

Name of Applicant	Proposal	Expiry Date	Plan Ref.
McCarthy & Stone Retirement Lifestyles Ltd	Demolition of existing buildings and erection of 49 Retirement Living Apartments (category II type accommodation) including communal facilities, landscaping and car parking and 37 affordable apartments Former Fire Station And Library Building, Windsor Street, Bromsgrove, Worcestershire, B60 2BJ	31.12.2015	15/0836

RECOMMENDATION: That planning permission be Refused

Consultations

Highways Department- Worcestershire County Council Consulted 02.10.2015

Recommendation that permission be **Refused** for the following reasons:-

On the 20th October 2015 the Highway Authority recommended that this application be deferred pending the submission of additional information and drawings to address a series of technical concerns. It has been confirmed by the Planning Authority that the applicant has not submitted additional information and wishes the application be determined on the information submitted.

The application fails to provide suitable means of access to the site for vehicles, pedestrians or for the refuse collection vehicle which is contrary to the adopted local transport plan and results in practical problems to service the site. Additionally the site fails to provide a suitable parking strategy for the application site relative to the scale and uses proposed.

The impact of the development will see disruption to the free flow of traffic on Windsor Street and Stratford Road due to inadequacies within the proposed design and the shortfall of parking does not provide suitable provision considering the Highway Authorities interim parking standards. The proposal does not accord with the adopted local transport plan and will result in a severe impact.

Worcester Regulatory Services- Contaminated Land Consulted 02.10.2015

No objection subject to a condition requiring a tiered investigation.

Worcester Regulatory Services- Noise, Dust, Odour & Burning Consulted 02.10.2015
No Comments Received To Date

Economic Development & Regeneration Service Consulted 02.10.2015
No Comments Received To Date

Landscape & Tree Officer Consulted 02.10.2015
No objection subject to conditions including a scheme of replacement tree planting.

Parks & Green Space Development Officer Martin Lewis Consulted 02.10.2015
From a bio-diversity point of view I have no objections subject to conditions.

Leisure Services Consulted 02.10.2015

Proposal will place increased demand on facilities within Sanders Park. Subject to financial contribution to improve the bandstand area and provide outdoor exercise equipment no objection is raised.

Strategic Housing Consulted 02.10.2015

No objection subject to an appropriate method used to secure the affordable housing provision.

Waste Management Consulted 02.10.2015

For the 49 retirement properties we would require 20 x 1100 litre capacity bins (10 for residual waste and 10 for recycling) this works out at £8,100

For the 37 affordable apartments we would require 16 x 1100 litre capacity bins (8 for residual waste and 8 for recycling) this works out at £6,480

In total £14,580

Drainage Engineers Internal Planning Consultation Consulted 02.10.2015

No objections subject to a condition requiring a scheme of foul and surface water drainage.

Strategic Planning- Consulted 02.10.2015

This proposal meets the districts needs in providing accommodation for the elderly and the location is considered sustainable in line with the NPPF's sustainable development principle and paragraph 23 'Ensuring the Vitality of Town Centres' which recognises that residential development can play an important role in ensuring the vitality of centres. However, this site has been allocated as an opportunity site for retail led mixed-use development in line with Policy BDP17 and we would therefore require the applicant to provide some evidence that there is no prospect that this site could be developed for a mixed-use retail led scheme before this application can be approved.

Conservation Officer Consulted 02.10.2015

Overall I consider that the proposed scheme is a missed opportunity to improve the quality of the built environment of Windsor Street, and the setting of the heritage assets. I would concede that the existing buildings are poor and do not enhance the settings of the heritage assets, however this scheme would not seem to do any better, and will actually be more dominant due to the increased heights and intensification of the development on the site.

I would therefore have to object to the scheme on the basis of the harm to the setting of the listed buildings, contrary to section 66 of the Planning (listed Buildings and Conservation Areas) Act 1990. This is supported by Paragraph 132 of the NPPF which highlights that great weight should be given to an asset conservation, and significance can be lost through as a result of development within its setting. In addition Section 35A of the Bromsgrove Local Plan requires new development in areas adjacent to conservation areas to be sympathetic in terms of form, scale and materials. I do not consider that this scheme satisfies those requirements in respect of the neighbouring Bromsgrove Town Centre Conservation Area.

Town Centre Regeneration Team Consulted 02.10.2015

The Town Centre Regeneration project was based around the Draft Area Action Plan / District Plan. The site in Windsor Street runs parallel to the High Street with a link through via Chapel Walk and is identified as a retail led mixed use opportunity. The size of the site lends itself to larger retail units, which the town currently lacks and desperately needs to compliment the independent shops.

On the above basis, I object to the proposed application.

Further comments received:

I am also aware that there are more prominent sites being developed in Bromsgrove, e.g Hanover Street, Stourbridge Road and I therefore feel it is unlikely that any operator would commit themselves to one particular site until such time as the units on their preferred sites had been taken. This doesn't mean they would not have an interest. The fact that these Council sites and private development sites are attracting such interest from developers surely shows that there is interest from retailers in a district that is one of the most affluent in the West Midlands.

Urban Design Consultant Consulted 02.10.2015

The development site is ideally located for the proposed use of care home and affordable apartments. However, the layout fails to adequately justify the proposals and demonstrates a lack of consideration for the surrounding context, contrary to what has been highlighted in the Design and Access Statement.

Key issues to address include the scale of the development particularly height, proximity to the boundary, negative impact on historic asset, poor Windsor Street frontage and a lack of structural tree planting to the main elevation.

Without considerable amendments I would not be in a position to endorse this proposal.

Aisling Nash County Archaeological Officer Consulted 02.10.2015

No objection subject to a condition requiring a programme of archaeological works.

NHS England Primary Care Arden, Herefordshire & Worcestershire Consulted

No Objection

Publicity:

78 letters sent on the 2nd October 2015 (expired 23rd October 2015)

3 site notice posted on the 9th October 2015 (expired 30th October 2015)

Press Advert published in the Bromsgrove Standard on the 9th October (expired 23rd October)

Neighbour Responses

1 response has been submitted, raising the following objections:

- Loss of site allocated for retail; and
- Already enough elderly accommodation in Bromsgrove Town. Further accommodation would decrease the attractiveness of the town centre to families and younger shoppers.

Relevant Policies

NPPF National Planning Policy Framework

Bromsgrove District Local Plan 2004 (BDLP):

DS3 Main Locations for Growth
DS13 Sustainable Development
S7 New Dwellings Outside the Green Belt
C17 Retention of Existing Trees
TR11 Access and Off-Street Parking
S35A Development in Conservation Areas
S39 Alterations to Listed Buildings
BROM11 Town Centre Zone

Bromsgrove District Plan Proposed Submission

BDP8 Affordable Housing
BDP10 Homes for the Elderly
BDP17 Town Centre Regeneration

Relevant Planning History

None

Assessment of Proposal

The Site and its Surroundings

The application site is located within Bromsgrove Town within the defined Town Centre Zone. The site consists of Bromsgrove library, the former fire station building and associated offices. The site has 2 separate accesses; one off the Stratford Road serving the library and the other off the Stratford Road serving the fire station building. An MOT garage is located to the north of the site with residential properties located to the east on the Stratford Road. The High Street is located to the west with the current fire station facing the rear of a number of High Street units. The Bromsgrove United Reformed Church (URC) is positioned on the southern boundary and Weldron House and Day Centre are located to the south east.

The Proposed Development

This application seeks to demolish the fire station, offices and library. In place of these buildings the following is proposed:

- o 4-storey building containing 49 age restricted retirement apartments with associated private amenity space, parking and communal facilities; and
- o An affordable housing scheme consisting of 9 x 1 bed and 28 x 2 bed units within a 4-storey apartment building

Planning Considerations

The main issues to be considered in assessing the application are the following:

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

i) The Principle of the Proposed Development

As identified on the Proposals Map the site is located within the Town Centre Zone. In accordance with Policy BROM11 of the BDLP and NPPF a wide range of uses are considered acceptable in principle including retail, residential, community and commercial uses.

Policy BDP8 of the Proposed Submission Version of the Bromsgrove District Plan states that any proposals with a net increase of 10 or more dwellings will be expected to provide up to 30% affordable housing within their scheme. The scheme provides over 40% affordable housing which is a notable benefit where there is a substantial need for affordable housing.

Policy BDP10 Homes for the Elderly which encourages the provision of housing for the elderly in suitable locations within the district. The provision of 86 age-restricted apartments in a town centre location would usually be an ideal location to meet the acknowledged high level of need for elderly accommodation.

However, the site is specifically designated within the Proposed Submission Version of the Bromsgrove District Plan under Policy BDP17 (Town Centre Regeneration). Allocation TC6 (Windsor Street) highlights that the site would be ideal for a retail led mixed use scheme. Whilst the emerging Plan has not been adopted, the Plan has been examined and no objections have been submitted in relation to this site. Whilst further examination hearing sessions are proposed these do not relate to the town centre policy or allocations. It is therefore considered that weight can be attached to this policy. The proposed scheme is entirely aged restricted accommodation and therefore is clearly contrary to this policy.

Some evidence has been submitted to attempt to justify that there is no demand for retail on the site, which consists of a 2 page statement by Andrew Thompson & Co Chartered Surveyors. It states that a developer had a retail scheme drawn up for the site and the Chartered Surveyor was employed to directly approach a range of retailers. No positive interest was received from retailers during the marketing campaign in September and October 2014. The feedback received from retailers was that they felt the site was too remote from the High Street and lacked any retail prominence. The Town Centre Regeneration Team have commented on the evidence and still retain the view that the site should be retained for a retail-led scheme. The Team emphasise that the fact developers have shown an interest in the site suggests that the site can be developed for retail purposes. They have provided a list of retailers who, in January 2015, are interested in being located in Bromsgrove Town Centre if their size and locational requirements can be met. It is acknowledged that Windsor Street isn't the best retail site

in the Town Centre and therefore until there is development on the other more prominent sites (e.g. the market hall site) it is unlikely that a retailer will pursue the Windsor Street site. Before a retailer commits to a site they want to understand who is or will be occupying other key sites to appreciate what competition they will face in the local market. This is an understandable approach for retailers to take as they seek to minimise risk when making major decision over potential future sites. On this basis it is considered that insufficient information has been provided to justify the loss of the site for retail purposes.

The applicant has justified a need for retirement accommodation in a 'Housing and Care Needs Report'. It is acknowledged that Bromsgrove District has an aging population and there is a need elderly accommodation. However, this does not justify the use of this particular site solely for this purpose.

In summary, allocation TC6 provides a rare opportunity to provide larger retail units that are otherwise unlikely to be provided. Without sufficient evidence to justify no provision of retail on the site the proposal undermines the regeneration of the Town Centre and is contrary to Policy BDP17 of the Proposed Submission Version of the Bromsgrove District Plan.

ii) Residential Amenity

The development is bounded by built form on all sides however, the only residential development is located to the north east on the Stratford Road, namely No.'s 2, 4 and 6.

The application site shares a boundary with No's 2, 4 and 6 Stratford Road. The front elevation of the affordable housing scheme faces the rear elevation of these properties. The most eastern section of the proposed building is 2-storeys in height however this increases to 3 and 4 storeys in height as you head further north. The front elevation of 2-storey element retains a distance of 14m to the shared boundary with no. 6 Stratford Road and 22m to the dwelling itself which accords with the guidance within SPG1.

The guidance within SPG1 suggests 5m per storey to prevent overlooking of private rear gardens. There are 2 habitable windows at third floor level and one of the fourth floor that retain distances of 14m and 15.4m respectively to the shared boundary with No. 4. The distance retained in relation to the third storey windows is close to the guidance within SPG1 and therefore would not result in a significant level of overlooking. Whilst the distance to the 4th floor window is over 4m short of the guidance this single window is not directly facing the rear garden of No. 4 and therefore the impact would not be substantial for the occupiers of this property.

For developments of 3 storeys or more a minimum separation distance of 27.5m is recommended to 2-storey dwellings. There are 3 windows on the front elevation of the third floor where this distance is not quite achieved. These are all main habitable windows serving bedrooms and living room where distances of between 25m and 26m are maintained, but the shortfall is not substantial. This level of visual separation is considered to be acceptable to maintain levels of privacy for the occupiers of No's 4, 6 and 8 Stratford Road.

At the nearest point the side elevation of the affordable housing development is 1.8m from the shared boundary with No. 8 Stratford Road. However this element contains no windows. A first floor window is located 3.2m from the boundary however this serves a bathroom and would be obscurely glazed.

The existing library building is located closer to the properties on the Stratford Road. However due to its current use does not create the same level of overlooking. The library and offices would only be occupied during the daytime and most importantly is only 2-storeys high close to the residential properties.

It is also important to consider the amenity levels that would be experienced by both the occupiers of the proposed retirement living complex and the affordable housing scheme. The retirement living complex contains 49 individual private apartments which provide sufficient access to natural light as well as a communal lounge and garden areas located in the south eastern and south western corners of the site. This would provide a pleasant private space for residents to enjoy. The affordable scheme provides 37 individual apartments with a communal lounge and access to an area of private amenity space of approximately 172sqm in size. Whilst this is a modest amount of amenity space SPG1 encourages flexibility where specialist accommodation for the elderly is being provided. A distance of 31m is retained between the affordable house scheme and the retirement living development so privacy is retained for the proposed occupiers in this regard.

In conclusion, the proposal would not cause substantial harm to residential amenity in accordance with SPG1 and Policy S7 of the BDLP.

iii) Street Scene & Character Impact

The site is located in Bromsgrove Town Centre in area that has a number of designated historic assets. The site is adjacent to the United Reformed Church (URC) Chapel (Grade II), Sunday School (Grade II), Bromsgrove Town Centre Conservation Area and is also in close proximity to Wendron House (Grade II). It is necessary to consider whether the proposal retains or enhances the character and setting of the adjacent listed buildings and Conservation Area in accordance with policies S35A and S39 of the BDLP and paragraph 132 of the NPPF.

Windsor street runs parallel with the High Street, with the rear elevations and service buildings of the High Street premises, fronting the west side of Windsor Street. The High Street itself sits slightly lower than Windsor Street, and comprises buildings of varying heights, generally two to four storeys. South west of the site on the corner of Windsor Street and Chapel Street is the listed URC Church. On the other corner is the associated Sunday School. Further up Chapel Street there are some two storey Victorian buildings. The High Street and Chapel Street both fall within the Bromsgrove High Street Conservation Area. East of the site the land rises quite steeply through a carpark to Wendron House another listed building, and the residential area around College Road. To the north of the site is the Stratford Road where there are two storey houses, as well as a car repair workshop on the corner of Stratford Road and Windsor Street.

The Conservation Officer and Urban Design Consultant both agree that the existing fire station and library buildings like many of the rear service buildings to the High Street contribute little to the street scene in terms of architecture. In contrast the URC Church

and its Sunday School, together with the other Victorian buildings in Chapel Street comprise an attractive group. The site therefore provides an opportunity to improve the setting of the various historic assets adjacent to the site whilst also having a positive impact upon the street scenes on Windsor Street and Stratford Road.

The proposal seeks to construct two buildings that are either side of a new service road which will lead up to Wendron House. The affordable apartments to the north, will be three and four storey. The three storey element being located on the corner of the access road and Windsor Street, and to the east end. The retirement apartments are predominately four storeys with three storey elements fronting Windsor Street and the URC Chapel, and there is a two storey element at the rear of the site, however due to the topography this is at a similar height to the three storey areas at the front of the site. The three storey wing adjacent to the Chapel is setback from Windsor Street, and there is a landscaped area between this wing and the road.

The Conservation Officer and Urban Design Consultant both feel that the proposed development is not an appropriate response causing harm to both the historic assets and the street scene in general. The proposed scheme is predominately four storeys, which due to the topography rising towards the rear or east of the site, increases the bulk and dominance of the overall appearance of the development which is out of keeping with the context of the site. Although there are unlikely to be views of the development from the High Street itself, it will be seen in the context of the rear High Street development. There are some attractive rear elevations notably 108 - 112 and 126 -130, and the rear of these historic buildings will be viewed in the context of the new development when looking along Windsor Street from south west and northeast.

The Conservation Area also includes Chapel Street, a short street which connects Windsor Street and the Town Centre with College Walk, a pedestrian route with College Road and the 19th century residential area beyond. The remaining buildings on this road are largely two storey Victorian, originally residential properties. The proposed scheme will provide a huge contrast to this area, although the existing buildings are large they are not as extensive as the proposed scheme which will extend to the back of the site where there is currently car parking. The proposed scheme will be at odds with scale and grain of this part, and closest part of the Conservation Area.

The listed URC Chapel is the heritage asset most likely to be impacted upon by the scheme, being immediately adjacent to the site. The Conservation Officer acknowledges that the setting of this building and the neighbouring Sunday School have changed hugely since they were first constructed, and that the existing development on the site does not contribute positively to their current setting. However, Chapel Street itself does provide some level of setting and historical context, and the sparse development between the development site and Wendron House, allows views through to the Chapel from the rear of the site and the Day Centre carpark. The proposed garden at the rear of the site may allow some views through, but it will be restricted by the intensification and scale of development on this site, as well as the positioning of a 1.8m close boarded fence between the site and the Chapel. Although the wing nearest to the Chapel will be lower in height than the fire the proposed building nearest to the chapel would appear to be notably deeper than the existing building. So even though the existing building is high its lack of depth allows views through to the space between the two buildings therefore retaining some sense of space. In addition the rest of the existing building is lower and

the development is at the front of the site, whereas the proposed scheme is generally much higher and far more of the site is developed, further increasing the massing and dominance of the proposed scheme, particularly in relation to the Chapel, Sunday School and Chapel Street part of the Conservation Area.

Concerns are raised by both the Conservation Officer and Urban Design Consultant about the large gap in the street scene created by the building not fronting Windsor Street itself and car parking being located adjacent to the new access road between the two components of the development. It would have been preferable for the parking area to be hidden behind the building and this would have enabled the development to provide street enclosure at pedestrian level. With Windsor Street being the main road the building should have addressed this frontage in a more comprehensive manner. It is quite clear that the design of the retirement living complex treats the Windsor Road elevation of secondary importance leading to an inferior design outcome.

The use of materials on some of the elevations is starting to become a little contrived, with a standard application of materials used on each elevation. The development does not respond to the character of each of the street scene settings which surround the site. The Conservation Officer has also highlighted that a substantial proportion of the palette of materials is grey which is not common in the Bromsgrove area which is traditionally red brick.

Overall the proposed scheme is a missed opportunity to improve the quality of the built environment of Windsor Street, and the setting of the heritage assets. The proposal will be more dominant than the existing situation due to the increased heights and intensification of the development on the site. The proposal due to its scale and massing would detract from the character of Windsor Street scheme and cause harm to the setting of the Conservation Area and adjacent listed buildings contrary to policies S35A and S39 of the BDLP and paragraph 132 of the NPPF.

iv) Access, Highways & Parking

The site proposes 2 main accesses. One access is off the Stratford Road to serve the affordable housing the development and another access is off Windsor Street. The new access road off Windsor Street will also maintain access to Weldron House.

Separate parking areas are provided for the 2 elements of the scheme with 28 spaces for the affordable housing scheme and 37 spaces for the retirement living. The proposed parking levels for the affordable housing scheme off Stratford Road falls short of the minimum requirements with less than 100% parking. The Highway Authority interim parking guidance suggests that for a 1 bedroom unit 1 car space and 1 cycle space and for a 2 bedroom unit 2 car spaces and 2 cycle spaces.

The access onto Windsor Street for retirement units does not provide a suitable radius to allow access for the refuse collection vehicle, and no tracking detail is provided for this location however it is clear that this access falls below acceptable requirements.

The proposed access road provides for a 1m pavement on both sides, this is unacceptably narrow with current guidance requiring a 2m pavement; therefore the provision for pedestrians and the physically impaired is substandard. It has been

suggested in the application documents that this road reflects the adoptable standards; it does not and therefore is not considered to be acceptable for a future adoption agreement.

Refuse collection for the affordable units is proposed on the A448 Stratford Road, this will result in an obstruction to the free flow of traffic on an A class road which is a key corridor into the town centre. It will also obstruct the visibility splay from Windsor Street whilst the collection occurs.

A work placed travel plan has not been submitted however it is considered that this matter could be dealt with by condition.

Due to the extent of the outstanding issues it is considered that the proposal will disrupt the free flow of traffic on Windsor Street and Stratford Road resulting in a severe highway impact. This is contrary to Policy TR8 of the BDLP, the adopted Local Transport Plan and paragraphs 32 and 35 of the NPPF.

v) Ecology

The local authority has a duty to consider whether proposals will have an impact on protected species. The applicant has undertaken an Extended Phase 1 habitat survey which considered the potential for presence of a variety of protected species including bats, birds and badgers.

The Councils Ecologist raises no objection to the scheme subject to appropriate landscaping schemes, the provision of bat and bird boxes, a method statement and appropriate external lighting. It is considered that all these matters can be addressed through appropriate planning conditions.

In summary it is considered that subject to conditions the proposals would not have an adverse impact on ecology and the proposal therefore accords with paragraph 118 of the NPPF.

vi) Landscape and Trees

The application proposes the removal of a number of small trees but these are of minimal amenity value. The footprint of the proposed building falls close to the line of mature trees just outside the south-east boundary of the site. The root system of these should be protected from damage by the retention of the existing retaining wall but some pruning back of the canopies will likely be required to accommodate the building. The Tree Officer raises no objection to the removal of the small trees and the pruning back subject to a number of conditions including a scheme of replacement tree planting.

The proposal has no harmful impact on trees or the landscape and therefore accords with Policy C17 of the BDLP.

vii) 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 Sanders Park, the provision of affordable housing, town centre public realm improvements and the provision of bin storage.

No Heads of Terms has been submitted by the applicant and there is no indication that the Applicant would enter into a Section 106 agreement. On this basis the proposal would have a severe adverse impact on infrastructure in the local area.

Conclusion

The proposal is considered acceptable in terms of its impact on trees and ecology however the proposal would result in the loss of a site allocated for retail purposes without any justification. In addition, the apartment blocks are considered to represent poor design and causes substantial harm to the setting of the Conservation Area and adjacent listed buildings. The proposals also have a severe impact on the highway network and the applicant has shown no intent to enter into a S106 meaning the proposal would have a severe impact on local infrastructure.

RECOMMENDATION: That planning permission be Refused

Reasons for Refusal

- 1) Due to its scale, mass and bulk the proposed development would have a significant negative impact on the character and appearance of the Conservation Area, as well as the setting of the adjacent listed buildings. This would be contrary to the statutory requirements contained in Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and policies S35A and S36 of the BDLP.
- 2) Due to its orientation, siting, scale and overall bulk the retirement living complex fails to address the site context and topography which represents poor urban design that fails to improve the character and quality of the Windsor Road street scene which is contrary Policies S7 and DS13 of the BDLP and paragraph 64 of the NPPF.
- 3) Due to insufficient parking provision and inadequacies with the parking layout and site access the proposal will disrupt the free flow of traffic on Windsor Street and Stratford Road resulting in a severe impact on the highway network. The application is there contrary to Policy TR11 of the BDLP and paragraphs 32 and 35 of the National Planning Policy Framework.
- 4) The proposal would result in the loss of a site identified for retail led development and no evidence has been submitted to justify this loss. The proposal therefore undermines the redevelopment of Bromsgrove Town Centre contrary to Policy BDP17 of the Proposed Submission Version of the Bromsgrove District Plan.

Plan reference

- 5) This major application would have a severe adverse impact on infrastructure in the local area. Contrary to paragraph 204 of the NPPF the applicant has failed to enter into a S106 agreement to mitigate these impacts.

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