

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
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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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