

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. and Mrs. D. J. Banner 'A'	Proposed re-development of retail and residential site (Outline Permission - amended plans received 05.03.2012 and 09.03.2012) - 6 and 12 Finstall Road, Aston Fields, Bromsgrove, B60 2DZ	Shopping Residential	11/1091-SC 16.09.2011

RECOMMENDATION:

- a. Minded to **REFUSE**.
- b. That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following the expiration of the publicity period on **13th April 2012**.
- c. In the event that further representations are received, **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.

Consultations

ENG	Consulted 23.06.2011: No objection subject to conditions. Re-consulted 12.03.2012: No comments received to date.
EHM: Contaminated Land	Consulted 23.06.2011: No objection subject to conditions. Re-consulted 12.03.2012: No objection subject to conditions.
ECO	Consulted 23.06.2011: No comments received. Re-consulted 12.03.2012: No comments received to date.
SPM	Consulted 23.06.2011: Policy advice received:

The proposal is to redevelop the site in the Aston Fields District Centre for retail and residential use, therefore policies S7, S21 and BROM24 of Bromsgrove District Local Plan (2004), SPG1 apply. The proposal will lead to a net increase of 11 dwellings, CP7 of the Draft Core Strategy 2 as well as SPG11 are also relevant.

PPS3 states that "good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted... To facilitate efficient delivery of high quality development, Local Planning Authorities should draw on relevant guidance and standards and promote the use of appropriate tools and techniques..." Building for Life (www.buildingforlife.org) is one of the tools suggested in PPS3 for assessing the design element of housing development.

The views of the Highways Engineer will be of relevance in relation to surrounding highway capacity and sustainability issues. Therefore PPG13 Transport is also of relevance to this application together with DS13 Sustainable Development.

Re-consulted: 12.03.2012:

SPG11 requires residential developments of 6 units or more to contribute towards outdoor play space. Following the receipt of the amended plans and discussions with the applicant an appropriate off-site play space contribution of £21,376 has been agreed (to be secured by legal agreement)

WH Consulted 23.06.2011: No objection subject to conditions.
Re-consulted 12.03.2012: No comments received to date.

WCC Response received 29.06.2011: Education Contribution Assessment:

If development goes ahead in this area, there will be a need for a contribution towards local education facilities in accordance with your policies on planning obligations for education facilities.

Please see below for details of the contribution per dwelling based on the current table of charges. These figures are updated each year in April. Please note that contributions are calculated on the net gain in properties.

Contribution Per Dwelling

1-bed dwellings of any type	£0
2-bed houses	£3,285
3-bed houses	£3,285
4+ bed houses	£4,928
2+ bed flats / apartments	£1,314
Affordable Housing	£0

EHM: Noise Consulted 12.03.2012: No objection subject to conditions.
CSO Consulted 12.03.2012: No comments received to date.
Tree Officer Consulted 12.03.2012: The site has no current tree cover and is too small to request any tree planting be incorporated within the proposed design.

CCO Consulted 12.03.2012: No comments received to date.

WMC Consulted 12.03.2012: No comments received to date.

NR Consulted 12.03.2012: No comments received to date.

UD Consulted 09.03.2012:

This is the third report I have written on redevelopment proposals for this site. I wrote a report on an earlier outline application for this site, no.10/0934, on 16th November 2010. On 19th October 2011 I reported on a subsequent outline application, no.11/0531. I have now been

asked by the District Council to write a report on the urban design aspects of the amended version of this application, which as before seeks approval for matters of access, layout and scale, with appearance and landscaping being reserved matters to be determined later. I have been sent copies of the revised drawings, and the one page of the previous Design and Access Statement which has been amended (no page number is visible). My comments remain little changed from those in my previous report.

The Design and Access Statement

In both my previous reports, I commented that the Statement was a very poor document, not meeting the criteria which are set out in the CABE advisory document Design and Access Statements: how to write, read and use them; predominantly descriptive, not analytical; not explaining and justifying the proposal. This continues to be the case. I am told by the Planning Officer that apart from the single amended page, the Statement is the same as the previous one, with as before not a single drawing or diagram contained in it. My assessment that it is very inadequate remains the same.

Scale

In both my earlier reports, I concluded that the proposed development was out of scale with its surroundings, and observed that the Design and Access Statement did not, as it should, make any attempt to explain or justify the proposed increase in scale represented by the new buildings. Both of these remain to be the case with the revised application. The only significant difference from the previous submission is that the drawings of the proposed elevations now show some minimal context. These drawings serve to confirm the reservations previously expressed about the scale of the proposal.

The proposed three-storey building remains bulky and over-scaled. As before, no attempt appears to have been made to alleviate the scale problem by appropriate articulation and use of architectural language, as my previous reports suggested could be done. As before, there are no three-dimensional drawings submitted, and no evidence that the architectural composition of three-dimensional forms in a specific context have been considered. Indeed, I doubt whether the proposal has been drawn in three dimensions at all. The composition of the three-storey element on the street corner, as drawn in two dimensions in plan and elevation, is physically impossible to achieve in three dimensions.

Access

The proposal continues the basic site organisation which exists at present. As in the earlier submissions, the proposal seems to be straightforward and acceptable. However, I repeat my earlier observations on the car parking spaces, made later under Site planning and layout.

Site planning and layout

The improvement which was made from the original proposal, in the geometry of the single-storey element on the street corner, is continued in the revised drawings. Instead of the two residential upper-floor parts of the development being separated, with habitable rooms looking into the narrow space between, the two parts are now joined together at first and second floor. This replanning removes the previous problem, but it does appear to add further bulk to the proposal.

I repeat my previous observation that the drawings give no information as to how the upper floors of the rear building are to be structurally supported. The first and second floors project over the car park, and support the two-storey bridge structure which connects to the front building. I suspect that if the appropriate structure were to be drawn on the ground floor plan, several car spaces would be lost as a result.

Summary

Although the building form has been modified in this revised proposal, in fact there has been no significant change in the overall effect, particularly in terms of scale. I still suspect that more accommodation is being proposed for the site than it can satisfactorily contain. The proposal is now drawn with some minimal context at least, but there is no evidence that the applicant has considered how scale can be reduced by appropriate articulation and architectural language, as I have previously suggested. I note that, as before, appearance is intended to remain as a reserved matter, but I see no evidence in the submitted outline drawings that significant change in the appearance is likely to be achieved so as to make the proposal acceptable.

Publicity

Site Notice posted 11.07.2011; expired 01.08.2011

Press Notice published 30.06.2011; expired 21.07.2011

Neighbour notification letters (2) posted 23.06.2011; expired 14.07.2011

Following receipt of amended plans dated 05.03.12 and 09.03.12:

Site Notices (3) posted 15.03.2012 - expire 05.04.2012

Press Notice published 23.03.2011 - expire 13.04.2012

Neighbour notification letters (21) posted 12.03.2012; expire 02.04.2012

4 letters of received raising the following concerns:

- The design is inelegant, bulky and would be much taller than surrounding buildings, dominating what is already a busy and 'tightly squeezed' area.
- The proposed 3-storey building would have a depressing impact upon those living near the site due to its size, height, and possible number of extra cars and people trying to find their own space in what is actually quite a compact and confined site.
- The junction of St. Godwald's Road and Finstall Road is chaotic and dangerous. The roads cannot cope with the current level of traffic congestion in both directions, let alone what would ensue should

these proposals be passed. The junction and surrounding area is altogether hazardous for both drivers and pedestrians. This is accentuated particularly during the morning and evening 'school run', and children walking to local schools already have to take risks to get across Finstall Road during their journey to Aston Fields Middle School.

- Increased parking problems - parking is already a problem in the area.
- Traffic concerns regarding parking and access on St. Godwald's Road - existing retail unit already causes problems.
- Insufficient parking provision.
- Development will place extra burdens on highway system that is already locally congested.

The site and its surroundings

The application site is located on the southern side of Finstall Road and on the western side of St. Godwald's Road, occupying a prominent corner plot within Aston Fields. The site currently consists of two distinct buildings, a two storey flat-roof building with green metal window casements at No. 6 and a smaller pitched roof Victorian building at No. 12. The ground floor of No. 6 accommodates the retail element of Banner Foods, whilst the rest of the building provides space for wholesale manufacturing, supporting office functions and a two-bed residential flat. A canopy at the front of No. 6 provides covered seating for customers and provides for the covered display of produce. No. 12 is currently occupied by a tenanted retail unit and also provides an element of storage space in association with the Banner Foods operation.

Surrounding the site there is a mixture of commercial premises and residential dwellings. The Ladybird Inn is located to the west of the site, separated from the Banner Foods site by an area of parking that borders both the western and southern sides of the application site. Opposite the site, on the northern side of Finstall Road, residential dwellings predominate in contrast to the commercial premises on the southern side of Finstall Road. The site also immediately adjoins a single detached dwelling, under the control of the applicant, to the south. Opposite the site, on St. Godwald's Road, there is a mixture of commercial premises and residential dwellings.

The site is predominantly within the Aston Fields shopping area as designated within the Bromsgrove District Local Plan 2004.

Proposal

This application proposes a significant re-development of the site including the demolition of the existing Victorian building at No. 12 and demolition of all single-storey elements of No. 6 Finstall Road. The remaining structures are to be altered and extended, both to the south and east, resulting in a three-storey mixed-use development with the following principle features:

- Retention of the existing Banner Foods retail unit and associated commercial floor space with a flat roof extension to the front to provide display of produce and seating.

- Retention of the existing vehicular accesses off St. Godwald's Road and Finstall Road providing access to seventeen parking spaces (for both retail and residential use) and cycle parking.
- A new retail unit at the corner of St. Godwald's Road and Finstall Road.
- Eight two-bedroom flats.
- Four one-bedroom flats.

Members will note that this is an outline application and seeks approval for matters relating to access, layout and scale. Matters relating to appearance and landscaping are reserved to be approved at a later date.

Relevant Policies

WMSS	QE3
WCSP	CTC.1, SD.3, SD.4, SD.5, T.1, D.43
BDLP	DS3, DS13, S7, S14, S21, S23, S24, S25, S28, E4, E9, TR8, TR10, TR11, TR13, RAT5, RAT6, ES7, ES11, ES14A, BROM24
Draft CS	CP3, CP12, CP14, CP22
Others	SPG1, PPS1, PPS3, PPS4, PPS5, PPG13, PPG24, CABE Building for Life Guidance

Relevant Planning History

B/1991/0153	New Shop Front - Permission Granted - 15.04.1991
B/1994/1076	Redevelopment of site (3 houses) - Permission Granted - 13.03.1995
B/1997/0829	Siting of non-refrigerated storage shed. As amended by plan received 27.01.1998 - Refused 09.02.1998
B/2000/0521	Single-storey extension - mezzanine floor and conservatory - Permission Granted - 13.06.2002
B/2002/1436	Proposed demolition of existing outbuildings, erection of new two-storey extension with canopy across road frontage elevation - Application Withdrawn - 23.01.2003
B/2003/0157	Proposed demolition of existing outbuildings, erection of new 2 storey extension with canopy across road frontage elevation - Resubmission of B/2002/1436 - Permission Granted - 08.04.2003
10/0934	Proposed re-development of retail and residential site - Withdrawn 22.11.2010

Notes

This application is a resubmission of application 10/0934 that was withdrawn to allow for further discussions in relation to play space and for revisions to be made to the submitted plans following feedback from the Council's Independent Urban Designer (UD).

Assessment

The main issues to be considered in this application include:

- The principle of a mixed-use retail and residential development in this location.
- The impact of the proposal on the character and visual amenity of the area.
- Residential amenity.
- Highway and traffic implications.
- Education and outdoor play space provision.

The Principle of Development

The site is located within the Aston Fields Shopping area as designated within the BDLP 2004. With respect to the acceptable uses within the Aston Fields Shopping Area, Policy BROM24 of the BDLP2004 states:

"...the District Council will allow proposals for retail development at ground floor level (Use Classes A1, A2, or A3) and retail, office or residential use at upper floor level. It is defined as a local centre for shopping purposes in accordance with the provisions of Policy S21. The District Council will only allow retail proposals which are capable of being integrated within the existing frontages and which do not extend the shopping area."

As such, I am satisfied that the principle of mixed commercial and residential development in this location is acceptable.

In relation to the re-development of the commercial premises, national planning policy PPS4: Planning For Sustainable Economic Growth, paragraph EC10.1, requires local planning authorities to adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

Local plan policy DS3 aims to centre the majority of growth in the district on the urban area of Bromsgrove, which has the majority of the population and is well served by existing public transport networks. It is noted, however, that PPS4 also supports small-scale economic development in local centres.

It is noted that the application site has a longstanding history of commercial activity. The site is within very close proximity to both the railway station and a bus stop and it is considered that the proposal can be accessed by sustainable transport. Local centres can reduce unnecessary trips to a major centre and it is viewed that the proposals would not be of such a scale that they would negatively affect the vitality and viability of the Bromsgrove Town Centre.

Design

Planning Policy Statement 3 (PPS3) stresses the importance of promoting good design through the planning system. PPS3 reflects Planning Policy Statement 1 and states that,

"... good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted."

PPS1 states that planning policies should promote high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the lifetime of the development (paragraph 13).

Paragraph 38 of PPS1 goes on to state that Local planning Authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design.

In relation to design, Local Plan policy S7 states that proposals involving development of new dwellings outside the Green Belt will be considered favourably providing that they meet (amongst other) the following criteria:

- the proposal does not lead to development at a density inappropriate for the site;
- the form and layout of the development is appropriate to the area.

In relation to the design of extensions to existing commercial uses, Local Plan Policy E4 requires that, "any alteration(s) to the existing fabric are sympathetic to the form and character of the development and its setting."

As noted earlier, the site occupies a prominent corner location and its redevelopment provides a significant opportunity for a positive contribution to be made to the street scene. As such, the views of the Council's Independent Urban Designer (UD) have been sought in relation to this application. Members will note the views of the UD in relation to the submitted amended plans and in particular the following concerns summarised below:

- The context of the site is all of two-storey buildings and the proposal is bulky and out of scale with its surroundings, representing an unwelcome intrusion into its context.
- No attempt appears to have been made to alleviate the scale problem by appropriate articulation and use of architectural language.
- There are no three-dimensional drawings submitted and no evidence that the architectural composition of three-dimensional forms in a specific context have been considered.
- The composition of the three-storey element on the street corner, as drawn in two dimensions in plan and elevation, is physically impossible to achieve in three dimensions.
- The Design and Access Statement submitted does not, as it should, make any attempt to explain or justify the proposed increase in scale represented by the new buildings.
- The site is a tight one, and it may be that the applicant is attempting to put more volume on to the site than it can satisfactorily accommodate.

Whilst the above points represent significant concerns, members will note that the amended plans have sought to address concerns and include the following design changes as summarised below:

- The set back of the St Godwald's elevation from the pavement (max 3.4m, min 2m), the addition of a porch entrance and fenestration to alleviate the overbearing impact of a blank three-storey elevation.
- The use of a more uniform hipped roof in place of the awkward and mismatched pitched roofs previously proposed.
- Significant changes to layout to alleviate issues in relation to outlook from the residential properties.
- Improvements in the geometry of the single-storey part on the street corner, relating better to the corner and to the St. Godwald's Road building line.

The above amendments are viewed to represent improvements upon the originally submitted plans. However, the proposed building continues to appear awkwardly assembled and out of scale with its surroundings, representing an unwelcome intrusion within its predominantly two-storey context. Four of the flats continue to lack windows required to provide an acceptable level of sunlight to future occupants. The Finstall Road frontage represents a lost opportunity to create an attractive and welcoming retail area, instead providing cycle storage and a vehicular access likely to cause concern to passing pedestrians as unsighted cars initially emerge. The combination of flat and pitched roofs projecting forward of the main Finstall Road elevation appears awkward and unattractive.

It is noted that the existing flat roof building on the site is of no particular architectural merit. However, its impact on the area is limited by its set back from the street and its smaller scale than the proposals. As noted earlier, PPS3 guides that, "design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted." Whilst this application reserves matters of appearance, the layout and scale proposed will significantly constrain the potential to make improvements. It is noted that the UD concludes:

"I see no evidence in the submitted outline drawings that significant change in the appearance is likely to be achieved so as to make the proposal acceptable."

As such, in consideration of the points outlined above, it is viewed that the proposal by virtue of its scale and awkward layout represents a dominant, incongruous, cramped and unattractive addition materially harmful to the character, appearance and amenities of the surrounding area.

Residential Amenity

Policy S7 of the BDLP states that new housing must not adversely affect the existing amenities of adjoining occupiers. The Council's Residential Design Guide: SPG1 sets out a range of criteria to ensure that new development affords future occupiers an acceptable

standard of residential amenity whilst protecting the residential amenity of nearby dwellings also.

Of particular note is the following guidance:

- 21m distance between main facing windows through a 90 degree field of vision.
- A dwelling with no main window wall within 90 degrees of due south is likely to be perceived as insufficiently sunlit. This is usually an issue only for flats. Sensitive layout in the design of flats will ensure that each dwelling has at least one main living room which can receive a reasonable amount of sunlight.

In relation to this guidance, it is noted that whilst appearance is a reserved matter that would allow for future changes in fenestration, the accommodation of the number of apartments proposed on such a tight plot raises significant concerns. The plans submitted indicate that four of the proposed flats would not provide a main window wall within 90 degrees of due south and would therefore be insufficiently sunlit. CABE 'Building for Life' guides that well designed homes should provide good levels of natural light and should outperform statutory minima such as building regulations (Q20). SPG1 guides in relation to lighting that, '...a sensible approach is to try to match internal room layout with window wall orientation.' As such, it is viewed that the proposed layout would provide poor and unacceptable living conditions for future occupiers contrary to the principles as set out in PPS1: Delivering Sustainable Development, PPS3: Housing, CABE Building for Life guidance and SPG 1: Residential Design Guide.

It is also noted that a number of proposed bedroom windows provide less than the recommended 21m separation to the facing main windows of the residential properties on St Godwald's. Again, whilst it is possible that changes in fenestration will occur at the reserved matters stage, this lack of separation (as little as 14m) is further indicative of the cramped nature of the proposal.

Noise Issues

Policy ES14A of the BDLP states that proposals for noise-sensitive developments must be located away from existing sources of significant noise. This is reflected in the guidance as set out in PPG24. Members will be aware that the impact of noise is a material planning consideration and the impact of this issue can have a significant effect on environment and on the quality of life enjoyed.

In relation to the amenity impact of the nearby railway, the Environmental Health Officer has recommended that re-development should not begin until a scheme for protecting the proposed dwellings from noise from the railway has been submitted to and approved by the local planning authority.

Highways

PPG13 sets out the objectives of promoting sustainable transport choices for people, promoting accessibility choices to destinations by public transport and walking and cycling as well as reducing the need to travel by car. These objectives are supported by policies in the WMRSS and Structure plan policies. The Bromsgrove District Local Plan sets out the need for applicants to incorporate safe access and egress and provide

sufficient off street parking (TR11) and promote the use of variety of transport means (TR13).

Given the response from Worcestershire Highways, I am of the view that there would not be any material harm to the safety or free flow of traffic on the local highway network and that there would be capacity within the existing network to cope with the development proposal. Indeed it is viewed that the site represents a particularly sustainable site for development given its close proximity to public transport and local amenities.

The proposal continues the basic site organisation that exists at present in relation to highways access. Whilst the views of the County Highways Officer are noted, it is your Officer's view that the arched vehicular access from Finstall Road represents a lost opportunity to provide an attractive frontage and street scene. Rather than a pleasant environment for pedestrians, the archway is likely to be a cause of concern for pedestrians as cars are unsighted as they initially emerge.

Other Matters

Members will be aware that Section 106 obligations are legal agreements negotiated between Local Planning Authorities and developers in the context of a grant of planning permission. Such agreements are intended to make development proposals acceptable, which might otherwise be unacceptable, and provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of infrastructure and facilities.

Government advice in terms of Section 106 Agreements is set out in Circular 05/05. Strict tests are imposed on planning obligations. Section 106 Agreements must be necessary in relation to national and local planning policy and be directly and fairly related in scale and kind to the proposed development. In particular, any requirement must be:

- Relevant to planning
- Necessary to make the proposed development acceptable in planning terms
- Directly related to the proposed development
- Fairly and reasonably related in scale and in kind to the proposed development
- Reasonable in all other respects

Members will note the comments provided in respect of contributions towards education and outdoor play space provision. Local Plan policy S28 allows the Council to seek contributions where a need directly arises from a proposed housing development. A legal agreement is currently undergoing drafting to secure the appropriate contribution towards education facilities and a commuted sum towards offsite play space.

Conclusion

Advice within National Planning Policy Guidance Notes and Statements and Policies within the WCSP and BDLP makes it clear that the impact upon the character of the locality, as well as the relationship of proposed developments to the surrounding area to be legitimate material factors to take into account in the determination of planning proposals. Indeed, Government guidance advocates the rejection of poorly designed developments, including those that are clearly incompatible with their surroundings.

Whilst the principle of the proposal is acceptable, it is viewed that the designs relate poorly to their context, appearing out of scale, unattractive, awkwardly arranged and cramped, representing a dominant and incongruous intrusion harmful to the character, appearance and amenities of the surrounding area.

RECOMMENDATION:

- a. Minded to **REFUSE**.
- b. That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the application following the expiration of the publicity period on **13th April 2012**.
- c. In the event that further representations are received, **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.