

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
WEST MERCIA HOUSING GROUP 'A'	"Foyer" scheme to consist of 11 no. studios and 4 no. flats, communal living room, training kitchen, IT suite, laundry, staff office, interview room and staff sleepover flat with associated access and parking arrangements 150-152 New Road, Aston Fields, Bromsgrove (as amended by plans received 11.11.2008 and augmented by supplementary information to the Management Statement received 15.10.2008)	RES	B/2008/0810 02.12.2008

RECOMMENDATION: that permission be **GRANTED**.

This application was deferred at the meeting of the Committee held on 3rd November 2008 at the request of Councillor S. R. Peters in order to obtain additional information on highway matters.

COMMITTEE SITE VISIT: 30th October 2008

Consultations

WH

Consulted - views received 18.09.2008:

- Recommends that permission be deferred for the following reasons:
 - The indicated parking spaces 1 - 5 on the application drawings and the proposed bin store encroach into the highway. The concrete parking area in front of the garage is considered to be Publicly Maintained Highway and our records indicated was adopted in 1957 under the Private Street Works Act 1892. The applicant needs to amend their proposal to either:
 - Remove the parking spaces 1 - 5 and the bin store and maintain the highway boundary as it is using a material that is acceptable to the Highway Authority. This will require a section 278 agreement; or
 - The applicant can progress a stopping-up order under section 247, TCPA, to remove the parking bays and bin store from the Highway should a consent be granted. However, the doors to the bin store should not open over the highway. The Highway Authority under this scenario would wish to retain a 2 metre strip adjacent to the carriageway which would need to be constructed as a footway / vehicle cross over. All landscaping proposals from this area should be excluded.
 - The applicant should revise their proposal and state their intention regarding the potential stopping-up.

Reconsulted with amended plans: views received 09.10.2008:

- No objection subject to Conditions.
- The applicant's submission will result in minimal additional vehicle movements to the development site. There is sufficient road width to allow emergency access and operating room for an appliance. As

the development is in a sustainable environment and the developer is promoting alternative means of access other than a car, the Highway Authority considers that there is no sustainable reason for an objection.

Strategic
Housing
Manager

Consulted - views received 20.10.2008:

- Bromsgrove District Council has a key role and responsibility for addressing homelessness for young people. The Housing Strategy 2006-2011 identifies the need to review the lack of specialist accommodation for young people only, with a view to providing more intensive support, on site support and training.
- In its role as a Regional Centre of Excellence for Youth Homelessness, the Council is seeking to create more 'Pathways to Housing' for young people. The Council is aware of affordability issues in the District and the imbalance in the housing market and how this impacts on younger people. The Council is currently funding a private tenancy scheme through Bromsgrove Youth Homelessness Forum to offer more housing options for young people in the District. However, a buoyant private rented sector means these opportunities are limited due to affordability issues.
- At present there is no accommodation provided by a Registered Social Landlord specifically for young single homeless people in Bromsgrove. A review of the housing needs of young people, carried out in conjunction with Supporting People, identified a gap in current service provision and established the need for a range of housing options to be developed.
- Supporting People are therefore commissioning a support service for younger people across North Worcestershire and the Foyers proposed for Bromsgrove and in another part of North Worcestershire will provide a much needed secure housing facility for young people who are committed to receiving support and training.
- Support service contracts are now outcome focussed. This means organisations record and are able to evidence how support has made a difference to someone's life. The service level outcomes include:
 - Economic well-being
 - Enjoying and achieving
 - Being Healthy
 - Safety and Security
 - Social and civic partnership.
- A Foyer aims to provide housing for young people who are unable to live at home. It provides a stable and secure community in which young people can receive support, help with gaining employment, training and help in finding permanent accommodation to achieve independence. It supports the Government's five-year strategy to reduce homelessness. 'Sustainable communities, Settled Homes, Changing Lives' emphasises the need for a holistic, integrated, co-ordinated approach, which tackles the wider causes and symptoms, and looks beyond the provision of housing to the wider range of services and support which may be required by individuals'.

- In 2004, Bromsgrove's Homelessness Strategy Steering Group commissioned, via Bromsgrove Youth Homeless Forum, research to identify the needs and preferences of young homeless people in Bromsgrove through a youth consultation exercise. 71 interviews were conducted with young people from the general community over a six week period. The findings showed that there was a prevalence of 'sofa surfing' amongst young people in Bromsgrove and a high proportion of those interviewed had some experience of 'feeling they had nowhere to go'. 61% indicated that they would prefer to be accommodated in the Bromsgrove area. The survey concluded that young people want an affordable place of their own or, where this is not available, a self-contained bed-sit within a supported type accommodation.
- In Bromsgrove, the majority of those who are accepted as homeless are homeless due to parents, family and friends no longer willing to accommodate them. During 2005/2006, out of the 175 households accepted as homeless, 86 were homeless due to parents / relatives or friends being no longer willing to accommodate them. A significant proportion of these were under 25 years of age. Centrepoint produces a youth homeless snap shot survey every year which maps the extent of homelessness amongst young people in Worcestershire.
- On the 14th November 2006, the Government introduced a new target to ensure that 16/17 year olds are not placed in bed and breakfast from 2010.
- As part of the Council's Strategic role and working in partnership with a range of agencies, we gather needs information and the following illustrates the problems with youth homelessness in the area.
- The following sets out some of the key statistics.
 1. Homelessness P1E Return to CLG
 - 2005/2006 38% of all homeless acceptances (175) were under 25 years of age.
 - 2006/2007 33% of all homeless acceptances (123) were under 25 years of age.
 - 2007/2008 41% of all homeless acceptances (90) were under 25 years of age.
 2. Annual 'Centrepoint Snapshot Survey' 2007
 - Centrepoint has carried out an annual snapshot survey for a number of years. The aim is to gather information on the extent of homelessness amongst young people in Worcestershire. A range of agencies, which included 21 in total, took part in the survey. This involved members of staff completing a form each time they interviewed a young person aged 16 - 25 years old for the time period from 1 to 31 October 2007.
 - Summary of key results in relation to this report include:
 - A total of 191 young people presenting as homeless completed questionnaires.

- Of 300 reasons that had contributed to their homelessness, 171 of these attributed this to relationship breakdown with family (46%), family members (14%), friends (7%), equalling to 77% of contributing factors.
 - 17% said they had been sleeping rough, had no fixed abode or were living in a bed and breakfast. When asked did they have anywhere to sleep that night, 66% said yes.
 - The majority said they would like to live independently, 50% said they still needed housing support and advice.
 - Of the 191 who completed forms, 52 indicated that the use of a training flat would have assisted them in coming to a decision as to whether to leave home.
 - 38% of forms were completed by Worcester City.
 - 49% of the young people were in the 20 to 24 year old age group.
 - The greatest support need was housing support and advice and a deposit for a flat or house.
- Where we live is basic to our safety, security and well-being. Making the most of education, employment and training can be very difficult for those young people without a secure and appropriate home, which may mean that young people drift into less positive activities.
 - A Foyer in Bromsgrove will provide the safety, security and support to enable them to become self-sufficient, independent and fulfil their life potential.

Additional views received 03.11.2008:

- I attended I attended a Supporting People meeting at Worcester on Friday where we set the specification for the commissioning of the new support provider who will be supervising the New Road Foyer Scheme.
- The specification specifies the requirement for the support provider to arrange and maintain 24 hour attendance at the scheme (also backed up by an out of hours emergency officer).
- Additional funding is to be supplied to the support provider to enable this take place through:
 - Additional Supporting People Funds (agreed).
 - Additional contribution from West Mercia's service charge (agreed).
 - Revenue support from BDC (pending approval of budget).

EHO

Consulted - views received 30.09.2008:

- I have no objection in principle to the proposed development.
- However, I would recommend that if permission is granted, it should be conditioned to require the provision of noise insulated double glazing and ventilation, in accordance with the recommendation of the submitted noise survey (reference 7403-1).

EHO

Contaminated
Land

Consulted - views received 24.09.2008:

- I have reviewed the Applied Geology "Report on Phase I and II Ground Investigation at 150 New Road, Bromsgrove" (ref: AG847-08-H23) and have the following comments to make:

- The report represents a thorough site investigation that appears to have been carried out in accordance with current UK legislation and guidance.
- The report has concluded that made ground existing across the site is contaminated with elevated levels of arsenic and significantly elevated levels of lead.
- As such the report recommends two options to provide protection to human health receptors. These are:
 - prior to construction made ground is removed from site and a suitable depth of clean cover system laid in all soft landscaped areas.
 - the made ground is covered with a suitable depth of clean cover (calculated to be 530 mm when using the BRE guidance and considering a 1 metre depth mixing zone).
- We consider that either option is appropriate for use on this site. Any clean cover used must be demonstrated as being suitable for use either by testing at source or on site prior to the material being laid, or by the provision of certificates from the supplier of the material.
- Upon the completion of any remedial actions and prior to the occupation of the buildings a Verification Report must be submitted to and approved in writing by the Local Planning Authority to demonstrate that the agreed remediation works have been carried out.

- I therefore raise no objection subject to Conditions
- Tree Officer Consulted - views received 08.10.2008:
- No objection subject to Conditions.
 - The one tree of merit (the Willow) is being retained and there appears to be ample scope for a reasonable landscaping scheme to mitigate the loss of the 2 Cypresses.
- Network Rail Consulted - views received 01.10.2008:
- No objection subject to the imposition of informative notes.
- Natural England Consulted - views received 17.09.2008:
- No objection.
- WWT Consulted - views received 09.10.2008:
- No objection subject to Condition to cover the recommended mitigation measures, including swift boxes and internal / external bat boxes.
- West Mercia Constabulary Consulted - views received 16.09.2008:
- The police have no objections to this application.
 - A statistical analysis was conducted on three similar schemes in Hereford, Leominster and Ross to ascertain if such a project impacted on local crime and disorder.
 - For the Leominster site the statistics actually show that crime has decreased on this beat in both the year the Foyer was set up and the following year. Looking at figures for last year, crime figures have decreased further.
 - For the site in Ross there was a slight increase in crime on the beat containing the project during the year it was set up. However, since

then, figures have been decreasing. The last 12 months have been the lowest when compared to the previous years analysed.

- For the Hereford site in White Cross Road, crime rose quite dramatically in the first 12 months the Hereford Foyer was set up when compared to the previous year. White Cross Road suffers from several offences and is a popular location for crime to occur. It would appear on initial analysis that it contains various bed sits and flats alongside the Foyer itself.
- During the year 1st July 2007 - 30th June 2008, this particular Foyer has suffered 7 offences including Burglary, Possession of Drugs, Assault and Criminal Damage. Crime figures have gone down in 2007/2008 when compared with previous years.
- It is unclear as to whether the surrounding crime in White Cross Road is attributable to the residents of the Foyer.
- I have met with the development team and informed them that police involvement in the management of such a scheme is vital to ensure there are no issues around crime and disorder.
- The developer intends to apply for secure by design accreditation.

Publicity

2 site notices posted 18.09.2008 (expire 09.10.2008).

1 press notice published 12.09.2008 (expires 03.10.2008).

29 letters sent 09.09.2008 (expire 30.09.2008).

90 letters received including 1 letter from Councillor Mrs. C. J. Spencer:

- The principle of the development or the size of the development has not been justified.
- A full management plan is absent.
- The design of the building is not in keeping with the area of mainly Victorian style properties.
- Development would enclose and dominate the area.
- The comings and goings from the site would be the equivalent to that of 15 residential flats. This would equate to a density of 150 dwellings per hectare; this density would be at odds with the character of the area and far exceeds the Government's guidance in respect of densities of 30-50 dwellings per hectare.
- Impact on residential amenity.
- Aston Fields contains no facilities for the incoming residents.
- Congestion and access problems on Coronation Terrace.
- Limited parking provision.
- Concern over access for emergency vehicles in Coronation Terrace.
- Scale and intensity of the development would result in an over-concentration of one social group.
- Concern over anti-social behaviour, with activity late at night and other unsociable hours.
- The scheme will be a magnet for youths to congregate, leading to vandalism.
- Increased crime rate.
- Fear for personal safety.
- Loss of privacy.
- Noise issues.
- Demolition of the existing structures must be carefully managed.

- Disruption during construction phase.
- There is no guarantee that the accommodation would not be use for short-term housing.
- The use should be located in the Town Centre, not in Aston Fields.

Letter received 28.10.2008 from the Chairperson of the Aston Fields Residents' Association containing a petition acting as a formal objection to the scheme with signatures of those who object to the development.

The petition contains 865 signatures with the following heading:

- *We the undersigned object to The Foyer being built at 150 New Road in Aston Fields. We feel it is the wrong location and should be re-located in a more suitable location such as the Town Centre / industrial estate. If plans are passed we feel noise and nuisance, increased traffic and other problems will make the local area unsafe.*
- *To sign this petition you must be a resident in Bromsgrove District.*

The site and its surroundings

The site is located between New Road and Coronation Terrace in Aston Fields, Bromsgrove. The site is occupied by two no. residential styled two-storey properties previously used as an Electronic Wholesaler and a Taxi Operator. The buildings are currently vacant and are linked with a single storey extension. The buildings have been incrementally extended and flat roof extensions are evident to the rear elevation. Facing Coronation Terrace are eight no. flat roof pre-fabricated garage units with a small access to the rear of the properties where a further 3 no. flat roof pre-fabricated garages and hard standings for at least 3 cars are provided. The garages are in a poor state of repair.

New Road and Coronation Terrace bound the eastern and western sides of the site respectively. The site itself is relatively flat, however due to the surrounding topographical features, there is an approximate 2.5 metre change in level from the front of the site to the pavement level of New Road. An existing stone retaining wall with in part, brick infill along the entire eastern edge of the site. The topography on the western boundary along Coronation Terrace is relatively flat.

There are two existing flatted developments to the north and southern boundaries. Osnor Court consists of a three-storey block, with both the upper levels served off a deck access with communal staircases at either end. The development appears to be circa 1970's, with red facing brick and concrete roof tiles. This building primarily fronts on to Coronation Terrace. Elms Court is a three-storey building with underground parking constructed from buff brickwork and concrete interlocking roof tiles with reconstituted stone features, sills and head. This structure is of more recent construction and is served off New Road (the scheme being approved in 2003 under planning application reference B/2003/0577). The southern boundary consists of a retaining wall with close boarded fencing over as New Road itself drops from north to south, the finished ground floor level of Elms Court is significantly lower to that of the existing buildings on the development site. Facing the site on the Coronation Terrace boundary are a number of two-storey traditional terraced properties of a Victorian 1900's style. Facing the site on the New Road boundary is the Ladybird Lodge, which offers short-term overnight accommodation, constructed in a modern 1990's vernacular.

The site is approximately rectangular on plan, approximately 38.8 metres by 24.4 metres, with a site area of 981.864 square metres. Three notable tree specimens are located within the site.

The site is located in a recognised residential area.

Proposal

The scheme relates to a full application for the demolition of the two main buildings and associated garaging and the erection of a three-storey building consisting of 15 no. bedroom units (11 no. studios and 4 no. self-contained units), together with communal facilities consisting of lounge with integrated training kitchen, IT training suite, office, interview room and laundry. Additionally, a staff sleepover room is provided on the first floor.

The building is of modern design, with a brick base and rendered upper stories and cedar boarding to the projecting bays. Due to the perceived height of the building on New Road and the approximate 2.5 metre change in level on New Road to the ground floor of the building, the roof has been kept to a low pitch of 17.5 and will be finished with Cemex Russell Grampian roof tiles, colour slate grey.

Two no. mature Lawson Cyprus specimens sited on the New Road frontage of the site are to be removed. The mature Goat Willow specimen to the rear of the site is to be retained.

Due to the changes in level between the site and the street level on New Road, vehicular access to the development is retained off Coronation Terrace, with access through a gated boundary treatment. The scheme proposes three no. car-parking spaces to the rear of the proposed building within this fenced area (to be constructed over a cellular tree protection system). A secure bin store and secure cycle storage shelter for eight cycles are located to the rear boundary with Coronation Terrace.

In relation to refuse storage and collection, it is proposed to wheel the bins approximately 20 metres up Coronation Terrace to the rear entrance of Osnor Court where the refuse vehicles presently manoeuvre into. The applicant's agent has confirmed that the applicant will undertake this procedure on collection day should it be apparent that there would be any difficulties for manoeuvrability on Coronation Terrace for the refuse vehicle. In addition to this, the refuse storage facility currently allows for 200% storage of refuse to that which is required. Therefore, if on any day collection is not undertaken, a back up of 2 eurobins are available within the facility.

For the reference of Members, the existing boundary treatment to the southern boundary with Elms Court is to remain (1.8 metres high close boarded fencing, equating to approximately 1.5 metres high from the application site due to land level differences). This boundary has been enhanced between the edge of the proposed building and the secure bin store shelter with a 1 metre wide landscape strip of defensible planting.

The proposal relates to a supported affordable housing scheme for young people, offering opportunities to access education, training and employment. The scheme will operate for 16-25 year olds and, in order to be eligible for the accommodation, potential

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tenants will be required to demonstrate a commitment to education, employment or training. The concept of the scheme is to provide young people the opportunity of a supportive environment to start or complete education and training and commence employment. It also gives them a chance to enhance their life skills to make sure they are ready to live independently once they leave the Foyer.

Since the planning application was submitted, it has now been agreed that 24-hour staffing at the project will be provided, backed up by a 24-hour call-out facility managed by the support provider agency. This arrangement will begin from day one and will cover the project 7 days a week, 365 days per year. This 24/7 funding arrangement will be reviewed by all parties after three years. This has again been confirmed by the applicant in correspondence dated 3rd November 2008.

In relation to alternative sites, the following schedule was considered by West Mercia Housing Group in close liaison with the Strategic Housing Manager. I include a table, with comments for the reference of Members:

Site	Comments
Burcot Lodge Hostel Burcot Lane Bromsgrove	Still in use as a Hostel and needed to remain as one. The site is also unsuitable regarding trees and land area requirement.
Former Sidemoor School Broad Street Bromsgrove	Site split in two by nursery which is still in use, so not suitable.
Teacher's Centre Stoke Road Aston Fields	Worcestershire County Council site being used as teachers' training facility. Site not available.
County Buildings Windsor Street Bromsgrove	Still in use and likely to be until the Town Centre regeneration plan is finalised. Site not available within realistic timescale.
Finstall Mount Hotel Alcester Road Finstall	Not on the market, but unsuitable location as it is out of town with no facilities nearby. Site not available.
The Limes 31 Halesowen Rd Lydiate Ash	Unsuitable location, out of town with no facilities nearby. May consider for other potential projects.

For the reference of Members, full details of the management statement, together with supplementary information were provided in the appendices attached to the Agenda for the 3rd November 2008 meeting of Planning Committee.

A Design and Access Statement (incorporating a Tree Survey, Noise Survey, Ecological and Environmental Assessment, Traffic Management Strategy and Management Strategy) and a Ground Investigation Report have accompanied the application and are available in the planning file should Members wish to view them.

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Relevant Policies

WMSS QE1, QE2, QE3, CF2, CF3
WCSP CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1
BDLP DS3, DS13, S7, S15, S28, C17, TR1, TR11
Others PPS1, PPS3, PPS9, PPG13, PPG17, Circular 06/98, Circular 06/05, SPG1, SPG11

Relevant Planning History

B/2000/1189 Change of use from office to taxi booking office (resubmission of B/2000/0900): Approved 18.12.2000.
B/2000/0900 Change of use from office to taxi booking office: Refused 16.10.2000.
B/1999/0583 Installation of extractor and chimney: Approved 25.08.1999.

Notes

For the information of Members, neither the Bromsgrove District Local Plan or the Worcestershire County Structure Plan contain policies relating to the building of hostel-style accommodation in the District. However, given the residential emphasis of the scheme, I consider the appraisal of the application must be directed to the provisions of policy S7 of the BDLP and whether the proposed development accords with the criteria set out in this policy. I also note the comments from third parties and consultees arising from the consultation exercise, with particular reference to those relating to perceived fear of crime and perceived anti-social behaviour arising from incoming residents.

Density

The proposed development would result in a housing density of some 152.9 dwellings per hectare. This figure is well in excess of the 30 dwellings per hectare minimum standard as set out in PPS3. Higher densities are advocated in Town Centres or where there is good public transport. This is largely explained through the scheme relating to the provision of apartment-style accommodation within one building. Whilst noting this high density figure, I am of the view that the proposed block would not appear so dense as to be out of character with the area. Three-storey apartment blocks are evident flanking the site to New Road (Elms Court) and Coronation Terrace (Osnor Court). The site is also within the vicinity of good public transport links, including the railway station. Given this context, it is my view that the density of the proposed development is not inappropriate and refusal on this ground would be difficult to justify at appeal.

Form and Layout

In assessing the context of the site, I am of the view that the development needs to relate to the surrounding buildings and locality rather than the buildings which it is to replace. The area is characterised by a mix of building design. This ranges from the traditional two-storey terraced dwellings in Coronation Terrace, to the two / three storey Ladybird Lodge in New Road and the modern three storey flats of Osnor Court in Coronation Terrace and Elms Court in New Road.

I consider the design of the new building to be contemporary in style and exhibit a strong design quality. The modern architectural approach of the building is of striking design with a variety of external facing materials that provides visual impact and interest. The siting of the new building has been carefully approached and, in my view, adds to the vitality and variety of house types and other buildings in this location. Although I note the views of third parties, given the context of the site and the type and design of the surrounding residential units, including that of Elms Court, I find the form and layout of the scheme to be acceptable.

Play Space Provision

The application falls within the threshold for affordable housing as detailed in policies RAT5 and RAT6 of the Bromsgrove District Local Plan. Members will note that the scheme does include a communal recreation / amenity space that is to be provided specifically for residents of the development and will be aware that the scheme does not relate to family housing provision. Finally, this scheme is a further opportunity to provide commitment to the Council's objective of affordable housing in the District.

Given these site-specific circumstances and the type of units proposed, I consider the scheme to be acceptable in its current form. As such, I therefore do not consider it appropriate to request additional on-site play space provision or a financial contribution for off-site provision in this instance.

Housing Oversupply Issues and Affordable Housing Provision

Affordable housing is defined in PPS3 Annex B as:

Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should:

- *Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.*
- *Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.*

The terms *affordability* and *affordable housing* have different meanings. *Affordability* is a measure of whether housing may be afforded by certain groups of households. *Affordable housing* refers to particular products outside the main housing market. *Housing need* relates to the quantity of housing required for households who are unable to access suitable housing without financial assistance.

For the interpretation of the application, I consider that the scheme relates to the provision of affordable housing. Given these circumstances, I do not consider the issue of housing oversupply is relevant to this application and the scheme can be treated as an exception to the Council's current approach to this issue.

The scheme accords with the Council's strategic housing objectives and first priority. The Council will therefore retain nomination rights to the occupiers of the units through West

Mercia Housing Group. Given the involvement of the Council through this mechanism, there is not considered a need to address this issue through any form of additional legal mechanism. However, I consider it pertinent to impose a suitable condition to properly address and control this issue in order to ensure the units remain as affordable units in perpetuity. Members will note the views of the Strategic Housing Manager on the merits of the scheme.

Effect upon Trees and Vegetation

The proposal will lead to the loss of two mature tree specimens to the frontage facing New Road. The mature Goat Willow to the rear is proposed to be retained. The Council's Tree Officer has raised no objection to the removal of the two frontage trees subject to the imposition of suitable tree and landscaping Conditions.

Following the meeting of Planning Committee on 3rd November 2008, an additional landscaping belt has been proposed to the southern boundary with Elms Court between the rear of the building and the secure bin storage shelter. This proposes a one metre wide landscape buffer with defensible planting. This can be controlled through the landscaping condition.

Impact on the Amenity of Adjacent Occupiers

Although not relating to a pure residential development scheme, I consider the contents of SPG1 to be relevant. This document sets out design guidance for residential development including separation distances to existing dwellings so as to avoid detriment to residential amenity due to overlooking, overshadowing and overbearing affects. The Guidelines suggests that new development with main windows overlooking existing private spaces should be set back by a distance of 5 metres per storey from the site boundary where it adjoins a private garden area. I consider these distances can be applied to the habitable rooms within the development, with particular reference to the studio bedrooms.

The scheme would appear to meet the separation distances for overlooking detailed in SPG1 in relation to the existing dwellings in Coronation Terrace. Osnor Court is located to the north-west of the proposed building, with windows serving habitable rooms facing due east. No windows are located to the southern gable directly facing the application site. Elms Court contains windows at ground, first and second floor level facing the application site to the north elevation of this building. These relate to the secondary lounge and main kitchen windows to all three floors. The windows serving the ground floor flats sit at a lower level than the application site and face the boundary fence dividing this site from the application site. The first floor and second floor windows are visible from the application site, although all the windows save the last secondary lounge window to the furthest flats at first and second floor level to the north-west of the block currently face the existing building on the application site.

Although I note the new building would impact on those rooms in Elms Court facing the application site, the existing structure currently exhibits an element of established harm to residential amenity for the occupiers of these units. The contents of SPG1 should be used flexibly and I do not consider that, given the size of the kitchen in the flats in Elms Court, these rooms can be viewed as relating to habitable rooms that require enhanced

protection. I am also mindful that the new structure has been located a greater distance away from the boundary than the existing structure which alleviates the impact over and above that of the current relationship between the two buildings.

Although the rear of the new building faces the rear of Osnor Court, the closest form of this building contains communal stairwell windows, a high level window and individual entrance doors accessed off an external balcony. The two buildings are also located at an oblique angle to each other. The majority of land to the rear of Osnor Court is given over to parking and has limited private amenity space. Given these factors, as such I do not consider the scheme would adversely affect the amenities of the occupiers of these units or lead to adverse overlooking issues.

I am mindful, however, to attach a Condition ensuring the ground, first and second floor windows to the north and south gables are obscurely glazed and remain so for the duration of the development, together with the requirement to be permanently fixed in order to maintain privacy levels.

I do not consider the scheme introduces any greater loss of amenity to the activities of the children's nursery site to the south of the site accessed off Stoke Road than that of Elms Court approved in March 2004 under planning application reference B/2003/0577. Members will note the relationship between the built form of the two premises, the containment of outside activity carried out at the nursery away from the application site and the area immediately adjacent the site boundary being currently utilised for car-parking for staff and visitors.

Given these circumstances, I am reasonably satisfied the development would not affect the existing amenities of the adjoining occupiers and to be able to secure and accommodate an acceptable level of privacy and separation as detailed in criteria (e) of policy S7 of the Bromsgrove District Local Plan and the guidance within SPG1.

Traffic and Highway Implications

Highway safety is detailed in policy TR11 of the BDLP and policy T.1 of the WCSP. These policies require that all development incorporates safe means of access and egress appropriate to the nature of the local highway network.

The development proposes vehicular access leading off Coronation Terrace. The scheme proposes 3 no. parking spaces for staff, this being sufficient for staffing calculations of a maximum of 2-3 staff being at the project at any one time. With respect to external care support, other professional assistance and visitors, these persons will be expected to use the public parking facilities on New Road, or within the public car-park located at Bromsgrove Train Station located off New Road.

The applicant has offered the area of land, which is in their ownership, off Coronation Terrace for car parking space provision for the residents of Coronation Terrace. Part of this land is currently adopted highway in the ownership of the applicant. There would ultimately be a Section 278 agreement undertaken with Worcestershire County Council and West Mercia Housing Group to pass the parcel of land into the extent of adopted highway which would allow up to an additional 5 car spaces to be accommodated off Coronation Terrace for use of the residents of Coronation Terrace. It is acknowledged

that due to the adoption process it is not possible to stipulate who parks in this area. However, the applicant can ensure under the terms of any management agreement that direction to park in this area is avoided and guidance to visitors under any capacity to the Foyer is to park on New Road or the public car park located on the railway station off New Road.

In relation to the issue of car ownership by residents, the applicant has stated that historically, virtually all residents of Foyer schemes have not had a car and will not be able to get one by the time they leave a Foyer. Currently, out of the 3 Foyers operated in Herefordshire, not one resident has a car. In general, the experience of the applicant is that most residents of a Foyer will be training or working in lower paid work or trying to access work or training. In this respect, they will not be in a position to have sufficient funds to buy or lease a car in the main.

Although I note the views of third parties in relation to access, emergency access and parking issues, WH have raised no objection to the scheme subject to the imposition of suitable Conditions. Members will also note the scheme is located in a locality with good public transport links and sufficient on-road parking and public car-parking.

In relation to construction traffic, Members should note the contents of Paragraph 71 *Lorry Routeing of Circular 11/95 The Use of Conditions in Planning Permissions*. This states that *planning conditions are not an appropriate means of controlling the right of passage over public highways. Although negatively worded conditions which control such matters might sometimes be capable of being validly imposed on planning permissions, such conditions are likely to be very difficult to enforce effectively. It may be possible to encourage drivers to follow preferred routes by posting site notices to that effect, or by requiring them to use a particular entrance (or exit from the site). But where it is essential to prevent traffic from using particular routes, the correct mechanism for doing so is an Order under either Section 1 or Section 6 (as appropriate) of the Road Traffic Regulation Act 1984.* Members should be mindful that the status of Coronation Terrace, by way of being an adopted road, ensures accessibility to the site cannot be impeded or revoked.

The issue of construction traffic management is detailed in the submitted Design and Access Statement. A traffic management strategy for the development has been prepared. Delivery will be made via Coronation Terrace.

This states:

- Notice will be given to local residents at 21 days and 7 days prior to the commencement of deliveries.
- Regular newsletter produced and distributed to residents.
- All deliveries to be kept between the hours of 9.00 a.m. and 3.00 p.m.
- A designated Traffic Management Marshall on site at all times. The Marshall will hold deliveries on the A38 and control passage.
- No articulated lorries to be used on the project.
- A strict 'no parking' zone to be enforced for all Bullock Construction Personnel. This zone extends to the whole of the extent of Coronation Terrace, the access road to Osnor Court and the flanking aspect of Coronation Terrace to Stoke Road.

In addition, discussions are being entered into in order to allow the applicant's contractor the opportunity to park on New Road for the duration of the construction period. At a more appropriate time to the construction phase of the project, consideration to the design and fabrication of the building will also be undertaken in relation to items such as the handling of materials, lightweight materials and locally sourced materials. The applicant has committed itself to Timber Frame Panel Construction which will speed up the superstructure construction process. As part of the considerations of the construction process, the use of smaller sized panels will be reviewed. This will assist in reducing the type of heavier plant likely to be used on the project.

In addition, the contractor will be legally obliged to adhere to the regulations of CDM (Construction (Design and Management) Regulations 2007) for all aspects of Health and Safety on site and around the site in terms of accessibility and this extends to all personnel associated with the construction process which the contractor will manage. The contractor is also signed up to a national scheme known as 'Considerate Contractor Scheme' which is governed under a code of practice ensuring that the contractor works closely with the public during the construction process. These are reflected in the points above.

Ecological and Biodiversity Issues

PPS9 *Biodiversity and Geological Conservation* sets out planning policies on protection of biodiversity and geological conservation through the planning system. PPS9 encourages Local Planning Authorities, in making planning decisions, to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, Local Planning Authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment (paragraph 1). PPS9 goes on to state that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where granting planning permission would result in significant harm to those interests, Local Planning Authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, Local Planning Authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused (paragraph 1).

An ecological survey has accompanied the application. No protected species have been identified on the site. The survey puts forward ecological enhancement and protective measure recommendations. As such, I consider the scheme to comply with policy QE7 of the West Midlands Spatial Strategy, policy CTC.12 of the Worcestershire County Structure Plan and policy C10a of the Bromsgrove District Local Plan. These policies reinforce the philosophy of both PPS9 and Circular 06/05.

Subject to the imposition of a suitable Condition to ensure the recommendations are put in place, English Nature and WWT raise no objection to the scheme.

Fear of Crime and Anti-Social Behaviour

Members will note the views of third parties and the considerable number of letters received as a result of the consultation process. Many objectors have expressed their fear that crime and anti-social behaviour in the area would increase as a result of the development. It has been established in the Court of Appeal (*West Midlands Probation Committee v SoSE and Walsall MBC [1998]*) that fear of crime is a material planning consideration. However, a more recent case (*Smith v FSS and Mid Bedfordshire DC [2005]*) has made it clear that, if fear of crime is to be a material consideration, there will need to be some reasonable evidential basis for that fear. Section 17 of the Crime and Disorder Act 1998 states that a Local Planning Authority has a duty "to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area".

Policy DS13 is a general policy relating to sustainable development. Amongst other things, it sets out a requirement for all development to reflect the need to safeguard and improve the quality of life of residents by ensuring social progress which recognises the needs of everyone and by protecting the area's character and environmental assets, including the character of settlements.

Whilst I do not doubt that the fears of those who have objected to the proposal are very real, they are nevertheless unsupported by clear evidence. Members will note the views of West Mercia Constabulary's Crime Risk Manager and the information contained in the appendices attached to the Agenda for the 3rd November 2008 meeting of the Committee.

I am aware that a statistical analysis was conducted on three similar Foyer schemes in Hereford, Leominster and Ross to ascertain if such a project impacted on local crime and disorder. In Leominster, the statistics actually show that crime has decreased on this beat in both the year the Foyer was set up and the following year. Looking at figures for last year, crime figures have decreased further. For the site in Ross, there was a slight increase in crime on the beat containing the project during the year it was set up. However, since then, figures have been decreasing. The last 12 months have been the lowest when compared to the previous years analysed. For the Hereford site in White Cross Road, crime rose quite dramatically in the first 12 months the Hereford Foyer was set up when compared to the previous year. White Cross Road suffers from several offences and is a popular location for crime to occur. It would appear on initial analysis that it contains various bed sits and flats alongside the Foyer itself. During the year 1st July 2007 - 30th June 2008, this particular Foyer suffered 7 offences including burglary, possession of drugs, assault and criminal damage. Crime figures have gone down in 2007/2008 when compared with previous years. Members will note that the WMC Crime Risk Officer states that it is unclear as to whether the surrounding crime in White Cross Road is attributable to the residents of the Foyer.

I am mindful of the Government's aim to create safe and accessible environments where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion (paragraph 36 of *Planning Policy Statement 1: Delivering Sustainable Development*). Sites for such schemes have to be found. Similar schemes have not caused an increase in crime, and there is nothing to suggest that such a scheme in Aston Fields would be any different. I acknowledge that the third parties' fear of crime is very

real but I am not aware of any reasonable evidential basis for that fear. In my view, this issue cannot therefore be a material consideration, or a legitimate basis on which to refuse planning permission.

Conclusions

I note that the application would, in principle, be acceptable in that it proposes a type of residential development in an area designated for residential use. The site falls within the definition of a previously developed site and, as such, its development would be in general accordance with Government objectives set out in PPS3. However, it is noted that Government guidance does not automatically allow the development of urban sites and issues such as layout and effect upon character and residential amenity are all material factors that may result in a residential scheme in an urban area being unacceptable.

Members will note that the main concerns arising from third parties relate to the potential behaviour of residents outside the premises, which is largely outside the control of the operator. The role of the planning system is to ensure that any new development will not cause material detriment to the built environment, including the existing levels of residential amenity to adjoining occupiers. It is not within the remit of planning to control the nature of the use by way of who can and cannot use such premises. This is by way of other legislation, for instance, the Crime and Disorder Act.

It is important to acknowledge that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid planning reasons. Similarly, any loss of amenity for local residents and the widely held concerns and anxiety about the perceived impact of the development on community safety must be weighed against the undoubted benefits of the development and what the Foyer scheme is seeking to achieve. Members will be aware that the scheme will provide care and treatment to enable residents eventually to enjoy a fuller, independent life as members of the community. I also acknowledge that the objective to secure an inclusive community has clear sustainable benefits given the location of the site adjacent good bus and train services and the range of key local facilities in Aston Fields within walking distance, together with that of the Town Centre.

Members will also note the views of the Strategic Housing Manager, whereby the District Council has a key role and responsibility for addressing homelessness for young people. The Housing Strategy 2006-2011 identifies the need to review the lack of specialist accommodation for young people only, with a view to providing more intensive support, on-site support and training. This supports the Government's five-year strategy to reduce homelessness.

Given all material considerations, I find the scheme to be acceptable.

RECOMMENDATION: that permission be **GRANTED**

1. 3 year time limit.
2. The development hereby permitted is for affordable housing only. Prior to the commencement of development a scheme for the provision of affordable housing will be agreed with the Local Housing Authority and submitted to the Local

Planning Authority. The scheme will include arrangements to control occupancy and ensure that the development initially meets and continues to meet local affordable housing needs in accordance with priorities set by the Local Housing Authority.

3. The procedural aspects for occupancy selection, occupancy management and operation of the Foyer Scheme contained in the Foyer Scheme Management Statement (August 2008) and Supplementary Information to support the Management Statement (October 2008) shall be undertaken in their entirety without deviation, unless otherwise agreed in writing by the Local Planning Authority.
4. Prior to the commencement of works hereby permitted, full details of the secure bin storage shelter and secure cycle storage shelter (to include elevations and external finish) shall be submitted to and approved in writing by the Local Planning Authority.
5. The existing buildings shall be demolished and all the resultant materials removed from the site before development in pursuance of this permission is commenced.
6. C37 (insert "including doors and windows, door frames and window frames as well as rainwater goods" after roofs).
7. Prior to the occupation of the development hereby permitted, the ground floor, first floor and second floor windows to the north and south gable elevations of the building serving the stairwells shall be fitted with obscured glazing and be fixed permanently shut in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.
8. Prior to the occupation of the development hereby permitted, noise insulated glazing and noise insulated ventilation measures shall be installed in accordance with the recommendations contained in Section 9.0 *Recommendations* of the submitted Noise Survey Report 7403-1 (25th July 2008).
9. C9
10. C10 (to include an external lighting scheme and details of the cellular tree protection system in relation to the Goat Willow).
11. C11
12. C12
13. C13
14. C14
15. C15
16. C16
17. C17
18. C18
19. C19
20. C21
21. Prior to the occupation of the development hereby permitted, the implementation of recommendations of the Evolution Ecology BREEAM Assessment (undated) as set out in Section 5 of this document shall be undertaken in their entirety without deviation, unless otherwise agreed in writing by the Local Planning Authority.
22. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning

- Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
23. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority prior to the occupation of the building.
 24. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 20 and, where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of condition 21, which is subject to the approval in writing of the Local Planning Authority.
 25. Any new access gates / doors shall be set back 5 metres from the adjoining carriageway edge, and shall be made to open inwards only (HC7).
 26. Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be agreed in writing with the Local Planning Authority (HC8).
 27. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times (HC25).
 28. Prior to the first occupation of the units hereby approved, secure parking for 8 cycles to comply with the Council's standards shall be provided within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only (HC35).
 29. The development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision be retained and kept available during the construction of the development (HC51).

Reasons

2. To ensure the proposed units are provided at an affordable level and to meet local housing need in accordance with policy S15 of the Bromsgrove District Local Plan 2004.
3. To ensure the proposed units are provided at an affordable level and to meet local housing need in accordance with policy S15 of the Bromsgrove District Local Plan 2004.
4. In order to secure a well-planned development in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.
5. In order to secure a well-planned development in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.

7. To protect the amenities of adjacent occupiers in accordance with policies S7 and DS13 of the Bromsgrove District Local Plan 2004 and policy SD.2 of the Worcestershire County Structure Plan 2001.
8. To ensure that the noise from the adjacent railway line is within acceptable levels in accordance with policies DS13 and S7 of the Bromsgrove District Local Plan 2004 and policy SD.2 of the Worcestershire County Structure Plan 2001.
21. To enhance the wildlife value of the site in accordance with policy C12 of the Bromsgrove District Local Plan 2004.
22. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES7 of the Bromsgrove District Local Plan 2004.
23. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES7 of the Bromsgrove District Local Plan 2004.
24. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES7 of the Bromsgrove District Local Plan 2004.
25. In the interests of highway safety.
26. In the interests of highway safety.
27. In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.
28. To comply with the Council's parking standards.
29. To prevent indiscriminate parking in the interests of highway safety.

Notes

The development should conform to Secured by Design Standards. Details can be found at www.securedbydesign.com

Additional or increased flows of surface water should not be discharged onto Network Rail land or into Network Rail's culvert or drains. In the interest of the long-term stability of the railway, it is recommended that soakaways should not be constructed within 10 metres of Network Rail's boundary.

No work should be carried out on the development site that may endanger the safe operation of the railway or the stability of Network Rail's adjoining land. In particular, the demolition of buildings or other structures must be carried out in accordance with an agreed method statement. Care must be taken to ensure that no debris or other materials can fall onto Network Rail land.

B/2008/0810-DMB - "Foyer" scheme to consist of 11 no. studios and 4 no. flats, communal living room, training kitchen, IT suite, laundry, staff office, interview room and staff sleepover flat with associated access and parking arrangements - 150-152 New Road, Aston Fields, Bromsgrove - West Mercia Housing Group

In the interests of safety, all new trees to be planted near Network Rail's land should be located at a distance of not less than their mature height from the boundary fence. Details of planting schemes should be submitted to this office for prior approval.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

No work on the site should be commenced until engineering details of the improvements to the Public Highway have been submitted to and approved by the Highway Authority and an agreement under section 278 of the Highways Act 1980 entered into (HN6).

If it is the Developer's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to the County Council's Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act, 1980, entered into (HN7).

The applicants attention is drawn to the requirement that, in all cases where an agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief agreed with the Highway Authority and their design shall include any necessary amendments to the existing system. The design brief should be discussed with the Highway Authority prior to the commencement of the design (HN16).

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy (WMSS) June 2004, the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan (BDLP) January 2004 and other material considerations as summarised below:

WMSS	QE1, QE2, QE3, CF2, CF3
WCSP	CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1
BDLP	DS3, DS13, S7, S15, S28, C17, TR1, TR11
Others	PPS1, PPS3, PPS9, PPG13, PPG17, Circular 06/98, Circular 06/05, SPG1, SPG11

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.