

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Adrian Taylor	Proposed residential accommodation with care (Class C2) comprising 67 apartments with communal facilities, landscaping and parking  Former Fire Station And Library Building, Windsor Street, Bromsgrove, Worcestershire, B60 2BJ		18/01209/FUL

### RECOMMENDATION:

- (a) Minded to **APPROVE PLANNING PERMISSION**
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a S106 planning obligation ensuring that:
- (i) A financial contribution of £14,600 to be provided towards improvements to the bandstand infrastructure at Sanders Park, Bromsgrove
  - (ii) A financial contribution of £7320.47 for the provision of recycling and refuse waste bin facilities
  - (iii) Occupancy restriction to those aged 55 years or older who are assessed to be in need of care
  - (iv) A financial contribution of £139,930 towards Worcestershire Acute Hospitals NHS Trust

### Consultations

#### **Waste Management**

Access for the proposed bin store area is satisfactory. The 67 apartments would require a total of 32,160 litres of waste storage. This equates to 29x 1100ltr Euro bins, with a recommended split of 13x recycling and 16x domestic waste.

#### **NWWM**

No objection to the proposed development subject to conditions regarding

- Foul and surface water drainage

#### **Housing Strategy** Consulted 27.09.2018

No Comments Received To Date

#### **Conservation Officer**

The applicant has submitted a detailed Heritage Statement, which identifies the significance of the surrounding designated heritage assets including the listed buildings; 126 -130 High Street, the URC Church and Sunday School, all Grade II, and the Bromsgrove Town Centre Conservation Area. It also includes a setting assessment following the Historic England Guidance found in 'The Setting of Heritage Assets' Historic Environment Good Practice Advice in Planning: 3. The applicant has clearly attempted to

take on board the comments raised by the Inspector in respect of the appeal against the decision for an earlier application, 15/0836. The Inspector stressed the importance of S66 (1) and S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of new development preserving or enhancing the setting of listed buildings and the character and appearance of the Conservation Area. It was agreed by all parties that the existing buildings do neither. The Inspector also highlighted, regarding the earlier scheme that only preserving the current situation would mean that the current negative situation would continue. Weight was also attached to Paragraphs 64 and 131 of the NPPF (now paragraphs 130 and 192 of the revised NPPF, July 2018), stating that planning permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions and that account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness.

The applicant in the Heritage Statement highlights that the proposed scheme reflects the terracing found in the Conservation Area, and the clear vertical rhythm and well-proportioned fenestration is more sympathetic to the listed buildings in the High Street. The use of the setback in respect of the south west end of the front building also allows clear views of the URC Church along Windsor Street, and due to this part of the building being only one storey higher it would be less dominant in terms of the listed building. The return wing is set back from the listed building also to avoid dominance over the URC Church.

I would agree that this is a much improved scheme and the applicant does appear to have taken on board not only the comments made in respect of the previous scheme but also the detailed comments made by the Inspector.

I do have some areas of concern which are as follows

1. I welcome the choice of different red bricks to break up the elevations. I am not so convinced by the proposed use of stone which with the exception of the Church is generally used for detailing rather than for entire facades. I would also object to the use of the proposed timber, which does not sit comfortably in this form with the local vernacular.
2. I have concerns about the proposed balconies, which do not have the appearance of a detail which is integrated with the scheme, but look more like an add on.

Subject to the clarification of the above points I would hope that this scheme will comply with the statutory requirements set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Historic Environment policies in the Bromsgrove Local Plan.

Updated Comments 24<sup>th</sup> January 2019

1. I welcome the use of slightly different coloured bricks, and this will provide some variety to the appearance of the building. It is however difficult to assess the actual final appearance of the bricks from the photographs provided. The appearance will also depend on the colour of the mortar, and this would not yet appear to have been decided upon. I therefore think that it would be appropriate for sample walls to be constructed on site with the choice of mortar, before a final decision is made. This element of the application could therefore be conditioned.

2. I have concerns about the use of shot blasted masonry rather than using render. The applicant has correctly identified that render and painted brick are used in Bromsgrove, however as I said in my earlier comments, stone is not used except in the Church. The shot blasted masonry appears to be constructed in concrete blocks, and I have concerns that over time this element of the building will lose any uniform appearance it might have had when newly constructed and will look like a concrete block building. I would have no objection to a rendered finish, for this element, in an appropriate colour.
3. I do feel that using a different brick bond to stretcher bond adds interest to the appearance of the building, and I consider that this has been successful not just with the Waitrose building but also in the new library extension. I would like to see the applicant reconsider this point.

I note that the applicant has not altered the design of the balconies. I would reiterate that I would prefer to see a design which is integrated with the building, rather than appearing as a bolt on.

### **Bromsgrove Strategic Planning**

Whilst the proposal is contrary to the application site's intended use in Policy BDP17 of the adopted District Plan, the application is considered to effectively justify a relatively longstanding lack of comparison retail demand to occupy this site. Furthermore with the recent redevelopment of other town centre sites for retail uses, which offer potentially more preferable locations to attract any market demand that does currently exist for larger format comparison retail, it is considered that the context surrounding the original BDP allocation of the Windsor Street site has changed sufficiently to alter what could be considered the most appropriate use of this site.

In combination with the social, and to a lesser extent economic, benefits to be delivered to Bromsgrove from the proposed residential use, it could be argued the departure from Policy BDP17 is outweighed by these material considerations.

### **North Worcestershire Economic Development and Regeneration**

Whilst it is clear that the proposal is against the adopted policy position (BDP17), the information contained in the retail statement, coupled with our experience of the retail market and involvement in the other sites in the town centre, would suggest that their conclusions are relatively sound.

Despite the proposal being against policy it is considered that it would offer a number benefits, as follows:

- The proposal would result in residential development within close proximity to Bromsgrove town centre. This increase in population within this area will help to support all of the businesses and services within the town, which is an important economic benefit;
- Provide the redevelopment of a largely vacant site with the resulting development providing an active use and a more attractive site for the town, which is important for investor confidence;

### **Redditch & Bromsgrove CCG**

Redditch & Bromsgrove CCG is aware of the increasing number of care homes opening across Worcestershire and the extra strain that this puts on GP surgeries. To counter this, the CCG is encouraging practices to work together to provide strengthened resilience and sustainability.

Despite the above, Redditch & Bromsgrove CCG will not be seeking a contribution from the developer of this care home.

### **Worcestershire Acute Hospital NHS Trust**

The Trust has requested a contribution of £139,930, which will be used directly to provide additional services to meet patient demand. The Trust is currently operating at full capacity in the provision of acute and planned healthcare. This development imposes an additional demand on existing over-burdened healthcare facilities and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. The contribution is necessary to maintain sustainable development. Furthermore the contribution is carefully calculated based upon specific evidence and fairly and reasonably related to the scale and kind of the development.

### **Public Health**

Public Health have assessed the proposal and note that the demographics for Bromsgrove reveal an older population and there are already 22 similar types of accommodation specifically for the over 50's within the local area. It would be beneficial for the health and wellbeing of all ages if the town has accommodation for younger and older people. Meeting older people is important for young people's long-term health and vice versa. If the application is granted the developer should note that Bromsgrove has recently been recognised as a Dementia Friendly Community; it would be appropriate that any building or planning application take into account the requirements and additional considerations to make the building "Dementia Friendly".

They make a number of recommendations to the developer in relation to site traffic, access to health facilities, noise, access to green space, air quality, renewable energy, crime and disorder. They have also requested a Health Impact Statement be provided by the applicant.

### **Senior Community Safety Project Officer**

No objection, but makes a number of recommendations that the applicant should consider regarding car park, external lighting, perimeter, building access control, security, mail delivery and noise nuisance.

### **Hereford & Worcester Fire and Rescue**

No objection

### **Highways - Bromsgrove**

No objection

The site has been subject to several previous planning applications for care facilities which have been revised in part for transportation reasons and the proposals subsequently dismissed at appeal. This application has taken on board the previous

concerns and the comments of the planning inspectorate and as a result this application is considered to be acceptable overall, but minor modifications are needed to bring the proposal in line with the current streetscape design guide but these can be address through the use of a suitably worded planning condition. The matters for the applicant to address either as part of this application or as part of the condition discharge process are. The number for cycle parking spaces falls below the required levels, a provision of 19 spaces (10 Sheffield racks) is needed across the site either through external provision with shelter or designed into the building.

The travel plan is acceptable subject to registration with [www.starsfor.org](http://www.starsfor.org) and the details uploaded, a welcome pack being provided for residents and staff, and a shower / changing facility with lockers being provided for staff.

The applicant has shown that the proposed car parking levels are suitable and the evidence presented is considered to be acceptable. The access is existing and given the low traffic generation that care homes produce is does not require any modification. Finally the Highway Authority has previously raised concerns about the refuse vehicle waiting on Stratford Road, this matter has been considered in the previous appeal and the inspector concluded that it was acceptable.

Finally the application generates fewer trips than the previous uses, so in that light it is not necessary or appropriate to require any financial contributions to be made.

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be a severe impact and therefore there are no justifiable grounds on which an objection could be maintained.

- Conformity with Submitted Details
- Existing access closure
- Construction Environmental Management Plan
- Electric vehicle charging point
- Accessible Parking Provision
- Motorcycle Parking Provision
- Cycle Parking
- Employment Travel Plan

### **Mott MacDonald Highway Consultants**

Mott MacDonald (MM) has been commissioned by BDC to provide a review of this planning application.

MM agrees with the transport statement and accepts the principle that the proposed development will generate fewer traffic trips than the extant use.

MM conclude that the data shows that there is sufficient parking provided within the site to accommodate the expected demand with a low risk that demand will exceed supply resulting in parking overspill. MM are satisfied that a suitable level of parking provision is proposed. MM are satisfied with the strategy to manage refuse collection with vehicles stopping on street form Stratford Road. The pedestrian provision provides connections to Bromsgrove Centre, Windsor Road and Stratford Road and as such is accepted by MM.

MM propose that the applicant should provide more information on the design of the site access junction with Stratford Road, prior to their approval on highway matters.

### **Worcestershire Archive and Archaeological Service**

No objection subject to conditions.

1. Written scheme of investigation
2. Completion of written scheme of investigation

### **WRS - Contaminated Land**

No objection subject to a tiered investigation condition.

### **WRS - Noise**

No objection subject to conditions

1. Specification of windows
2. Details of extraction for kitchen

### **WRS – Lighting**

No objection subject to lighting condition

### **Urban Designer**

The development is supported with some areas needing to be addressed prior to approval. It is felt that the scale, massing and design of the built form is acceptable and supported to where this would benefit and respond to its surrounding context. The amended development proposal is positively developed in light of the previous refusal.

### **Arboricultural Officer**

No Objection subject to conditions

- Tree protection measures
- Landscaping Plan

### **Leisure Services Manager**

The landscaping appears to be of good quality and is appropriate for the nature of the development for those requiring different levels of care providing good access linkage throughout the scheme along with areas for informal and formal contemplation.

Should this development fall short of providing the onsite requirements for open space provision, Leisure Services would seek contributions to improve the facilities and provision for the appropriate age range/s (55+) at the nearest park (Sanders Park, Kidderminster Road):

Of site contribution would be used for improvements to the Bandstand infrastructure which currently provides a variety of popular bandstand events specifically aimed at 55+ age ranges within the community. We propose improved circular pathway/s with seating surrounding the bandstand which would improve access for elderly, less mobile residents to enjoy the events and facilities within the park. This will be constructed of block paving as shown on the attached plan for a guided cost of £11,000. The completed circular pathway would include 6 benches which would provide seating for enjoyment of the facilities at estimated £600 per bench - total £3,600.

## **Publicity:**

103 letters sent on the 27<sup>th</sup> September 2018 (expired 21<sup>st</sup> October 2018)

1 site notice posted on the 8<sup>th</sup> October 2018 (expired 1<sup>st</sup> November 2018)

Press Advert published in the Bromsgrove Standard on the 5<sup>th</sup> October 2018 (expired 22<sup>nd</sup> October 2018)

## **Neighbour Responses**

6 responses have been submitted. 1 of these supports the proposal and makes the following comments:

- Current state the site is very unattractive and there is a desperate need for it to be developed
- Careful consideration has been given to all areas of the development

1 representation was made raising the following issues:

- Parking for construction and contractor vehicles
- Following the operation of development whether an assessment of whether adequate parking provision has been provided.
- Highway improvements as the result of development

4 letters of objection were received stating the following:

- Too many retirement developments in the vicinity of this site
- Site could be used for an alternative use, such as a cinema
- Access via Stratford Road is extremely flawed due to busy road
- Increase in traffic
- No improvement from previous scheme
- Negative impact on the attractiveness of the town due to the number of older residents
- Impact that the development could have on bar and restaurants in the area due to noise complaints
- The apartments should be available to all the community
- Overlook and dominate the rear aspects of the houses along Stratford Road, resulting in loss of privacy
- Extra burden on existing facilities and infrastructure, including GPs

## **Relevant Policies**

### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP6 Infrastructure Contributions

BDP7 Housing Mix and Density

BDP10 Homes for the Elderly

BDP16 Sustainable Transport  
 BDP17 Town Centre Regeneration  
 BDP19 High Quality Design  
 BDP20 Managing the Historic Environment  
 BDP21 Natural Environment  
 BDP22 Climate Change  
 BDP23 Water Management  
 BDP24 Green Infrastructure  
 BDP25 Health and Well Being

### **Others**

NPPF National Planning Policy Framework (2019)  
 NPPG National Planning Practice Guidance  
 SPG1 Residential Design Guide  
 SPG11 Outdoor Play Space in the District of Bromsgrove

### **Relevant Planning History**

16/0191	Demolition of existing buildings and erection of Retirement Living Housing for the elderly (category II type accommodation), including communal facilities, landscaping and car parking and affordable housing. Resubmission of application ref 15/0836	Refused (Appeal Dismissed 14.12.16)	10.05.2016
15/0836	Demolition of existing buildings and erection of 49 Retirement Living Apartments (category II type accommodation) including communal facilities, landscaping and car parking and 37 affordable apartments	Refused (Appeal Dismissed 14.12.16)	10.12.2015

### **Assessment of Proposal**

#### **The Site and its Surroundings**

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

#### **The Proposed Development**

This is a full application that seeks residential accommodation with care for 67 self-contained apartments (Class C2) for persons aged 55 years and over who are in need of care (following assessment). The development has extensive communal facilities including a lounge, coffee bar, restaurant, assisted bathroom, guest suite, hair salon, activities and therapy suite, mobility scooter store, 41 car parking spaces and outside landscaped amenity space. The breakdown of accommodation is as follows; 24 x one-bed units, 35 x two-bed units and 8 x three-bed units arranged predominantly over 4 storeys. The development will create 16-20 full time equivalent jobs as well as further jobs in the supply chain for the development.

### **Background on Developer and Care Offer**

Gladman Retirement Living has built over 40 Care and Nursing Homes throughout the UK. Their aim is to meet the current and future needs of older people who are in need of care, by constructing specialist developments that will enhance the local environment and contribute to the attainment of mixed and balanced communities. The scheme offers an alternative to residential care for older people by combining the advantages of high quality, self-contained and secure accommodation, with the provision of flexible care services on a day to day basis to those in need of care. The service enables older people to retain control over their own lives while receiving the care and support they need allowing residents to remain as independent as possible for as long as possible. The scheme allows residents to receive more acute care as their needs intensify. Importantly, residents are required to be 55 years of age in need of some form of care package. The applicant indicates that the average age of occupants to be 81, with the relatively young age of 55 relating to those unfortunate enough to be suffering with medical issues such as early onset dementia, Multiple Sclerosis or other such debilitating diseases.

The Planning Statement says that the model of care to be offered promotes independent living, is suitable for residents with dementia, could attract residents from existing care homes, maintains those who are self-funding their care and has the potential to reduce the financial burden on the Councils Adult Social Services. The accommodation, circulation space, internal and external communal areas are specifically designed to meet the needs of residents who have a variety of care needs. Overall, it complies with the overarching requirements of the Care Quality Commission.

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

- The principle of the proposed development
- Residential Amenity
- Street Scene & Character Impact
- Access, Highways & Parking
- Ecology
- Landscape and Trees; and
- Planning Contributions

### **The Principle of the Proposed Development**

As identified on the Proposals Map the site is located within the Town Centre Zone. The site is allocated by Bromsgrove District Plan Policy BDP17.13 (TC6) as a major mixed

use development opportunity which has the ability to enhance and expand the town's retail offer. The proposed development is therefore contrary to the development plan and should be refused unless material considerations indicate otherwise. The applicant has provided supporting information (within their Planning Statement and the Retail Market and Town Centre Policy Statement) which seeks to demonstrate that material considerations exist which outweigh the departure from the development plan.

The application is considered to effectively justify a relatively longstanding lack of comparison retail demand to occupy this site. Furthermore with the recent redevelopment of other town centre sites for retail uses, which offer potentially more preferable locations to attract any market demand that does currently exist for larger format comparison retail, it is considered that the context surrounding the original BDP allocation of the Windsor Street site has changed sufficiently to alter what could be considered the most appropriate use of this site.

The proposal directly responds to the need for specialist accommodation for the older residents. There is a pressing need for this form of development across the country and in Bromsgrove. The Worcestershire Extra Care Housing Strategy (2012-2026) has identified a significant need for Extra Care accommodation. In 2017 the strategy identified a provision of only 92 units in Bromsgrove, with a need of 792 by 2026. This clearly demonstrates a significant need for specialist extra care accommodation in the District. The strategy breaks this down as an additional 680 extra care/enhanced sheltered units, 151 dementia housing units, and 53 units for those diverted from residential care, all by 2026. Combined, this equates to a need of approximately 56 units of extra care housing per year to 2026. This ensures that it complies with BDP10 Homes for Elderly. Concern has been raised regarding the number of retirement developments in the vicinity of this site. While there have been a number of recent development in Bromsgrove town centre, as outlined in BDP2 Settlement Hierarchy, Bromsgrove is the principal preferred location for growth with the Authority and proposal and other retirement development are in the correct location based upon this policy.

A key issue in consideration of the principle of the proposal is the nature of the residential accommodation proposed. If the proposal was considered to fall within the C3 Use Class, the provision of affordable housing would be required by BDP8. The applicant has adequately justified that the proposal is a C2 use. There is a number of pertinent points to consider in this matter, which are as follows:

- This kind of development offers much more than a C3 use.
- The Independent living accommodation is one element of the scheme, but that would be provided alongside a range of communal facilities that are inextricably linked.
- The scheme/apartments are designed to meet the needs of the occupants. This includes a range of specialised features and adaptations such as wheelchair accessible doors and electric sockets, level threshold showers and a 24 hour emergency alarm system. All of these features would not necessarily be found in other housing stock and facilitate assisted living as well as social well-being.
- Care would also be provided, specifically tailored to the needs of the occupant who having been assessed by the care manager, are deemed to be in need of personal care. Whilst some primary occupants of the development might, upon taking up residence, require only the minimum level of personal care there is likely to be a

mix of care need at any one time and those with limited need may well require additional care in the future.

- The service charges for this type of development are very high (around double that of standard older persons development development). Residents are paying a premium for this type of development this would deter prospective occupants who are not in need of such facilities and can be further control by planning condition or planning obligation as is proposed by this applicant restricting the age of primary occupants and ensuring that a minimum level of care is needed and taken up by future residents.

There are also a large number of appeal decisions where other Councils have considered this type of development to be C3. These appeals have been dismissed and this adds significant weight to the justification that the use class is C2 and not C3.

Therefore it is clear that the residential development proposed would provide accommodation and care for residents in need of care and is therefore considered to fall within the C2 Use Class, for which affordable housing provision is not required.

The restriction of the use of the proposed development within the C2 Use Class and a restriction of occupation of the proposed accommodation for residents who would be at least 55 years old and in need of care and would be controlled by way of a legal agreement.

### **Residential Amenity**

Policy BDP1: Sustainable Development Principles requires that in considering new development, regard will be had to:  
'e) *Compatibility with adjoining uses and the impact on residential amenity*'

The development is bounded by built form on all sides. However, the only residential development is located to the north east on Stratford Road. The application site shares a boundary with No's 4, 6 and 8 Stratford Road.

The proposed location of the development on the site, orientation and size of windows and reduced height from 4 storeys to 3 storeys is considered to ensure that effects on residential amenity are minimised, taking into consideration separation distance between existing properties and the proposed apartment block.

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

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

It is also important to consider the amenity levels that would be experienced by both the occupiers of the proposed development. The 67 individual private apartments would have sufficient access to natural light as well as a communal lounge, other communal facilities and garden areas throughout. This would provide a pleasant private space for residents to enjoy.

The proposed development would not have an overbearing or visually intimidating impact upon nearby properties. It is considered that daylight to existing habitable rooms would not be prejudiced and that no loss of privacy would occur.

In conclusion, the proposal would not cause substantial harm to residential amenity in accordance with SPG1 and Policy BDP1.

### **Design & Character Impact**

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

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

The Conservation Officer and Urban Design Consultant both agree that the existing fire station and library buildings like many of the rear service buildings to the High Street contribute little to the street scene in terms of architecture. In contrast the URC Church and its Sunday School, together with the other Victorian buildings in Chapel Street comprise an attractive group. The site therefore provides an opportunity to improve the setting of the various historic assets adjacent to the site.

The proposal seeks to construct a predominantly four storey linear building with a staggered frontage facing Windsor Street, with sections at either end of three storeys. The south west end is more definitively set back. To the rear is a further wing, at right angles to the Windsor Street elevation which is partly four storey with a three storey section at the rear. The building is proposed to be flat roofed, and the elevations are broken up into bays with use of different materials and the use of setbacks, creating the staggered appearance. In addition there are projecting metal balconies. Access to the

scheme will be from Stratford Road, where a new access road will be constructed, this road will also give access to Wendron House to the rear.

The applicant has submitted a detailed Heritage Statement, which identifies the significance of the surrounding designated heritage assets including the listed buildings; 126 -130 High Street, the URC Church and Sunday School, all Grade II, and the Bromsgrove Town Centre Conservation Area. It also includes a setting assessment following the Historic England Guidance found in 'The Setting of Heritage Assets' Historic Environment Good Practice Advice in Planning: 3. The applicant has clearly attempted to take on board the comments raised by the Inspector in respect of the appeal against the decision for an earlier application, 15/0836. The Inspector stressed the importance of S66 (1) and S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of new development preserving or enhancing the setting of listed buildings and the character and appearance of the Conservation Area. It was agreed by all parties that the existing buildings do neither. The Inspector also highlighted, regarding the earlier scheme that only preserving the current situation would mean that the current negative situation would continue. Weight was also attached to Paragraphs 64 and 131 of the NPPF (now paragraphs 130 and 192 of the revised NPPF, July 2018), stating that planning permission should be refused for development of poor design that fails to take opportunities for improving the character and quality of an area and the way it functions and that account should be taken of the desirability of new development making a positive contribution to local character and distinctiveness.

The applicant in the Heritage Statement highlights that the proposed scheme reflects the terracing found in the Conservation Area, and the clear vertical rhythm and well-proportioned fenestration is more sympathetic to the listed buildings in the High Street. The use of the setback in respect of the south west end of the front building also allows clear views of the URC Church along Windsor Street, and due to this part of the building being only one storey higher it would be less dominant in terms of the listed building. The return wing is set back from the listed building also to avoid dominance over the URC Church.

Overall it is considered by the Conservation Officer to be a much improved scheme. The officer has highlighted some concerns regarding the design of the building (use of balconies) and the choice of materials. However, in terms of the NPPF any harm which is considered to occur would amount to less than substantial harm and would have to be weighed against the public benefits of the scheme in accordance with Paragraph 196. The significant public benefits in this case include:

- Efficient and effective re-use of a brownfield site in a sustainable area of Bromsgrove.
- Contributing to the Council's 5 year land supply and towards the housing allocated to Bromsgrove in the adopted development plan.
- Releasing existing housing stock to the open market.
- Helping to meet the need for Specialist Accommodation for the elderly
- Reducing the financial burden on Adult Social Care and NHS budgets.
- Creating 16-20 full-time equivalent jobs as well as job in the supply chain.
- Economic benefits through the construction phase and once completed.
- Social Benefits through 67 apartments with care.

- Environmental benefits of providing increased green infrastructure on site and a net gain in terms of biodiversity

Taking into consideration the impact of the scheme on heritage assets, by virtue of the developments location, layout, design and scale, any harm to the significance of the heritage asset is considered to be outweighed by the significant public benefits identified.

The Urban Designer comments that the proposed layout responds well to pre-application discussions as well as taking on board feedback for the previously refused schemes for this site. The layout, positioning and offsets from both Windsor Street and the listed Chapel are acceptable and relate back to both the urban grain and site constraints. The busy arrangement in terms of layout and elevation creates a building which responds to its context.

In terms of the elevations, the varying breakdown of the buildings elevations is supported in principle. The application of flat roofs and varying heights provides a strong character to the development which responds to its direct context. Concern had been raised regarding the use of timber for part of the development. This has now been removed from the proposal.

In terms of street scene and offset from Windsor Street provides enough open space to contribute positively to Windsor Street. The combination of building offset, high quality boundary treatment and tree planting will all aid in the success of the development, both of these can be conditioned.

Overall it is considered that the submitted streetscene plans and site elevations demonstrate that the development can assimilate well with the surroundings. I am of the view that the proposal responds well to the appearance of the street scene, which has a varied architectural character and a range of style and scale of buildings. A palette of facing materials has also been submitted and additional soft landscaping would further aid the appearance of the proposal within the street scene. The design is therefore considered acceptable and complies with BDP19.

### **Access, Highways & Parking**

Policy BDP1: Sustainable Development Principles taken from the Bromsgrove District Plan requires that in considering new development, regard will be had to: *'Accessibility to public transport options and the ability of the local and strategic road networks to accommodate additional traffic'*. Policy BDP16: Sustainable Transport taken from the requires that *'Development should comply with the Worcestershire County Council's Transport policies, design guide and car parking standards, incorporate safe and convenient access and be well related to the wider transport network'*.

A single vehicular point is proposed to be taken from Stratford Road (A448) in the location of the former library access. This will serve the whole development and will provide access for vehicular traffic, pedestrians, and cyclists. The access road also provides a secondary access to the south of the site to the Wendron House and Day Centre which provides Council led social services. The primary vehicular access to Wendron House and Day Centre which is taken from Chapel Street will remain unaffected.

The site is within the town centre and therefore offers an alternative to the use of the car by walking and cycling. There are a number of bus stops in the vicinity with the nearest being located on Stratford Road.

The pedestrian access provides connections to Bromsgrove Centre, Windsor Road and Stratford Road, the approved access is considered to be a benefit of the scheme.

WCC Highways consider that the application has taken on board the previous concerns and the comments of the planning inspectorate and as a result this application is considered to be acceptable, subject to planning conditions. The access is existing and given the low traffic generation that care homes produce it does not require any modification.

WCC Highways have confirmed that no objections are raised to the proposals in terms of highway safety. Mott MacDonald (MM) has been commissioned to independently assess the merits of the application in terms of highway impact. They raise no objection subject to the applicant providing more detail regarding then site access junction with Stratford Road.

The applicant has provided a Parking Statement (PS) with their application. The PS provides details of the applicant's completed Specialist Accommodation for the Elderly schemes and associated level of parking provision. Occupation of the development is restricted by age and most importantly for those to be assessed to be in need of care. The restrictions result in an average age of residents being over 80. The PS provides details of the levels of known resident parking of 16 consented schemes and the demand for resident, staff and visitor parking. The level of parking demand reduces over time for a number of reasons, including awareness of other modes of transport, health issues precluding car usage and increased use of onsite facilities (restaurant, hair salon, gardens etc). From their experiences of other schemes, the applicant considers that the amount of parking proposed will provide an appropriate balance, providing sufficient spaces for the initial needs of residents, regular needs in the long term, the aspirations of sustainable development and, avoiding under provision which can create pressure and conflict on existing off-site parking.

Both WCC Highway and MM has assessed this work and conclude that the evidence presented is acceptable and sufficient parking will be provided. MM go onto say that there is a low risk that demand will exceed supply resulting in parking overspill.

It has been concluded that parking to be provided for the development would comply with policy requirements having regard to the sustainable nature of the location and the availability of on-street parking opportunities within the vicinity of the site. The requirement for motorcycle and cycle parking can be accommodated within the scheme if users demand.

Subject to the imposition of the planning conditions as recommend by WCC highways, no objections are raised to the application in terms of highway impacts.

## **Ecology**

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

The submitted Ecology Appraisal concludes that the development would have no adverse impact on any statutory or non-statutory designated sites, Habitats present on-site were overall considered to be of very limited conservation value, comprising mainly hardstanding and building habitat with areas of species-poor amenity grassland. The loss of such habitats from the site is not considered to comprise a significant biodiversity loss and can be mitigated for within the scheme for example via the inclusion of flowering shrubs and spring bulbs within raised beds in areas of public space.

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

## **Landscaping and Trees**

A Landscaping Strategy accompanies the application. This show a series of pathways leading to formal sitting out areas including a gazebo, and garden seats within grassed areas, flowers beds and tree and shrub planting. The Strategy also shows the proposed boundary treatments, which include a mix of brick walls, railings, and close boarded fencing. Boundary treatment will be critical to the overall success of the scheme and can be appropriately conditioned to ensure good detailing, good quality copings and high quality materials. The landscaping is considered acceptable subject to relevant planning conditions.

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

## **Flood Risk and Drainage**

The site is located in Flood Zone 1 and is at low risk of flooding. A site drainage strategy has been submitted as part of this application which has been examined by North Worcestershire Water Management who raise no objection subject to condition.

## **Planning Contributions**

In accordance with Paragraph 56 of the NPPF and Section 122 of the CIL regulations, planning obligations have been sought to mitigate the impact of this major development, if the application were to be approved.

The obligations in this case would cover:

- Contributions towards off-site open space enhancement at Sanders Park, Bromsgrove, due to increased demand from future residents, required in compliance with SPG11.
- Contributions for refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy.
- Contribution for acute and planned healthcare (Worcestershire Acute Hospitals NHS Trust).

## **Conclusion**

This is a brownfield site in a sustainable location. The provision of accommodation in this central location for persons aged 55 years and older and in need of care would contribute to the recognised and growing need for this type of specialised accommodation in the District and this represents a considerable social benefit of the scheme. There would undoubtedly be economic benefits arising during construction, from the creation of jobs once operational and from additional spending power in the local economy. The proposal would clearly result in the regeneration and environmental improvement of this prominent site. The impacts of the development have been assessed and no adverse impacts would outweigh the benefits of the scheme. The proposal would deliver sustainable development within the terms of the NPPF.

## **RECOMMENDATION:**

- (a) Minded to **APPROVE PLANNING PERMISSION**
- (b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following the satisfactory completion of a S106 planning obligation ensuring that:
  - (i) A financial contribution of £14,600 to be provided towards improvements to the bandstand infrastructure at Sanders Park, Bromsgrove
  - (ii) A contribution of £7320.47 for the provision of recycling and refuse waste bin facilities
  - (iii) Occupancy restriction to those aged 55 years or older who are assessed to be in need of care
  - (iv) A financial contribution of £139,930 towards Worcestershire Acute Hospitals NHS Trust

## **Conditions**

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following plans, drawings and documents:

09996-P1-101 Location Plan  
09996-P1-103 Rev A Site Plan  
09996-P1-121 Building Layout General Arrangement (1)  
09996-P1-122 Building Layout General Arrangement (2)  
09996-P1-131 Rev A Building Elevations  
09996-P1-141 Rev A Landscape Strategy  
Materials Statement P1- Jan 2019

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) Prior to the installation of boundary walls along Windsor Street and Stratford Road, details of the appearance and materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Prior to first occupation the new boundary walls shall be erected as approved and shall thereafter be permanently retained and maintained.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

- 4) The development hereby approved shall not be occupied until the existing vehicular pedestrian access onto Windsor Street has been permanently closed.

Reason: To ensure the safe and free flow of traffic using the adjoining highway.

- 5) The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- Details of any temporary construction accesses and their reinstatement.
- A highway condition survey, timescale for re-inspections, and details of any reinstatement.
- Site operation hours

- The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

- 6) The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 09996-P1-103 Rev A Site Plan.

Reason: To ensure conformity with submitted details.

- 7) The development hereby approved shall not be occupied until 4 electric vehicle charging spaces and points have been installed. Thereafter such spaces and power points shall be kept available and maintained in perpetuity.

Reason: To encourage sustainable travel and healthy communities.

- 8) The Travel Plan hereby approved, dated September 2018 shall be implemented and monitored in accordance with the regime contained within the Plan. In the event of failing to meet the targets within the Plan a revised Plan shall be submitted to and approved in writing by the Local Planning Authority to address any shortfalls, and where necessary make provision for and promote improved sustainable forms of access to and from the site. The Plan thereafter shall be implemented and updated in agreement with the Local Planning Authority and thereafter implemented as amended.

Reason: To reduce vehicle movements and promote sustainable access.

- 9) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of site investigation and recording.
  - b) The programme for post investigation assessment.
  - c) Provision to be made for analysis of the site investigation and recording.
  - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e) Provision to be made for archive deposition of the analysis and records of the site investigation
  - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

- 10) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (9) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

- 11) Prior to the commencement of development, other than required to carry out remediation, a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. A detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place.

Where identified as necessary a detailed remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

Reason: 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.

- 12) 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 and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the

approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: 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.

- 13) Prior to the occupation of the development, equipment to control the emission of fumes and smell from the restaurant shall be installed in accordance with a scheme to be first submitted to and approved in writing by the local planning authority. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

Reason: To safeguard the amenities of the adjoining properties and the surrounding area.

- 14) Notwithstanding the details within the noise assessment, prior to the installation of glazing, details of the specification of glazing to be installed shall be submitted and approved by the Local Planning Authority in order to demonstrate that they meet or exceed the sound reduction specification detailed in the noise assessment. The glazing shall be installed in full accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of the propose development.

- 15) Notwithstanding the details within the Landscape Strategy, prior to the occupation of the development, a landscaping plan and specification shall be submitted to, and approved by the Local Planning Authority in writing. The approved scheme shall be implemented within 12 months from the date which any of the building hereby permitted is first occupied.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area.

- 16) All trees to be retained within the site and any within influencing distance of the work on any adjoining land are to be afforded full protection in accordance with BS5837:2012 recommendations throughout any demolition, ground or development work on the site and as recommended within the FPCR Environment and Design "Arboricultural Assessment and Method Statement" supplied with the application.

Reason: In order to protect the trees, hedges & landscape features which form an important part of the amenity of the site and adjacent properties.

- 17) No works or development shall take place until a scheme for foul and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of infiltration and SuDS, and shall provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 18) Prior to occupation of the development a scheme for any external lighting that is to be installed at the site shall be submitted to and approved in writing by the local planning authority. Any such external lighting as approved shall be installed in accordance with the approved drawings.

Reason: To safeguard the amenities of the adjoining properties and the surrounding area.

- 19) Prior to their first installation, a sample panel of the proposed brickwork demonstrating the colour, texture, bond and pointing shall be erected on site for inspection by the Local Planning Authority. The Local Planning Authority shall approve in writing the colour, texture, bond and pointing of the brickwork prior to their first installation. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

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