Twentieth Century Society
UD	Urban Designer
VS	Victorian Society
WMC	West Mercia Police
WMP	West Midlands Police
WWT	Worcestershire Wildlife Trust

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

6TH FEBRUARY 2017 AT 6.00 P.M.

PRESENT: Councillors R. J. Deeming (Chairman), P.L. Thomas (Vice-Chairman), S. J. Baxter, M. T. Buxton, M. Glass, S. R. Peters, S. P. Shannon, M. A. Sherrey and L. J. Turner

Officers: Mr. D. M. Birch, Mrs. T. Lovejoy, Mr. A. Novis (Worcestershire County Highways) and Mrs. J. Smyth

59/16 **CHANGE OF COMMITTEE MEMBERSHIP**

The Chairman informed Members on a change in the Committee's Membership, namely that Councillor M.A. Sherrey had replaced Councillor K.J. May.

60/16 **APOLOGIES**

Apologies for absence were received on behalf of Councillors C.A. Hotham, C.J. Spencer and P.J. Whittaker. Councillor L.J. Turner and M. A. Glass were confirmed as substitutes for Councillor C.A. Hotham and P.J. Whittaker respectively.

61/16 **DECLARATIONS OF INTEREST**

All Members present at the meeting declared Other Disclosable Interests in Agenda Item 6 (Planning Application 20-16/1028 and Listed Building Consent Application 2016/1029) – Stoney Lane Farm, Stoney Lane, Broad Green, in that they were all acquainted with the Applicant, Mr. P. Whittaker, through their roles as District Councillors.

62/16 **MINUTES**

The minutes of the meeting of the Planning Committee held on 9th January 2017 were received.

RESOLVED that the minutes of the meeting be approved as a correct record.

63/16

2016/1028 (PLANNING APPLICATION) AND 2016/1028 (LISTED BUILDING CONSENT) - CHANGE OF USE OF FARMHOUSE AND ATTACHED BARN TO FORM HOLIDAY LET ACCOMMODATION WITH REINSTATEMENT ROOF WORKS TO THE ATTACHED BARN; CHANGE OF USE OF DETACHED BARN TO CREATE DWELLING HOUSE WITH SINGLE STOREY EXTENSION; CREATION OF NEW ACCESS TRACK AND PARKING AREA TO FARMHOUSE AND REMEDIATION AND REINSTATEMENT WORKS TO DOVECOT - STONEY LANE FARM, STONEY LANE, BROAD GREEN, B60 1LZ - MR P. J. WHITTAKER. .

Officers reported on amended plans that had been received and matters relating to proposed courtyard lighting, hard landscaping, the north elevation of the timber framed barn and the garden amenity land for proposed Unit 4. Members noted the proposed lighting condition was no longer required due to the revised layout of the courtyard parking arrangements, together with the need to impose a condition in relation to the north elevation of the timber framed barn, following comments received from the Conservation Officer, all as detailed in the published Update Report, copies of which were circulated to Members and the public gallery prior to the start of the meeting.

At the invitation of the Chairman, Mr R. Whittaker, the Applicant's Agent, addressed the Committee.

2016/1028 - Planning Application

RESOLVED that Planning Permission be granted, subject to suitable Conditions (as applicable to the Permission), and Informatives as outlined on page 16 of the main agenda, and subject to the following:

Lighting

- i) the proposed lighting Condition being no longer required, as the Condition requiring the scheme to be in accordance with the approved plans now covers this;

North Elevation of Timber Framed Barn

- ii) a method statement for the external works to the north elevation of the timber framed barn to be submitted to and approved in writing by the Local Planning Authority; and

Garden Amenity Land : Unit 4.

- iii) the details of the new boundary treatment to be secured through the proposed hard landscaping condition to be imposed, following confirmation from the Applicant that the existing close-boarded fence to the eastern boundary will be re-sited further to the east to

allow the rebuilt section of the building to be incorporated into the new domestic curtilage.

20156/1029 - Listed Building Consent

RESOLVED that Listed Building Consent be granted, subject to Conditions (as applicable to the Consent), as outlined on page 16 of the main agenda report, and subject to the following:

Lighting

- iv) the proposed lighting Condition being no longer required, as the Condition requiring the scheme to be in accordance with the approved plans now covers this;

North Elevation of Timber Framed Barn

- v) a method statement for the external works to the north elevation of the timber framed barn to be submitted to and approved in writing by the Local Planning Authority; and

Garden Amenity Land : Unit 4.

- vi) the details of the new boundary treatment to be secured through the proposed hard landscaping condition to be imposed, following confirmation from the Applicant that the existing close-boarded fence to the eastern boundary will be re-sited further to the east to allow the rebuilt section of the building to be incorporated into the new domestic curtilage.

64/16

2016/1056 - DEMOLITION OF THE FORMER JOB CENTRE PLUS AND MASONIC HALL AND THE ERECTION OF 14 "MYPLACE" SUPPORTED APARTMENTS (USE CLASS C2) AND 5 HOUSES (USE CLASS C3) - MASONIC HALL AND FORMER JOB CENTRE, CHURCHFIELDS, BROMSGROVE, WORCESTERSHIRE B61 8DX - BROMFORD HOUSING GROUP.

This matter had been withdrawn from the Agenda at the request of the Applicant and was not discussed.

65/16

2017/0035 - ERECTION OF FOUR NUMBER CAR PARK SIGNS - ST JOHN CAR PARK, ST. JOHN STREET, BROMSGROVE, WORCESTERSHIRE - BROMSGROVE DISTRICT COUNCIL AND REDDITCH BOROUGH COUNCIL

Officers reported on amended plans that had been received revising the siting of one of the proposed signs, as detailed in the published Update report, copies of which were provided to Committee Members and the

Agenda Item 3

Planning Committee
6th February 2017

public gallery prior to the start of the meeting. For clarity, Members were also advised that the Applicant for the application was Bromsgrove District Council and not a joint Application with Redditch Borough Council, as detailed in the report.

RESOLVED that Advertisement Consent be granted, subject to the Conditions set out on page 26 of the main agenda report.

The meeting closed at 6.25 p.m.

Chairman

Name of Applicant	Proposal	Plan Ref.
Bromford Housing Group	Demolition of the former Job Centre Plus and Masonic Hall and the erection of 14 "MyPlace" supported apartments (Use Class C2) and 5 houses (Use Class C3) Masonic Hall And Former Job Centre, Churchfields, Bromsgrove, Worcestershire, B61 8DX	16/1056

RECOMMENDATION:

- (1) Minded to **APPROVE FULL PLANNING PERMISSION**
- (2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the planning application following:
 - (a) The expiry of the publicity period on 7 March 2017 and in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly; and
 - (b) The receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:
 - (i) Highway improvements: £ 4,350
 - (ii) Improvements to the Recreation Ground: £ £43,960
 - (iii) Provision of bins: £3,077

Consultations

Strategic Planning- Consulted 11.11.2016
No Comments Received To Date

Highways Department- Worcestershire County Council Consulted 09.11.2016

No objection subject to conditions and S106 contributions for the processing of a Traffic Regulation Order to remove the existing on-street parking bays and other road markings fronting the site on Churchfields and Recreation Road.

Worcester Regulatory Services- Contaminated Land Consulted 09.11.2016
No Comments Received To Date

Landscape & Tree Officer Consulted 09.11.2016
No objection subject to conditions

Strategic Housing Consulted 09.11.2016

I have had a look at the above application to provide a block of 14 units and 5 houses. The applicant has advised that the 14 'Myplace' units are C2 units and therefore not to be considered for the calculation of affordable housing but also below then states these 14 units are 'best described as affordable'. Firstly I do not consider the 14 'Myplace' units should be classed as C2. These are self-contained individual flats not a residential institution.

I do not consider that they should be classed as affordable housing either. NPPF provides the definition of affordable housing as: Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision. I can see nothing in the application that provides for the 'Myplace' accommodation to meet this definition by providing it as social rented, intermediate or affordable rented or to ensure it goes to eligible households.

This site should provide for 40% affordable housing being 7 units with 5 units social rented and 2 units intermediate in accordance with our policy.

Conservation Officer Consulted 09.11.2016

No objection

Waste Management Consulted 09.11.2016

A financial contribution towards the provision of bins is required.

Leisure Services Consulted 09.11.2016

A financial contribution towards open space improvements at the recreation ground is required.

Parks & Green Space Development Officer Martin Lewis Consulted 09.11.2016

No Comments Received To Date

Urban Design Consultant Peter Dawson Consulted 09.11.2016

From a design perspective the proposals suggested an overdevelopment of the site resulting in poor parking, amenity and privacy. The architectural response to the character of the area is a poor lacking the design, massing and positive visual relationship with the locally distinct forms and details. The apartment block fails to relate to the area, being too weak in its sympathy, too large in its mass and too prominent in the street scene.

North Worcestershire Economic Development and Regeneration Consulted

09.11.2016

No objection

Aisling Nash County Archaeological Officer Consulted 09.11.2016

No Comments Received To Date

Plan reference

NHS England Primary Care Arden, Herefordshire & Worcestershire Consulted
09.11.2016
No Comments Received To Date

Worcester Regulatory Services- Noise, Dust, Odour & Burning Consulted 09.11.2016
No objection

Worcester Regulatory Services- Air Quality Consulted 09.11.2016
No objection subject to conditions

West Mercia Constabulary Consulted 09.11.2016
No objection

Drainage Engineers Internal Planning Consultation Consulted 15.11.2016
No objection subject to conditions.

Publicity:

43 letters sent on the 9th November 2016 (expired 30th November 2016)
43 letters of re-consultation sent on the 21st February (expires 7th March 2017)
1 site notice posted on the 10th November 2016 (expired 1st December 2016)
Press Advert published in the Bromsgrove Standard on the 18th November (expired 2nd December)

Neighbour Responses

2 responses have been submitted. These responses object to the development on the following grounds:

- Inadequate parking for the apartments;
- On-street parking is already a major concern and spaces would be lost;
- Inappropriate location for “My Place” apartments due to busy nature of the area;
and
- Construction traffic will be a hazard and block roads

Relevant Policies

NPPF National Planning Policy Framework

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP16 Sustainable Transport
BDP17 Town Centre Regeneration
BDP19 High Quality Design
BDP21 Natural Environment

Others:

SPG1 Residential Design Guide

Relevant Planning History

14/0982	Demolition of Job centre and Erection of 7 dwellings	Approved
16/0830	Prior notification of proposed demolition	Approved

Assessment of Proposal

The Site and its Surroundings

The application site is located within Bromsgrove Town within the defined Town Centre Zone. The site consisted of the Job Centre and Masonic Hall, however both of these buildings have now been demolished. The site is located on the corner Churchfields and Recreation Road and there are currently accesses onto both roads. An extra care development is currently under construction and this is located adjacent to the north and east boundaries. Traditional residential properties are located to the east with the recreation ground positioned to the south of the site. A children's day nursery is also adjacent to the eastern boundary of the site.

The Proposed Development

This application seeks to erect the following:

- o 14 "My Place" supported apartments for adults with learning difficulties ; and
- o 2 pairs of semi-detached properties

Planning Considerations

The application will be considered under the following headings:

- i) The principle of the proposed development;
- ii) Street Scene & Character Impact;
- iii) Residential Amenity;
- iv) Access, Highways & Parking; and
- v) Planning Contributions

- i) The Principle of the Proposed Development

Following a Full Council Meeting on the 25th January 2017 the Bromsgrove District Plan (BDP) has been adopted. The Former Bromsgrove District Local Plan (BDLP) has now been deleted and will no longer be a material consideration in planning decisions.

The Policies Map associated with the BDP highlights that the site is located within the Town Centre Zone. In accordance with the NPPF a wide range of uses are considered acceptable in principle including retail, residential, community and commercial uses. However, the site forms part of a specifically designated area within the BDP under Policy BDP17 (Town Centre Regeneration). Allocation TC2 (Recreation Road) highlights that the site would be ideal for a mix of C2 and C3 uses. The proposal, taken at face value,

therefore fully accords with this policy. However, the Strategic Housing Manager is of the view that the 'My Place' apartments do not constitute a C2 use as the proposal constitutes self-contained individual flats not a residential institution. Secondly he is of the view that there is nothing within the application to confirm that the apartments meet the NPPF definition for affordable housing. If the whole of scheme is considered to be market housing then an affordable housing contribution would be required.

In response, the Applicant has set out that the occupation of the units is only open to adults with particular long term conditions, and not to the general public. Bromford Housing Association confirms that the occupants are selected by themselves, in conjunction with a steering group, of which the Council's care commissioners are usually party to. A community hub is provided in order to provide support to residents, together with specialist housing support for up to 18 hours a week. Care is also provided by a number of care providers and this is co-ordinated by a member of Bromford's staff, based in the proposed ancillary resource centre.

In the view of the Applicant, the 'MyPlace' model has been accepted as a Class C2 use by other local Councils and has stated that case law and appeal decision are available confirming that the model is a Class C2 use. Although these details have not yet been provided by the Applicant it is considered, on balance, that the use is more akin to a C2 use. Therefore the scheme as a whole does not attract an affordable housing contribution as there are only 4 market dwellings.

ii) Street Scene & Character Impact

Policy BD19 of the BDP and the guidance within SPG1 requires such proposals to have a density appropriate for the site and a form and layout appropriate to the area.

The site is bound on 2 sides by the high density extra care development that consists mainly of substantial 3 storey buildings. The development also relates closely to the residential properties on Recreation Road that are opposite the application site. These are generally traditional 2 storey properties with chimneys and bay windows that were built in the early twentieth century and front onto the highway. The whole of the proposed scheme is a 2 storey development that reflects both the adjacent day nursery and the residential development on Churchfields.

There are 2 distinct elements to the scheme. Firstly on the southern part of the site there is a 2 storey apartment building which has frontages on to both Churchfields and Recreation Road. The northern part of the site contains 4 dwellings. They consist of 2 pairs of semi-detached dwellings that front onto Churchfields. These dwellings are of a similar scale to those on the opposite side of Churchfields and follow the same pattern of development. In addition the dwellings include features which are evident on other surrounding properties such as gable end roofs and chimneys. Such design features will help integrate the development into the locality.

The proposed apartment building retains a distance of 2.1m from both Churchfields and Recreation Road. This is not dissimilar to other buildings along Recreation Road including the extra care and care home developments that are currently under-construction. Taking into account the shallow pitch proposed on the proposed 2 storey building the development would not appear unduly prominent. On this corner plot a

number of windows have been provided on both Recreation Road and Churchfields to provide visual interest.

It is noted that the Council's Urban Design Consultant raised concerns over an earlier draft of this scheme. Some of these concerns have been alleviated through the removal of one dwelling and re-design of the layout to remove a backland element of the scheme. The amendments have reduced the density of the scheme and provided additional space for soft landscaping. Whilst the Urban Design Consultant still has concerns over the design of the apartment building it is considered by officers that this will be an acceptable addition to the street scene in this area where there is a mix of buildings types and uses in accordance with Policy BDP19 of the BDP and the guidance within SPG1.

iii) Residential Amenity

The nearest residential properties are located on the opposite side of Recreation Road (no's 25-35) and the 3 storey apartment building adjacent to the northern boundary of the site which is not yet occupied. A minimum distance of 20m is retained between the dwellings on Churchfields and the front elevation of the proposed development. This is considered sufficient to maintain privacy for the occupiers of the existing properties.

The side elevation of plot 19 is in close proximity side elevation of the recently erected apartment building. There is a breach of the 45 degree guideline when measured from the nearest window on the front elevation of the apartment building. However, this is similar to the relationship that used to exist with the Masonic Hall which has now been demolished. There are no habitable windows on the side elevation of plot 19 ensuring that they do not overlook the adjacent apartment building.

It is considered that the proposal will not unduly impact upon the amenity levels experienced by the occupiers of adjacent residential properties. However, it is also important to consider the amenity levels that would be experienced by the occupiers of the proposed development. It is noted that parts of the rear garden of Plot 19 would be overlooked by the apartment scheme however due to the substantial size of this garden it is considered that this would not create an unacceptable living environment.

The traditional layout of the dwellings proposed on Churchfields results in all 4 dwellings having substantial rear gardens that vary between 15m and 32m in length. Such large private gardens comfortably exceed the minimum standards set out within SPG1. A private area is also provided for the occupiers of the My Place apartments which is considered to be acceptable.

In summary it is considered that the proposal creates an acceptable living environment for the occupiers of the proposed development and does not unduly impact on the occupiers of nearby residents in accordance with Policy BDP19 of the BDP.

iv) Access, Highways & Parking

The site proposes a vehicular access off Recreation Road to serve the "My Place" apartments with a car park consisting of 8 spaces provided for the 14 units. Each dwelling has been provided with 2 parking spaces. In this highly sustainable location the Council's Highways Engineer the raises no objection to the level of parking provision.

The Highways Engineer raises no objection to the scheme subject to conditions. The proposal therefore accords with Policy BDP16 of the BDLP, the adopted Local Transport Plan and paragraphs 32 and 35 of the NPPF.

v) Planning Contributions

In accordance with paragraph 204 of the NPPF and section 122 of the CIL planning obligations have been sought to mitigate the impact of this major development, if the application were to be approved. The obligations would cover open space improvements to the recreation ground, the provision of bin storage and highways improvements. Financial contributions on these matters have been informally agreed with the applicant and work on the legal agreement is underway. Subject to the signing of the S106 agreement the proposal would have no adverse impact on infrastructure in the local area.

Conclusion

The development is in a sustainable location that can deliver benefits to the Town Centre. It is considered to be acceptable in terms of amenity, character and highways considerations.

RECOMMENDATION:

- (1) Minded to **APPROVE FULL PLANNING PERMISSION**
- (2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the planning application following:
 - (a) The expiry of the publicity period on 7 March 2017 and in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly; and
 - (b) The receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:
 - (i) Highway improvements: £ 4,350
 - (ii) Improvements to the Recreation Ground: £ £43,960
 - (iii) Provision of bins: £3,077

Suggested Conditions

- 1) The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:

1563-01
1563-02Q
1563-12F

1563-13F
1563-16A
1563-17A
1563-18B
1563-19B
1563-20B
1563-21F

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 3) Details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.

Reason: To protect the visual amenity of the area.

- 4) Prior to the commencement of development hereby permitted the existing on-street parking bays and other road markings on Churchfields and Recreation Road fronting the application site shall be removed in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority. No commencement shall take place until the approved scheme has been fully implemented.

Reason: In the interests of highway safety

- 5) Prior to any of the new vehicular accesses being brought into use the entrance to that access shall be set back 2.0 metres from the rear of the adjoining footway. On each side of the set back entrance splays shall be formed at an angle of 45 degrees with the highway boundary and the whole of the splayed areas shall be graded and cleared so that no part thereof exceeds a height of 0.6m above the relative level of the adjoining carriageway.

Reason: In the interest of highway safety.

- 6) Prior to any of the new vehicular accesses being brought into use the entrance to that access shall be set back 2.0 metres from the rear of the adjoining footway. On each side of the set back entrance splays shall be formed at an angle of 45 degrees with the highway boundary and the whole of the splayed areas shall be graded and cleared so that no part thereof exceeds a height of 0.6m above the relative level of the adjoining carriageway.

Reason: In the interest of highway safety.

- 7) No part of the development hereby permitted shall be brought into use until the access, turning area and parking facilities serving that part as shown on the approved plan have been provided and these areas shall thereafter be retained and kept available for those users at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 8) Prior to the first occupation of any C3 dwelling hereby approved secure parking for 4 cycles to comply with the Council's standards shall be provided within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To comply with the Council's parking standards.

- 9) Prior to the first occupation of any C2 dwelling hereby approved secure parking for 6 cycles to comply with the Council's standards shall be provided within the curtilage of the application site and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To comply with the Council's parking standards.

- 10) No part of the development hereby permitted shall begin until a Construction Management Plan to include details of:

- a. Parking for site operatives and visitors;
- b. Area for site operatives' facilities;
- c. Parking and turning for delivery vehicles;
- d. Areas for the storage of plant and materials;
- e. Wheel washing equipment;
- f. Boundary hoarding (set back behind any visibility splays); and
- g. Any temporary site access

have been submitted to, and approved in writing by, the Local Planning Authority. Only the approved Plan shall be implemented throughout the construction period.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

- 11) Any section of the parking area for plot 19 that falls within the RPA of the Horse Chestnut at the Northern end of the site is to be constructed using a suitable grade of Cellular No dig method of construction and with a porous road surface.

Reason: To protect an important tree

- 12) The Chestnut tree at the Northern end of the site and Silver Birch tree at the midpoint of the South East boundary are to be given full protection in accordance with BS5837:2012 throughout any ground or development work on the site.

Reason: To protect important landscape features

- 13) 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 in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme commencing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 14) No works or development shall take place until a scheme for foul and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall conform to the non-statutory technical standards for SuDS (Defra, 2015). If infiltration techniques are used then the plan shall include the details of field percolation tests.

Reason: To ensure satisfactory drainage

Informatives

- 1) This permission does not authorise the applicant to carry out works within the publicly maintained highway.

Dropped kerbs to enable access onto properties for vehicles must only be constructed by Ringway Infrastructure Services, Worcestershire County Councils approved contractor. The applicant is solely responsible for all costs associated with construction of the access. For further information, please contact Ringway direct on 01905 751651 or email: worcestershirevehicle.crossing@ringway.co.uk

- 2) This permission does not authorise the applicant to carry out works within the publicly maintained highway.

Dropped kerbs to enable access onto properties for vehicles must only be constructed by Ringway Infrastructure Services, Worcestershire County Councils approved contractor. The applicant is solely responsible for all costs associated with construction of the access. For further information, please contact Ringway direct on 01905 751651 or email: worcestershirevehicle.crossing@ringway.co.uk

- 3) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or Vehicular turning area does not discharge onto the Public Highway. No drainage or effluent from the proposed development shall be allowed to discharge into any Highway drain or over any part of the Public Highway.
- 4) The applicants attention is drawn to the requirement that, in all cases where an agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief agreed with the Highway Authority and their design shall include any necessary amendments to the existing system. The design brief should be discussed with the Highway Authority prior to the commencement of the design.
- 5) With any demolition of office and community buildings it is advised that consideration is given to the presence of asbestos containing materials (ACMs) in the office building and any ACMs removed during alterations should be disposed of appropriately such that the development site may not be considered contaminated land under Part 2A at a later date. Appropriate asbestos surveys prior to demolition and/or alterations and handling of ACMs during works should be undertaken by competent and qualified professionals with experience of surveying and handling ACMs.
- 6) Your attention is drawn to the provisions of the Section 106 Agreement which accompanies this permission.

Case Officer: Mr Andrew Fulford Tel: 01527 881323
Email: a.fulford@bromsgrove.gov.uk

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Name of Applicant	Proposal	Plan Ref
Mr Peter Styles	Proposed mixed use development comprising 7no. ground floor A1 and A2 Class Units and 10no. upper floor residential apartments (4 x 1 bed and 6 x 2 bed) New Rose And Crown , 217 New Road, Rubery, B45 9JN,	16/1175

RECOMMENDATION: That planning permission be Refused

Consultations

Worcestershire County Council Educational Services Consulted 12.01.2017

The local catchment schools are Beaconside Primary School and Waseley Hills High School. The proposal as submitted is below the threshold for which the Local Authority would normally seek an Education contribution as the pupil yield is likely to be low and there are no exceptional circumstances to seek a contribution. As such, a Planning Obligation seeking financial contributions for education is not sought in this case.

Worcester Regulatory Services- Contaminated Land Consulted 12.01.2017

WRS have reviewed this planning application for potential contaminated land issues. The site is currently used as a car park, therefore there is the potential for contamination from hydrocarbons and is within 250m of Cockhill Lane / Sandstone Avenue landfill site. Consequently WRS recommend that a suitable condition (Reporting of Unexpected Contamination) is applied to any permission granted to address this matter.

Given the location of the application site to the Cockhill Lane / Sandstone Avenue landfill site which could potentially produce landfill gas, it is considered necessary to condition the application requiring the applicant to incorporate gas protection measures within the foundations of the proposed new structures or to undertake a gas survey to ascertain if gas protection measures are required. Consequently it is considered appropriate for a suitable condition to be applied to any permission granted to address this matter.

Worcester Regulatory Services- Noise, Dust, Odour & Burning Consulted 12.01.2017

Noise: Due to the close proximity of the A38 to the proposed site it was suggested that the applicant should submit a noise assessment in line with BS8233:2014 and any necessary mitigation measures to achieve the internal and the external recommended noise levels therein. A noise assessment has been submitted and appears satisfactory. The assessment mitigation recommendations relating to glazing and ventilation should all be implemented.

Drainage Engineers Internal Planning Consultation Consulted 12.01.2017

The site falls within flood zone 1 (low risk of fluvial flooding) however the Callow Brook flows adjacent to the site so in reality the risk may be higher. In addition, the site is very susceptible to surface water flooding. This is acknowledged within the FRA document.

I note that at present the site is entirely impermeable, and therefore the proposals result in betterment in terms of natural drainage. Infiltration is unlikely to be feasible due to the ground conditions, and so in addition to on-site attenuation the hierarchy specified within the NPPF and Building Regulations will need to be followed, so I would expect to see limited runoff discharged into the watercourse rather than to the mains sewer.

In addition to the above, there should be a minimum of 2 treatment stages included within the drainage network before anything is discharged into the watercourse, particularly for any car park or road drainage which should be fitted with silt traps at the very minimum. The use of permeable paving is welcomed and this goes some way to complying with the National Standards for SuDS. I would also want to ensure that during construction, there is no detrimental impact upon the watercourse, and that no debris enters the channel during works.

I am concerned from the drainage strategy that the attenuation storage only may be provided: I would want to ensure that this is definitely provided in order to provide the required storage and ensure the on-site drainage functions correctly.

Regarding the flood risk to the proposed buildings, I am pleased to see that floor levels will be raised significantly above the maximum modelled flood level, and that the lower floor less-vulnerable category units are going to be designed as flood resilient.

It appears that dry and safe access / exit routes have been planned for the residential units to New Road in times of flood, but I would like to clarify that this is also the case for units A and B, who appear to have their escape route to the rear of the buildings which may at times be subject to flooding. I would also advise that signs are placed in the car park alerting users of the potential for flooding in order to reduce the risk of people trying to access their cars to move them during a flood. There are no public flood warning services covering this watercourse.

It has been agreed that provided water can pass through the fencing and a gate is provided for access, this can be placed 2m from the top of the banks. Should the fencing be close-boarded this must be a minimum of 5m from the top of the bank.

Provided the FRA is complied with (in terms of finished floor levels and runoff rates), I believe there is no reason to withhold planning permission on drainage or flood risk grounds, but in order to ensure the correct drainage strategy is implemented to protect the new development and to ensure no increase in flood risk elsewhere I would like to request that conditions are attached to any permission granted requiring that: a drainage scheme be submitted for the prior written agreement of the LPA; a method statement for the protection of the adjacent brook from pollution during the course of construction be submitted for the prior written agreement of the LPA and that an undeveloped buffer strip at least 8 meters wide be maintained alongside the Callow Brook.

West Mercia Constabulary Consulted 12.01.2017

No objections to the above application.

I would like to remind the developer that the physical security of the dwellings and access to them at the very least should meet the requirements of Approved Document Q of the Building Regulations 2010.

I would encourage the developer to make any parking for the residents secure and gated.

Birmingham City Council Consulted 17.01.2017

No Comments Received To Date

Highways Department- Worcestershire County Council Consulted 12.01.2017

The Development Management Manager on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015:-

Recommends that the permission be deferred for the following reasons:-

- o The layout of the residential car park at present provides conflict issues (vehicles turning and reversing) - not acceptable. These issues could be overcome with a reduction in the number of car parking spaces being provided on site - however a reduction would only be acceptable if a strong justification can be put forward by the applicant.
- o The applicant has failed to provide an adequate servicing area / bay to the rear for units A - G. The applicant has failed to provide justification for this
- o The applicant has failed to provide one electric vehicle rapid charging point within the residential car park.
- o The applicant has also failed to provide the recommended visibility splays at both new proposed accesses for a 30mph classified road (2.4m x 43m) on the site plan - should this application be approved then the visibility splays will need to be conditioned.

Publicity

12 letters sent on the 12th January 2017 (expired 2nd February 2017)

1 site notice posted on the 12th January 2017 (expired 2nd February 2017)

Press Notice published on the 20th January 2017 (expired 3rd February 2017)

Neighbour Responses

Objection

2 responses submitted raising objections which are summarised below:

- * There are enough empty shops in Rubery without adding new ones
- * The plans of the proposed building represent development which is uncharacteristic of the area: It is ugly and 'Prison' like in appearance

- * It is stated that the development reflects the character of the area but the development appears taller and has a flat roof rather than an apex which has a greater impact on the skyline and gives it a more industrial appearance

Support

2 responses submitted in support of the application raising comments which are summarised below:

- * The flats appear large and bright with big windows
- * New businesses may be encouraged to set up here given the attractiveness of the modern architecture
- * Rubery needs further investment
- * Positive for the local area creating jobs and housing

Relevant Policies

Bromsgrove District Plan 2011-2030

BDP1 Sustainable Development Principles
BDP3 Future Housing and Employment Development
BDP6 Infrastructure Contributions
BDP7 Housing Mix and Density
BDP16 Sustainable Transport
BDP18 Local Centres
BDP19 High Quality Design
BDP22 Climate Change
BDP23 Water Management
BDP24 Green Infrastructure
BDP25 Health and Well Being

Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
SPG1 Residential Design Guide

Relevant Planning History

B/2007/0143	Construction of single storey retail units and detached buildings for use by undertakers, alterations to Public House car park and associated external works.	Application Withdrawn 05.04.2007
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Assessment of Proposal

The site and its surroundings

The application site falls within the mixed use shopping area within Rubery as defined on the BDP Policies map and lies directly to the east of the existing New Rose and Crown Public House. The Callow brook forms the sites northern boundary beyond which lies the A38 dual carriageway which falls within the jurisdiction of Birmingham City Council.

The site is accessed via New Road which forms the southern boundary to the site.

The proposed development

This application seeks planning permission for a mixed use development comprising A1 (retail) and A2 (financial and professional services) use to the ground floor with 10 apartments above within two separated blocks.

The western block would consist of 4no. ground floor A1 and A2 units with 10 apartments (4 x 1bed and 6 x 2bed) on the first and second floors. The smaller eastern block could consist of 3no. two storey retail or office commercial units falling within the A1 and A2 Planning Use Class. The three storey western block would measure 10 metres in height with the eastern block measuring approximately 7.5 metres in height . Throughout the build, walls would be constructed in facing brickwork under a flat roof.

Two accesses would serve the site. The first would be a relocated 6m wide access from New Road to the immediate east of the public house which would be used solely for the proposed commercial uses. 7 car parking spaces would be reserved for patrons of the public house together with 4 secured cycle spaces. One car parking space for each of the 7 proposed retail units (Units A to G) would be provided together with 6 secured cycle spaces within this part of the site which is located between the existing Public House and the edge of the western block. A parking area for refuse and delivery vehicles is also provided together with bin storage.

A second access to the site, (again from New Road) would be created at a point approximately 15 metres diagonally opposite and to the north east of Beverley Road. This would purely serve the proposed residential element (the 10 apartments). 16 car parking spaces and 16 secured cycle spaces are provided to the east of the site to serve the apartments.

Planning Considerations

The following issues are considered to be relevant in this case:

- * The principle of development
- * Impact on character of area and street-scene
- * Residential amenity considerations
- * Whether the proposed development would provide adequate access and parking arrangements.
- * Need to enter into a planning obligation

Each matter is addressed in turn below.

The principle of development

The site is located within the Rubery shopping zone as identified on the Policies Map where retail / commercial uses are encouraged at ground floor level and where residential uses are acceptable above. In this respect, the proposals are considered to be agreeable in principle since they accord with the provisions of Policy BDP18 (Local Centres).

Other relevant policies are considered to be BDP1, BDP7 and BDP19 of the Bromsgrove District Plan. BDP1 (Sustainable Development) states under criteria e) that regard will be had to residential amenity. BDP7 (Housing Mix and Density) seeks to achieve the best use of land whilst maintaining character and local distinctiveness. BDP19 (High Quality Design) places further emphasis on enhancing character and highlights that development should respond to the distinctiveness of the local area. Whilst there is a general presumption in favour of residential development in urban areas it is necessary to assess whether the proposals meets the specific criteria within the adopted plan as well as SPG1.

Character of area and street-scene impact

Policy BDP19 of the BDP and the guidance within SPG1 requires proposals to have a density appropriate for the site and a form and layout appropriate to the area.

The proposed scheme is predominately three storeys with a two storey element. The development has substantial bulk and a dominant appearance, accentuated by the location of the building fronting onto the pavement.

Whilst there are several examples of three storey development within the Rubery shopping zone, where this exists, it is of traditional design with pitched roofs where buildings are well set back from New Road with parking between the building and carriageway.

The development appears 'squeezed' on to the site without regard to the established character or building lines. For example, the adjacent New Rose and Crown Public House is set back from New Road by a distance ranging from between 5 to 7 metres.

Whilst there are examples of development fronting onto pavement, this form of development is not the norm and where it exists it is lower in height to the development proposed under this application.

The flat roofed contemporary design of the build it not considered to respond to local distinctiveness and is unacceptable in its context. Whilst parking provision for the development complies with standards, little opportunity for private amenity space exists to the rear and the provision of balconies to the frontage, which is a relatively alien feature cannot be considered to satisfy the requirements of SPG1 in terms of adequate amenity levels for future occupiers.

In summary, it is considered that the proposals amount to a cramped and contrived form of development that detracts from the traditional pattern of development that prevails in the area and as such the development would be contrary to Policies BDP7 and BDP19 of the BDP and the guidance within SPG1 and is a missed opportunity to improve the quality of the built environment along this prominent part of New Road.

Residential amenity considerations

The Councils SPG1, Residential Design Guide, provides guidelines with regards to criteria that should be met in order to ensure acceptable implications of designs in terms of residential amenity.

Whilst the amenity impact on adjacent properties is considered to be acceptable it is also important to consider the living environment created for the proposed occupiers.

SPG1 suggests that generally 30sqm of private amenity space is required for each apartment. Whilst some amenity space is provided to the rear of Units A, B and C, directly south of Callow Brook, the quantity and quality of amenity space provided is substandard applying the SPG1 guidance. This emphasises the high density and cramped nature of the proposals. It is therefore considered that the proposals are harmful in this regard and contrary to the provisions of Policy BDP1 of the BDP, the guidance within SPG1 and the NPPF.

Whether the proposed development would provide adequate access and parking arrangements

Two accesses would serve the site. The first would be a relocated 6m wide access to the immediate east of the public house which would be used solely for the proposed commercial uses. A second access to the site, (again from New Road) would be created at a point approximately 15 metres diagonally opposite and to the north east of Beverley Road. This would purely serve the proposed residential element (the 10 apartments).

The Council's Highway Engineer considers the current proposals to be unacceptable as submitted for the following reasons:

- o The layout of the residential car park at provides conflict issues with too many vehicles turning and reversing which is unacceptable. These issues could be overcome with a reduction in the number of car parking spaces being provided on site - however a reduction would only be acceptable if a strong justification can be put forward by the applicant.
- o The applicant has failed to provide an adequate servicing area / bay to the rear for units A - G. The applicant has failed to provide justification for this
- o The applicant has failed to provide an electric vehicle rapid charging point within the residential car park.
- o The applicant has failed to provide the recommended visibility splays at both new proposed accesses for a 30mph classified rd (2.4m x 43m) on the site plan.

Officers consider that the proposals as submitted would be contrary to Policy BDP16 of the Bromsgrove District Plan and Paragraphs 32 and 35 of the NPPF.

Planning Obligations

In accordance with Paragraph 204 of the NPPF the size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation to mitigate the impact of this development if the application were to be approved. The obligations would cover open space improvements to St Chads Park, Rubery, situated to the south west of the site and the provision of bin storage.

The applicant has agreed to enter into a Section 106 agreement and the planning obligation including the above heads of terms is currently in draft form.

Conclusion

Whilst the principle of the development is acceptable, proposing as it does, retail / commercial uses at ground floor level with residential uses above, and the location is considered to be sustainable that could deliver economic benefits to the area, the buildings proposed represent poor design and would cause permanent and substantial harm to the street scene injuring the visual amenities of the area.

The cramped form of residential development proposed would result in a substandard and unacceptable living environment for occupiers of the new residential development.

At the time of writing in the absence of amendments, the proposals are also unacceptable in highway safety terms.

RECOMMENDATION: That planning permission be Refused

Reasons for Refusal

- 1) Due to its incongruous layout, scale and appearance, the proposed development would have a significant detrimental impact on the character of the area, injuring the visual amenities of the locality. The proposals represent poor urban design that fails to address the site context and improve the character and quality of the New Road street scene which is contrary to Policies BDP7 and BDP19 of the Bromsgrove District Plan and Paragraph 64 of the NPPF.
- 2) The proposed apartments due to their lack of private amenity space would create an undesirable living environment for the future occupiers of this development contrary to Policy BDP1 of the Bromsgrove District Plan and the guidance within the Councils SPG1 and the NPPF.
- 3) Due to inadequacies with the parking layout and site access the proposals would disrupt the free flow of traffic on New Road resulting in a negative impact on the highway network. The application is therefore contrary to Policy BDP16 of the Bromsgrove District Plan and Paragraphs 32 and 35 of the NPPF.

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