

Name of Applicant	Proposal	Expiry Date	Plan Ref.
McCarthy and Stone Retirement Lifestyle Ltd.	Erection of Later Living retirement housing (category II type accommodation) including provision of communal facilities, car parking and landscaping. Former Site Of Hagley Middle School, Park Road, Hagley, Stourbridge, Worcestershire DY9 0NS	04.03.2013	12/1004

RECOMMENDATION:

- a) MINDED to approve **FULL PLANNING PERMISSION**
- b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the completion of a suitable legal mechanism in relation to:
 - i) A financial contribution towards offsite affordable housing.
 - ii) A financial contribution towards medical facilities in Hagley.
 - iii) A financial contribution towards community facilities in Hagley.
 - iv) The provision of a footpath/cycleway.

Consultations

Aisling Nash County Archaeological Officer Consulted 14.12.2012; 12.08.2013 and 22.01.2014.

I have reviewed the application and although recent archaeological work at an adjacent site uncovered some evidence for prehistoric activity, I believe that the potential for survival of archaeological remains at this particular site is low due to previous terracing and building of the school in the 1960's.

Community Safety Officer 12.08.2013

Original concerns about the visibility, width and layout of the footpath. Comments on amended plans awaited.

Highways Department- Worcestershire County Council Consulted 14.12.2012; 12.08.2013 and 22.01.2014.

Summary comments on original scheme:

Original recommendation that permission be refused as scheme needs to demonstrate, via a transport assessment, that it has no impact on highway network. The car parking provision does not accord with the local transport plan, increased parking spaces would be necessary, does not provide for cycle or motorcycle, disabled parking or ambulance spaces. Council has aspirations to improve cycle and pedestrian connectivity and this application makes no efforts to improve permeability to the benefits of future residents and the local community.

Summary comments on amended scheme:

The applicant has submitted additional information including an addendum to the transport assessment and additional details relating to the design of the cycle way. It is considered that not all the information contained within the document is applicable to Hagley the highway authority is particularly mindful of the traffic generation the site formerly generated and that this use is of lower intensity and therefore, with particular reference to vehicle trips, there is betterment to the highway network. The applicants proposal to introduce a cycle way will improve permeability and accessibility to the site for residents, staff and visitors, it also provides better transport choices for existing Hagley residents and will reduce the need to travel by car. It is therefore considered that this facility offers benefits to not require any additional sustainable transport contributions. Whilst the design proposed is acceptable; at the detailed design stage an additional section of 1 in 12 gradient will be required within the proposed 1 in 9 section.

It is considered that the site has a lower vehicle traffic generation than its former use and promotes sustainable transport so it will not have a severe impact on the highway network and not require any planning obligations.

Recommends approval subject to the imposition of conditions with respect of access, parking and turning facilities, additional cycle provision, footpath provision, parking for site operatives on site and informative with respect of private apparatus on the highway; alteration of highways to provide new or amend vehicle crossover; affected street lighting and temporary directions to housing developments.

Landscape & Tree Officer Consulted 14.12.2012; 12.08.2013 and 22.01.2014

I'm happy with the proposed layout and scheme of tree removal & retention. The Dawyck Beech (T793) is the principal feature tree of the site and there are ample opportunities for substantial additional screen planting on the bank on the eastern boundary of the site and this appears to be suitable provided by the proposed landscaping scheme.

I do have one major query/concern re a discrepancy between the Tree Removal, Retention & Protection Plan and the landscaping scheme re the treatment of the hedgerow on the southern boundary of the site (H18). The TPP shows this removed while the landscaping scheme shows this retained supplemented & managed. I would be strongly opposed to the removal of this hedge & support its retention & management so will require a revised TPP to reflect this.

The proposed landscaping scheme is generally good otherwise although I would require additional planting of at least 2 additional trees on the Park Road frontage to replace the screening & amenity value being lost by the removal of existing trees.

The shrub planting specified adjacent to the proposed new footpath does appear to be of species that can be pruned and maintained successfully at a low level but will grow to approx. 2m in height if unmaintained. I would suggest that this is principally a management issue for the owners of the development and not something we can require as part of a planning consent.

As it currently stands, subject to my comments re H18, and additional planting on the Park Road frontage, I would have no objection to the current proposals.

Worcester Regulatory Services- Air quality and noise. Consulted 14.12.2012; 12.08.2013 and 22.01.2014.

I have reviewed the noise report (24 Acoustics report ref R4992-1 Rev 0) submitted as part of the above application. The report appears to be technically sound and has recommendations for mitigation measures that should be undertaken to ensure that the noise levels in the proposed dwellings are acceptable. It should be ensured that these measures are undertaken.

However the noise report is lacking in detail with regard to acceptable noise levels in external amenity areas (gardens, balconies). It is noted the development has a number of landscaped amenity areas as well as balconies some of which are in close proximity to the busy Kidderminster Road. The noise report contains the statement "Based on the measured noise levels, it is anticipated that there will be some areas of the site where external noise levels of 55 dB LAeq, 16 hour or lower would be achieved in the external amenity areas." However from the measurements reported it is also anticipated that noise levels in excess of 55dBA Leq would be found in external amenity areas.

WRS has produced guidance to the recommended standards for use in noise and vibration matters which can be found at the following website:

<http://www.worcsregservices.gov.uk/pdf/noise%20technical%20guidance%20v%201.%202.%204.pdf> .

When it comes to assessing the acceptability of noise levels in external amenity areas the recommendations in this document are based on the guidance from the World Health Organisation (WHO) (similar to that contained in BS 8233:1999) and recommends for external amenity areas such as gardens and balconies, etc the noise levels should not exceed 50dBA Leq, and 55dBA Leq should be regarded as the upper limit which would only be acceptable where it is demonstrable that 50dBA Leq cannot be met. The applicant should therefore provide information that can demonstrate these acceptable levels are met, and where not suitable mitigation measures that will be used to achieve this.

We have reviewed the air quality assessment in relation to the above development and have no adverse comments.

North Worcestershire Water Management- Consulted 14.12.2012; 12.08.2013 and 22.10.2014.

Future drainage arrangements have it seems not formed an integral part of the overall design for the site. At the moment the submitted documents don't indicate how surface water will be dealt with. Even if soak ways are not an option for the site other SuDS arrangements such as permeable paving (with storage underneath) might still be an option for the site and should be explored in full. Since the site is thought to be at a risk of surface water flooding it is extra important that an adequate way of dealing with the runoff will be established, without increasing the flood risk elsewhere.

If you are minded to approve the application then I would recommend that a drainage condition gets attached, such as:

"No development shall take place until a scheme of foul and surface water has been submitted to, and approved in writing by the Local Planning Authority. Prior to submission

of the scheme an assessment shall be carried out into the potential of disposing of surface water by means of sustainable drainage systems (SuDS), and the results of this assessment shall be provided to the Local Planning Authority. There shall be no increase in surface water run-off from the site compared to the existing pre-application run-off rate in a 1 in 100 year storm event plus 30 % allowance for climate change. No surface water shall be discharged to a foul sewer system. The scheme shall be completed before the development is occupied.”

Strategic Housing Consulted 14.12.2012

Comments awaited on off-site affordable housing.

Strategic Planning: Consulted 14.12.2012; 12.08.2013 and 22.01.14

The NPPF is a material consideration in the determination of all planning applications with the majority of PPGs and PPSs revoked. The Bromsgrove District Local Plan was adopted prior to the Planning and Compulsory Act 2004 meaning that due weight can be attached to the saved policies depending on the level of conformity with the NPPF.

At the heart of the NPPF there is the presumption in favour of sustainable development (para 14) which is an important consideration when determining planning applications.

If the proposal is for C2 accommodation, does not impact on the Council’s housing land supply position.

The site is brownfield and located within the settlement of Hagley and therefore Policy DS4 ‘Other Locations for Growth’ of the adopted Local Plan is applicable. As the application is for age restricted accommodation Policy S6 is also relevant. These policies are in general conformity with the NPPF and therefore significant weight can be attached to them.

The Bromsgrove District Plan (BDP) was submitted to the Secretary of State on 12th March 2014. Policies in the Proposed Submission Version of the BDP are relevant to this application, in particular BDP7 Housing Mix and Density, BDP8 Affordable Housing and BDP10 Homes for Elderly. The scheme proposes solely one and two bedroom units that will help to meet the needs of the ageing population in the district and is therefore in general conformity with BDP7 and BDP10.

Whilst the applicant recognises the need to contribute towards affordable housing their preference for an off-site contribution is not supported. BDP8 expects affordable housing contributions on-site. The notion of on-site provision is supported by the NPPF although paragraph 50 states:

“unless off-site provision or financial contribution of broadly the equivalent value can be robustly justified”

The onus is therefore on the applicant to provide a detailed justification as to why on site provision is not appropriate in this instance. If off-site provision is accepted it will be necessary to discuss the matter with Strategic Housing to ensure that any financial contribution equates to the cost of providing affordable housing on-site.

SPG11 highlights that contributions for towards play space are not required for sheltered housing schemes.

It appears that the proposal would not undermine the emerging Bromsgrove District Plan, subject to the issue of affordable housing being appropriately addressed, preferably on-site. The site is previously developed and provides much needed housing for the elderly.

Urban Designer- Joe Holyoak Consulted 14.12.2012; 12.08.2013.

Summary conclusions on the original proposal:

- The proposed use is suitable.
- The large mass of the building is out of scale with its context.
- The form of the building is incoherent
- There are north facing rooms proposed.
- Suggested resolution might be to develop linked pavilions of a smaller scale with well-designed external spaces.

Summary conclusions on the amended plans:

- The deficiencies of the original scheme in terms of siting planning and mass have been correctly identified, indicating a much improved relationship to the existing houses to the east.
- The reduction in apartments (55 to 44) should have made redesign easier.
- The objective of linked pavilions has not been achieved, the three, three storey parts are differentiated by form, materials and colour, with the central block of the three unrelated to the others, so the scheme does not have coherence.
- The building is aligned roughly north south, more or less centrally placed, the car park is now on the western side of the building and habitable gardens on the eastern slope. Because of the sloping topography and the adjacent houses higher up on the slope, these gardens will receive limited morning sun which is a major retrogressive step.
- The reconfiguration of the footprint and introduction of corner windows on the north elevation means that the deficiencies of north facing sunless apartments have been partially overcome.
- With better design I do believe the brief and the site have the capacity to produce an attractive and functional building which has the appropriate scale, and can produce comfortable and sheltered outdoor spaces to add to the quality of life for the residents.

Worcestershire Wildlife Trust Consulted 14.12.2012; 12.08.2013 and 22.01.2014

- The submitted report appears to cover ecological issues satisfactorily, a condition will be required to cover the recommendations made in the report and to ensure an adequate method statement is submitted. The protected species and site clearance issues will need to be agreed with the LPA prior to work starting, with the enhancement features prior to first occupation We'd recommends that bird and bat boxes be integral to buildings (they last longer and are harder to remove) but often they get placed on trees, which is ok if that's how the original ecologist decided to work.

Hagley Parish Council Consulted 14.12.2012; 12.08.2013 and 22.01.2014.
Objections raised summarised below (and as updated by amended proposal).

- Insufficient parking provision site, 44 spaces represents a significant shortfall with no allowance for staff parking, visitor parking or delivery vehicles, contrary to saved Local Plan policy TR8 (and appendix 17). Need for 50 spaces for residents alone, on street parking occurs at other McCarthy and Stone sites.
- On street parking will adversely affect local amenity, particularly during school arrival and departure times, with on street parking and buses. Narrow B road subject to Worcestershire County Council 'Safe Route to School' Initiative (photographs supplied of on road parking issues). Dangerous for pedestrians. Disappointing that Worcestershire County Council have not made detailed comment or indicated S106 mitigation in terms of highway impact.
- No on site affordable housing contrary to saved Local Plan policy S15, emerging policy 7 and the National Planning Policy Framework (NPPF) when read as a whole, (in particular paragraph 157 has to be read in full and annex 2). The applicant's contention that the development provides specialist accommodation is unfounded. Professor Michael Ball has undertaken work that stated that owner occupied retirement housing should be considered as a type of affordable housing. Planning appeal APP/P18051A10S/1179384 is relevant to this site, with respect of the lack of need and methodology. It related to a similar scheme at 25-29 Park Road and whilst some of the issues related to the housing monitorium, the Inspector also considered detailed evidence of a lack of a need for sheltered housing. The Parish Council have subsequently requested further clarification with respect of The District Council's need for affordable housing in Hagley.
- Scale and Design is contrary to saved policy DS13. The locality is defined by neighbouring residential properties, which this development is contrary to in terms of urban grain, make-up, form, mass, density and materials, overbearing to the street scene and detrimental to the residents of Park Road, overlooking/loss of privacy for residents and school. Out of scale for village setting, with low density housing in gardens. 3 storey with an effect of a hotel or large office block. Design of the central block is 'stark' which together with the flat roof presents a blocking effect. A two storey building with a peaked roof would be more aesthetically appealing and impact less on neighbours.
- Detrimental loss of trees, there are two mature trees on the boundary of good quality size and amenity which should be given TPO protection. Detrimental impact on rural, well landscaped frontage to A491.
- Impact on air quality management area has not been considered.
- Over supply and unbalanced housing mix, will lead to an oversupply of elderly accommodation contrary to emerging policy 8 and saved Local Plan S6, encouraging in migration rather than meeting housing need. Within 600m of the site are St Saviour's (a McCarthy and Stone 51 bedroom development, where there are vacancies) and 800m is Bakery Court (Bromsgrove and District Housing Trust approximately 35 residents).
- Would like application considered in the light of the Reference the appeal at 25-29 Park Road (APP/P18051A10S/1179384) in 2005. There was wider statistical evidence from the case file (B/2004/1533), which reinforced the Council's and Parish Council's view that Hagley (not being a town), was a rural area and not expected to meet elderly housing needs arising in adjacent towns and Major Urban Areas. There has been no Hagley specific need for elderly person's

accommodation advanced in subsequent planning documents or request from other authorities (such as Dudley MBC) for Hagley to accommodate their elderly accommodation needs.

- There is a currently a choice of alternative retirement accommodation on the market.
 - Loss of community facilities, emphasising the need for local strategic planning. Contrary to emerging policy 10. The land is better suited for community enhancement and returned to community amenity, either as much needed public open space; or added provision for Hagley Primary School. Better used for either car parking or sports space or community sports/play facilities or to provide increased accommodation to relieve the overcapacity of the school. There is no evidence that the site has been marketed in accordance with emerging policy 10.
 - If housing is only alternative (much to HPC and resident's objection) then a more low density, low impact development of market bungalows would be more fitting.
 - Over 300 houses are being imposed on Hagley over the next 5 years, which creates an imbalance across the district and increases the critical mass once more upon a sustainable community. Uncontrolled and uncapped development in Hagley is having a detrimental effect on sustainability of the community. Strategic planning failure results in an unbalanced housing market, unbalanced health, infrastructure and amenity provision and an unsustainable proposition.
 - The Parish Council notes and welcomes the changes to certain windows to give greater privacy to residents, but this does not alter our opposition to the scheme generally.
 - The Parish Council requests the application be determined by Planning Committee so that the Parish Council can present their concerns.
 - Suggested planning conditions and obligations (detailed below) have been provided without prejudice to the Parish Council's objections.
 - Hagley Parish Council represents the first level of local government and has the greatest knowledge of local needs. The Parish council has built up the evidence base for the community betterment, and wishes to participate in detailed negotiations and for the applicant to sign up to their proposals.
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- I. Completion of the funding of the extension to the Doctors' Surgery. There is a current application for this extension, and hence more certainty as to capital cost. If the extension is not fully funded, it is likely that it will not be made. This will cause an intolerable burden on medical facilities locally. We would also wish to see all the 106 monies going to the Hagley surgery.
 - II. Provision of the path along the west side of the site. The agents indicated that they estimated the cost at £55,000. This Parish Council would have preferred the housing on the other side of Kidderminster Road not to have been approved, but it has been. In consequence the provision of the path is important.
 - III. Community Centre and Library: The County Council has given notice that if a community organisation does not take over the Library, it is likely to close and be replaced by a mobile service. The Community Centre is a building partly of wood, which is now over 40 years old, and needs to be replaced. The Parish Council plans to create a multi-use "Community Hub", to incorporate what is now done in the Community Centre, the library, parish council offices, and perhaps other community facilities. The Community Centre hosts a large

- number of clubs, many of which are likely to be of considerable interest to residents of the development.
- IV. Contribution to allow more effective short term car parking in Hagley and provide alternative provision for all day business parking. The entrance to the development is approximately 800m from the end of Church Street (the centre of the village) so residents with cars will inevitably drive, increasing pressure on parking in Hagley village centre.
 - V. Community dial a ride provision is needed for Hagley based on previous survey results, with a priority need for medical trips.
 - VI. Risk assessment for Park Road and Worcester Road, for scooter users and increased elderly footfall.
 - VII. Contribution to air quality management and mitigation report.
 - VIII. Highway contribution.
 - IX. Grit bins
- The Parish Council have commented, following on from a meeting with the applicant and District Council on 30th January 2014 that their section 106 priorities generated by this scheme are the completion of funding for the doctor's surgery; provision of the footpath; community centre and library, car parking and library and affordable housing.

Publicity

The application was advertised in the press on 21st December 2012 and 23.08.2013 and by site notice on 14.12.2012 and 23.08.2013. Properties adjacent and opposite the site on Park Road were also notified on 14.12.2013 and 14.08.2013.

The Parish Council neighbours and third parties who had made representations were also notified of changes to elevations and smaller scale plan changes on 08.01.2013.

9 letters of objection were received in response to the first consultation with 2 additional letters in response to the second August re-consultation. The adjacent properties of 40, 42, 44 and 46 Park Road have also submitted a joint response to the amended plans, following site visits from your officers.

The following objections were received in response to the first consultation:

- Object to more housing in Hagley (340 houses now proposed). The cumulative impact of all this housing should be assessed and proposals discussed at same time.
- Hagley should be planned more strategically with more local input.
- Object to the bulk, mass and design of the proposal.
- Out of keeping with the village.
- Overdevelopment.
- Object to the height (4 storeys on original proposal). 2/3 storey was shown at pre-consultation stage. 2 storey more appropriate.
- Insufficient parking for apartments, visitors or service vehicles and inadequate access for the proposed development.
- Will add to existing traffic issues already on Park Road. Park Road is a narrow road and where there are serious parking issues due to school related on road

parking (extending into and blocking adjacent roads) and traffic travelling to other schools.

- Traffic danger to school children (particularly exiting and entering site during school times).
- Parents of school children should be notified.
- Insufficient infrastructure in the village to sustain the development.
- Hagley does not need another 50+ homes for the elderly.
- This type of development always have an inappropriate impact on the localities based on experience.
- Retirement homes are already available for sale in the village.
- Unsuitable site for the proposed use, should be used to benefit villages, for
- Inaccessible location for the frail elderly.
- On street parking issued with existing McCarthy and Stone scheme (including for medical professionals).
- Inappropriate location – poor air quality/pollution on A456.
- Land should be earmarked for school facilities
- Impact on doctor's surgery from more and elderly patients.
- If amended scheme goes ahead it should include section 106 monies for Park Road highway improvements (cutting back verges/echelon parking for parents/guarded footpaths).
- If permission is granted community infrastructure should be provided (i.e. swimming pool; indoor tennis court, Skate Park; improved/new community centre and Parish Council offices; new policing post).

The following objections were received with respect of the amended scheme:

- Original objections still stand.
- Inadequate neighbour notification.
- Increased overlooking to 42 and 40 Park road. Originally proposed that the development would reduce to two storeys such as the scheme at Worcester Road, Hagley and the Redrow development on Birmingham Road.
- Additional mature planting needed.
- Impact on neighbours as important as impact on street scene.
- Whilst changes to scheme with reduction in number of apartments, more car parking and flat roof to central block to reduce impact is acknowledged this is still a large development for this site.
- Request plans showing impact of development on adjacent dwellings.
- Request ground level details.
- Request details of landscaping, retaining wall and bank treatment.
- Building has been moved closer to residents, would be better to have car parking where garden's currently shown.
- Request changes to windows and balconies to reduce overlooking.
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Relevant Policies

Bromsgrove District Local Plan 2004 (BDLP):

The following saved policies are applicable to this proposal.

DS4 Other Locations for Growth

DS11 Planning Obligations
DS13 Sustainable Development
S6 Special Needs in Housing
S7 New Dwellings outside the Green Belt
S15 Affordable Housing in Urban Areas

Bromsgrove District Plan Proposed Submission

The emerging policies now have more weight in the determination of planning applications since the plan was submitted to the Secretary of State on 12th March 2014. The following policies are applicable to this proposal.

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP2.1 Development of previously developed land or buildings within existing settlement boundaries which are not in designated Green Belt.
Table 2: Within larger 'Settlement' (which includes Hagley) residential development of a scale proportional to the sustainability of the settlement.
BDP7 Housing Mix and Density
BDP8 Affordable Housing
BDP10 Homes for the Elderly
BDP12 Sustainable Communities
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP25 Health and Well Being

Others:

NPPF: National Planning Policy Framework.
SPG1: Residential Design Guide.

Relevant Planning History

The previous planning history for the site relates to the former Middle School buildings (now largely demolished).

The application is accompanied by a Statement of Community Involvement which details the adverts for and meetings held between the McCarthy and Stone representatives, neighbouring residents, interested parties and stakeholders (Ward and Parish Councillors, Primary School representatives, Community Groups, 14 immediate residents) in June 2012. A public exhibition also held in September 2012.

Site location and proposal before Members.

The site lies within the settlement of Hagley and was previously occupied by the Hagley Middle school, which closed in 2004. The majority of buildings and works associated with the school have been cleared from the site. The site is 0.6 ha in total area with a frontage to Park Road, between the Primary school to the west and residential properties to the east and on the opposite (north) side of Park road. The site adjoins Kidderminster Road to the south east. There is a thick hedgerow and banked landscape area to Kidderminster Road and on the eastern boundary, with hedges and individual trees on the frontage and

a part beech hedge and fence on the boundary to the school. There are several individual trees, including a 20m high Dawyck Beech tree within the south west corner of the site.

The application has also been the subject of pre-application discussions, the scheme now before Members having been reduced in scale from the original 2012 application.

The proposal is for 44 apartments (7 one bed and 37 two bed) along with two residents lounges, warden office, guest suite and laundry facilities. The building is a centrally located with three, three storey connected elements. There are communal garden areas wrapping around the building to the north, east and south. A 44 space car parking is located to the west and a 3 metre wide footpath/cycleway between the site and school. The footpath will link Park Road with the public open space being provided on the Area of Development Restraint housing sites. Traffic access is via Park Road, with a separate pedestrian, cycle/ scooter access and pedestrian links to the footpath.

A copy of all the submitted plans, original and amended proposals are available to view on-line.

<http://appuview.bromsgrove.gov.uk/online-applications/simpleSearchResults.do;jsessionid=9B5FD783566ECA8CCBF4A9A179EFF31?action=firstPage>

Assessment of Proposal

The determining issues are whether the proposed development would represent sustainable development in social, economic and environmental terms, when assessed against the saved policies within the Bromsgrove Local Plan 2004, in line the National Planning Policy Framework; and emerging policies in the Bromsgrove District Plan, along with the other material planning considerations outlined in this report.

Firstly it is necessary to assess whether the principle of category C2 retirement housing is acceptable in this location, also taking into account its impact on the infrastructure of Hagley.

Secondly it is necessary to look at the site specific impacts of the development: whether the scale, design and mass of the building represents high quality design and an acceptable environment in amenity terms for the proposed residents and those live in adjacent buildings.

Thirdly it is necessary to assess all other material considerations, ground contamination, ecology, landscaping, noise and air quality.

If there are requirements for section 106 contributions, in accordance with the Localism Act 2013, they must now also be assessed in terms of how they affect the viability of the scheme as well as whether they are essential to making the development acceptable in sustainable development terms.

The principle of the development

In planning policy terms the site is classified as previously developed land and in accordance with policy DS4 of the Bromsgrove District Local Plan 2004 (Other locations for growth) such a site can be acceptable for limited housing development. Policy S6

(Special needs housing) is also of relevance, this requires the Council to take into account the changing household needs of the population when considering applications for new dwellings.

The emerging policies of the District Plan are also of relevance to this application. Policy BDP2 confirms Hagley as a large 'Settlement' wherein residential development of a scale proportional to the sustainability of the settlement' is suitable development. Policy BDP7 (Housing Mix and Density) *requires proposals for housing to take account of identified housing needs in terms of mix and size and type of dwellings*. BDP7.2 further requires:

the density of new housing will make the most efficient use of land whilst maintaining character and local distinctness and therefore should fully accord with BDP19 High Quality Design.

Emerging policy BDP10 Homes for the Elderly is also relevant, as it encourages the provision of housing for the elderly where appropriate whilst avoiding an undue concentration in any location. A housing use can therefore be acceptable in policy terms on this site provided that it creates a sustainable form of development.

The apartments are self-contained and for independent use by residents, but with a day time warden on site and some communal facilities (two residents lounges, a guest suite for visitors to stay over and communal laundry). There would be an age restriction on the apartments whereby the minimum age for a resident would be 60, although they could have a partner of age 55 and above living with them. The applicant has suggested that a typical age of a resident would be older with people more likely to move into this type of accommodation in their 70's. The proposed classification of the use has been put forward by the applicant as class C2. This is defined as:

Residential institutions- Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.

Such a use is considered by many local planning authorities to represent more general housing use class (C3), which the planning portal advises can cover the following categories

- C3 (a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.
- C3(b): up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

In practical terms the use of the proposed apartments and facilities will be dictated by those who occupy them and with the suggested use and layout, residents could do so with both care support and without, depending on their needs. A condition can reasonably be imposed to ensure only residents aged 60 and over (with partners 55 and over) occupy the apartments.

In planning policy terms one of the key distinctions is that category C2 housing does not count towards overall housing supply and hence applicant's will argue that the usual requirements for affordable housing to be provided do not automatically apply, this issue is dealt with in more detail below. Bromsgrove planning policy does not require financial contributions for play space or education from elderly housing providers. Such uses may generate more use of other services such as medical.

The Parish Council have made reference to requiring a community use on the site and have quoted emerging policy BDP12 Sustainable Communities. BDP12.1 states that:

The Council will ensure provision is made for services and facilities to meet the needs of the community. It will also seek to retain existing services and facilities that meet a local need or ensure adequate replacement is provided. New developments that individually or cumulatively add to requirements for infrastructure and services will be expected to contribute to the provision of necessary improvements in accordance with BDP6.

In this specific case the school buildings that previously occupied the site have been demolished a number of years ago and hence the community use has ceased. Whilst the Parish Council may wish alternative uses to come forward for the site, this application has to be treated on its own merits as a retirement housing proposal.

The issue of the proposed development being sustainable in terms of its impact on Hagley is important in policy terms. The evidence base behind emerging policy BDP10 is that there is an identified need for elderly person's accommodation within Bromsgrove District Council to meet the changing demographic needs of the District. Whilst there are two identified retirement schemes within Hagley, this is within the context of a far larger mixed housing stock. As a consequence there would not be an over concentration of elderly person's accommodation if this scheme were permitted.

The Parish Council have also referenced a 2004 application for retirement accommodation, also on Park Road, which was refused permission and the subsequent appeal dismissed (Bromsgrove reference 04/1553 25,27 and 29 Park Road, Hagley). The quoted application proposed elderly accommodation, albeit for a very different scheme in design and layout. The key differences in principle between the 2004 scheme and the current proposal is the fact that this scheme was proposed during the moratorium on house building in Bromsgrove and that it was assessed at a different time with respect of planning policy. The applicant's main argument at that time was that the proposal should be allowed as an exception to the then policy to accommodate proposed need for elderly accommodation, including demand from Dudley. The current national and local planning policy which seeks to encourage housing development where it would meet the tests of sustainable development is very different.

Infrastructure and need for section 106 contributions.

The additional infrastructure demands that are likely to be generated by these proposals are detailed in the section 106 section below.

The applicant has submitted information to demonstrate that their proposals nationally do not generate additional medical demand. However the NHS does consider that this site could generate an additional requirement for doctor's services (equivalent to a quarter of a consulting room) and this could be asked for as part of a section 106 contribution. The applicant has agreed to this. Monies could be directed to Hagley Surgery to support the provision of extended facilities there.

A percentage of affordable elderly accommodation can also be reasonably required, as there is little elderly affordable accommodation within Hagley and not sufficient to meet established needs with Bromsgrove District as a whole (emerging policy BDP8). The applicant has offered to make a contribution to off-site affordable housing, which would normally be contrary to policy unless the tests in the National Planning Policy Framework are met. The applicant's rationale for off-site affordable housing is firstly that the category of development is C2 (as discussed before) and represents a niche form of housing which is more expensive to deliver and more expensive to live in (resident's pay for warden support, grounds and building maintenance and other services as they require). This makes living in such an apartment prohibitive for those on a lower income. It is also difficult to accommodate the requirements of a registered social landlord and their tenants and lower cost owner occupiers along with private owners within the same development.

Councils are required to assess viability issues when assessing the need for affordable housing. A viability assessment has been submitted with the application, based on a Homes and Communities Agency model applicable to retirement housing. This has been independently assessed by Lambert Smith Hampton on the Council's behalf. This assessment confirms the applicant's view that accommodating affordable housing on-site would have an adverse impact on the viability of the scheme and supports their view for a contribution to off-site affordable housing. It is therefore recommended that an off-site contribution could be part of a section 106 in these specific circumstances.

The issue of highways and traffic issues within Hagley has been raised, and assessed by the County Highways Engineer. Traffic issues and in particular concerns about primary school traffic and traffic parking issues, has been raised by Hagley Parish Council and third parties.

From the evidence submitted it is clear that on street parking occurs on Park Road due to the presence of the Primary School, whilst the road is used more widely to travel to other destinations, particularly in peak times. These issues are not sufficient to withhold consent for a development on an adjoining site, the site proposal, access and transport impact has to be assessed on its own merits, taking into account local considerations.

The County Highway Engineer's comments are of specific relevance therefore in assessing the impact of this proposal. Based on an analysis of the evidence submitted, in overall transport terms the proposed use would be a betterment in comparison to the previous use of the site.

The Transport Statement for the scheme also emphasises that the majority of residents are also likely to be retired (over 70) and hence less likely to be making peak time trips in comparison to non-specialised housing (with families and more people of working age) Overall car use and hence trip generation overall is likely to be lower than non-specialised housing.

The County Highways Engineer is content, subject to conditions, with the proposed access arrangements and number of car parking spaces, which was increased from the original proposal such that there is now an equivalent of one space per apartment. There is in addition space for refuse vehicles and other delivery vehicles to come onto site and manoeuvre. Cycle and mobility scooter provision is also provided on site. The applicant would also normally supply green travel details for residents and in this case a condition to require a travel plan to encourage green travel would be applicable.

Whilst possible improvements to highway and school related issues have been requested by third parties and Hagley Parish Council, these could not be required of a developer of retirement apartments as they would not meet the legal tests of being: necessary to make a development acceptable in planning terms; directly related to the development itself; and fair and reasonably related in scale and kind to the development.

The other main infrastructure impact of this development is the provision of a footpath/cycleway which has been accommodated on the site on the boundary to the primary school. This footpath/cycleway will provide linkages from the site and Park Road to a pedestrian/cycle crossing on Kidderminster Road and then wider access to the public open space facilities. This link does represents an infrastructure improvement for the wider community as well providing access for the proposed residents of the scheme to the nearest proposed public open space.

There are also likely to be positive social and economic impacts on the local area as occupants of 44 apartments will also help support local services and shops within Hagley.

Hagley Parish Council have also asked for other infrastructure contributions, including towards the cost of replacing the community centre, which could provide a replacement facility for community groups to meet (including those more likely to be frequented by elderly people), a police post, Parish Council office and possible venue for the library. It has been suggested that the applicant may wish to contribute to these facilities, which could be of direct benefit to the proposed residents of the development.

In principle the redevelopment of the site will bring currently vacant land back into use to provide retirement apartments of which there is not an over concentration in the area and for which there is an established need. The proposal will not have a detrimental impact in highway terms and there is potential to improve infrastructure through the scheme, via the off- site affordable housing contribution, possible community contribution and contribution to medical facilities The footpath/cycleway will therefore provide linkages for not only for the occupants of the proposed development, but also for the wider community use.

Site specific design issues and residential amenity.

The National Planning Policy Guidance emphasises the need for high quality design and this is echoed in emerging policy BDP 19 and sought through saved policy DS13. The proposed development has been amended since the original pre-application and subsequently after consultation on the original submitted scheme. More recently changes to balconies and fenestration have been accommodated to seek to address concerns about overlooking from the new properties towards the adjoining elevated houses (which back onto the site to the east on the cul-de-sac off Park Road). The site lies within an area where there has been historically school and community facilities on the southern (with the primary school and cemetery remaining) side of Hagley road, with housing to the north and east.

The scheme before Members is one with three distinct architectural elements, within a central location within the site. I will address the siting issues first. By locating the development within a central block, this allows the majority of boundary features and trees are able to be retained or there is space for replacements. Communal gardens are proposed to the north (Park Road), to the east with the existing bank re-landscaped in addition to lower gardens to improve the outlook for residents and wider views of the site, and gardens to the south (Kidderminster Road frontage) where the existing bank being retained with additional landscaping incorporating an acoustic fence to help reduce road noise. There is no requirement for play space within the scheme and overall the amount of space around the site is commensurate with other retirement schemes (which are dealt with in policy terms on their own merit within their specific context rather than by SPG1 standards). The majority of the apartments also have balconies or terraces to provide outdoor seating space.

The car park is located on the western (school side of the building), and whilst third party residents have asked for this to be located to the eastern side, this would not be practical in terms of having to redesign the building and retain trees on site. The car park also offers the opportunity for more natural surveillance to the adjacent footpath and keeps the activities of vehicle movements away from wider residents.

In overall layout terms I consider the scheme has been amended to address the context of the site and is now acceptable.

The mass and form of the building has been amended (and reduced) such that the development now takes the form of three angled blocks. The frontage block to Park Road and rear block to Kidderminster Road are both finished in red brick with pitched tile roof and contemporary glazing. Ground floor glazed links connect these blocks to a central, flat roofed rendered central block. This provides a contrast in design, breaking up the bulk of the building and reducing overall height. The building frontages are articulated such that they do not provide flat facades, but with glazing and balcony details adding interest.

It is important when assessing this design to take into account the context of the site. Park Road is on a hill (sloping westwards) with an approximate 3 metre bank between the site and adjacent housing to the east. The school building to the west feature both pitched roof rendered and flat roofed structures and more modern brick designs. The site was historically occupied by flat roofed two storey school buildings. It is not therefore a site within a row of houses or where design on the adjacent the adjacent school site has been dictated by conventional house design.

The applicants have highlighted that whilst they have redesigned the scheme in the light of comments received the National Planning Policy Framework at paragraph 60 does state that:

Planning policies and decisions 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.

The Urban Designers views have been sought on this proposal and are reported. It is acknowledged that it would have been difficult to achieve the pure design philosophy he proposed and provide the additional car parking facilities required to keep the site self-contained and provide the footpath/cycle line.

Residential amenity

The site does have residential development opposite and to the east (on higher ground). Additional plans have been submitted with the application to explain the relationship between the proposed building and adjacent properties. The land levels are such that only the second floor properties on the eastern facing elevation would have views towards the housing. Amendments have been made to reduce direct overlooking from balconies and windows. A condition could be imposed to ensure these are maintained. The actual distance between windows on the building looking towards properties on Park Road (for apartments looking towards housing) is in excess of the standards set down in SPG1. It is considered that the design now proposed is acceptable within this context.

Bin storage is provided within the building and maintenance/plant buildings adjacent to the school/footpath/cycleway boundaries away from residents.

In terms of the amenity of the apartments for residents, in accessibility terms, the whole building is built to higher accessibility standards to make the apartments and communal areas accessible to all and to allow apartments to be flexible to meet the changing needs of occupiers. The proposed footpath/cycleway access will improve accessibility to the proposed public open space. Given the site's location it is also possible for residents to walk to facilities in wider Hagley from the site using existing footpath facilities and there are bus stops close by.

The apartments are designed with large windows and balconies/terraces, 7 are one bedroom and 37 two bedroom, which increases the flexibility of the accommodation. There is a potential noise issue for the apartments facing onto the Kidderminster Road (A456). A noise assessment has been requested and reviewed by Worcester Regulatory Services. The majority of residents within the site will not be adversely affected by noise, but the report suggested that certain apartments will need specialist glazing to reduce noise levels. There will also be a need for an acoustic fence within the landscaped boundary to Kidderminster Road to reduce noise levels within the communal gardens. Both these elements could be conditioned. With respect of balconies, residents using the balconies directly facing onto Kidderminster road at first and second floor level will experience noise levels approximately 5 decibels higher than the recommended levels when using their outdoor space. On balance it is considered more appropriate to allow these residents the

possibility of using a balcony, albeit one with higher than ideal noise levels than seek to have these balconies removed.

With respect of the Air Quality Management Area, Worcestershire Regulatory Services requested and then reviewed a submitted report which had specific reference to the site and its proposed occupants. They have no objection to the scheme on air quality grounds.

Land contamination and archaeology.

As the land was previously developed land contamination and archaeology reports have been commissioned and assessed. Due to the extensive ground clearance when the previous buildings on the site were erected there is potential for any archaeological features to have been retained and no further surveys have been requested by the County Archaeologist.

A site investigation has been carried out with the resulting report advising that there are no potential sources of contamination neither at the site nor within influencing distances and no remedial works necessary. Further guidance is provided within this document with respect of foundation design, specific to the site, whilst the actual works would be assessed as part of the building control process, overall levels on site will be important for planning in amenity terms and hence a condition could reasonably be required to agree finished floor levels prior to development.

Landscaping and ecology

The Tree and Landscape Officer is content with the proposed scheme, subject to conditions and clarification of the tree protection plans. The scheme offers the opportunity to significantly improve the visual appearance of the site and to create a more sustainable and ecologically improved treatment, as well as stabilising and improving the appearance of the bank on the eastern and southern boundaries. There is a mix of tree, shrub and grass planting proposed, with more open planting or bushes that can be maintained to the footpath/cycle link to allow surveillance. Landscaping to Kidderminster Road is to be kept and reinforced (which is essential given the prominence of this view).

Phase one ecological surveys have been undertaken and there will need to be a method statement submitted to ensure that the presence of protected species issues on site are fully addressed in accordance with the wildlife acts as well as to ensure biodiversity overall is protected and enhanced. A condition will be needed to ensure that this process is undertaken and all necessary licences obtained and work carried out before site clearance, which should also take place outside the bird nesting season. The proposals will also incorporate bird and bat boxes, native planting and wild seed mix grasses.

Drainage

In light of the North Worcestershire Water Managements comments on drainage and potential for SuDS, further information has been requested with respect to detailed drainage proposals for the site. This could, as advised, be conditioned.

Conclusions

This proposal has been with the Council for over a year and detailed negotiations have resulted in an improved scheme that will provide 44 additional retirement homes on a

previously developed site that can now be brought back into use with environmental improvements.

The use will not, based on the evidence provided, result in an unacceptable traffic impact, and there will be community benefits associated with the scheme. Subject to complete accordance with the plans and the relevant conditions the use will not have a detrimental impact on the street scene or amenities of adjacent properties.

Recommendation

It is therefore recommended that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application subject to the completion of a suitable legal mechanism in relation to:

- v) A financial contribution towards offsite affordable housing.
- vi) A financial contribution towards medical facilities in Hagley.
- vii) A financial contribution towards community facilities in Hagley.

Conditions:

- 01. Three year time limit.
- 02. Complete accordance.
- 03. Materials to be submitted.
- 04. External lighting.
- 05. Landscaping (tree protection scheme).
- 06. Landscaping (full scheme implemented prior to occupation and maintained).
- 07. Ecology- management plan for biodiversity setting out badger mitigation as recommended in survey report and details of bat/bird mitigation as recommended in survey reports.
- 08. Plans showing finished floor levels.
- 09. Age restriction over 60 with partners 55 and over.
- 10. Detail of finished floor level to be agreed.
- 11. Footpath to be laid out and made available for use prior to occupation.
- 12. Noise attenuation prior to occupation.
- 13. Highways conditions.
- 14. Balcony/glazing details to maintain with obscure glazing in perpetuity.
- 15. Drainage details to be submitted in line with SuDs principles or as otherwise agreed in writing.

Case Officer: Suzanne Clear Tel: 01527 881694
Email: suzanne.clear@bromsgroveandredditch.gov.uk