

Applicant	Proposal	Plan Ref.
Hagley Care Homes Ltd	The erection of a 61 bed care home (Use Class C2) and associated works including car parking, access, landscaping and related engineering works. Land adjacent to Bennett Drive, Hagley DY9 0WA	18/00769/FUL

RECOMMENDATION

- (1) Mindful to **APPROVE FULL PLANNING PERMISSION**
- (2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following:
 - (a) The satisfactory completion of a S106 planning obligation ensuring that:
 - i. Capital contribution for NHS Primary Care Commission to mitigate the primary care impacts arising from the proposed development which would be used for medical infrastructure (financial figure to be confirmed)
 - ii. £18,500 - Contributions for Community Travel to Serve the Hagley Area regarding the transport needs of elderly and disabled residents who cannot use bus services and in accordance with the 2010 Equality Act.
 - iii. The occupancy of the development hereby approved shall be limited to persons aged 55 and over (the qualifying person), together with any spouse or partner and any surviving spouse or partner and ensuring that a minimum level of care is needed and taken up by future residents
 - iv. Planning Obligation Monitoring Charge: the fee to be agreed by the Head of Planning and Regeneration in conjunction with the Planning Portfolio Holder following the meeting of Full Council on 25 September 2019.
 - (b) The expiry of the publicity period on 18 October 2019
- (3) That in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

Consultations

Hagley Parish Council (HPC) . Objections

- The principle of some development on site the site so long as it is not all C3 housing is accepted
- It is accepted that the proposed development falls within class C2 rather than C3 is accepted

- A C2 use is contrary to the policies of Bromsgrove District Plan for this site. If it is to be allowed, there needs to be clear justification of the departure from the plan.
- Concern regarding the adequacy of evidence of marketing of the site for employment use and the need for viability evidence to be made public
We note this is to be a Care Home.
- The location is relatively remote from the village shops, with infrequent bus services so that it is unlikely to be viable for elderly and frail residents to get to the shops..
- Concern about adequacy of proposed parking provision. Although there may not be parking standards laid down for this kind of development evidence should be sought from similar developments elsewhere as to what is needed.
- Any possibility of parking overflowing on to Bennett Drive, the sole access into this estate ought to be wholly unacceptable, particularly since it is very close to the Hagley island, an extremely busy road junction. It would even more be unacceptable for parking to overflow on to the island.
- A new traffic assessment is required for the whole development within the previous outline consent to show that the roads are adequate for a care home compared with the use of the site for B1 employment.
- Concern that the proposed large scale development in hilltop position, will be over-prominent and not sufficiently disguise but the adjacent belt of trees At the very least
- There ought to be a planning condition (or perhaps an undertaking by its owner) requiring the belt of trees to be retained in perpetuity with appropriate under-planting.
- The belt of trees is believed to have been planted by the late Lord Cobham to protect their view from Hagley Hall. The trees are accordingly important to protect the setting of Hagley Hall (a listed building) and Hagley Park, a grade-1 registered park.
- An alternative solution to the issue of prominence might be for the developer to bring forward a somewhat smaller scheme, consisting of a building of two storeys or largely so.
- Concerned that the development may be too close to certain houses (or intended houses) in Bennet Drive. This should be checked and the developer asked to revise its plans if necessary.
- Hagley is an area where house prices are high, probably too high to afford for those on the minimum income that is typically paid to care workers. The developer should accordingly be required to provide housing for key workers
- This will inevitably be off-site provision, perhaps by financing some of the affordable housing already being built on the adjacent Cala site.
- Concern about the provision of primary medical healthcare. Despite the extension to the Hagley Medical Centre the practice is overburdened. It is therefore necessary that the applicant should provide a clear plan as to how primary healthcare should be managed without imposing an unacceptable burden on the local practice. In this connection the planning officers should note that the Hagley practice belongs to the Wyre Forest CCG; Glebe medical practice at Belbroughton (the next to the east) to the Bromsgrove and Redditch CCG; and those in Stourbridge (to the north) to a CCG in Dudley. This means that any negotiations on this will have to be handled through NHS England. We

understand that the developer's response to this was that they would pay for this. However a detailed proposal is required as to how this should be handled in practice, not merely in theory.

- Contrary to 8.15 of the Planning Statement, the bus service is regular, but not frequent (according to the usual definition of that term). It is under once an hour in the daytime with little or nothing in the evening. Hagley Station is fully a kilometre away, beyond a normal walking isochrones.
- The A456 is an Air Quality Monitoring Area. This is extremely close to the site. This is formally an objection. However we are only objecting to issues of detail, not to the principle of a development of this kind taking place.

HPC have further specific comments on the amended plans and supplementary comments which can be summarise thus:

- Not satisfied that the applicant has proven that the car park provided would be adequate and that there was no risk of staff or visitors' cars overflowing the car park on to adjacent roads, which would be unacceptable near the main entrance to a housing estate
- Conditions controlling the occupancy of the proposed care home ought to be based more on the residents long term physical condition and prospect for recovery rather than a minimum age of 55.

Bromsgrove Strategic Planning

No objections. The site is part of the allocation policy BDP5B within the BDP, development on this site should be a mixed use site with community leisure/employment and residential being the specified uses, the proportion of these uses is not fixed.

- Outline application. 12/0593 contains an element of B1 uses within the application which is then carried forward into the reserved matters 13/0398. Therefore the council's position both when the plan was being drafted and when those applications were considered was that an element on non-residential development is expected on this site as per wording of the plan, and the outline application approved.
- Whilst the land is not strictly allocated as employment land as per policy BDP14, useful information has been provided to evidence the ability of this site to support a B employment use. Further to this viability evidence from consultants commissioned by BDC confirm that a standalone employment use is unlikely to be viable on this site. Therefore the ability for this site to be a wholly employment use is something which is not possible at this time, and I raise no objections in relation to BDP14.
- The viability evidence does suggest that a mixed use scheme could be viable. As the allocation under BDP5B is for a mix of uses further clarification was sought on what other uses could come forward on this site. From the submitted evidence there seems to be have been some level of interest from other uses on this site. What is also clear is that there was a lot of interest from the residential care sector. We are content from the evidence provided that the ability to provide non-residential uses on this site in the current market is limited.
- The care home provision will provide for some level of employment to be generated on this site which weighs in its favour, over purely traditional dwelling houses.

North Worcestershire Economic Development -

No objections, on balance. Overall, the additional information contained in the document helps to provide some more comfort that the provisions of the policy outlined in BDP14.4 have been satisfied.

Viability Consultant -

He was commissioned by your officers as specialist viability consultants to assess the viability for employment or a mixed use with an appropriate level of employment and to critically appraise the applicant's viability consultant's report, by Walton Hipkiss. This was in connection with the assessment of whether the proposed development is compliant with policy BDP14. The conclusions summary is

- A free standing commercial employment use is not viable
- A mixed residential and employment use involving 40% affordable housing and 700 square metres of office development would be viable

Worcestershire Highways.

No objections subject to conditions and financial obligations

The suggested conditions cover the following matters to be implement prior to occupation: :

- Access, parking and turning facilities as per drawing 1267/001
- Travel Plan to promote sustainable transport

The suggested planning obligation.- £18,500 contribution for community travel to serve the Hagley Area. This is for non-ambulatory residents needing a door to door transport service to access key public services. Based on 50% of Users accessing a Community Transport service and an average trip length of 6.5 miles based on the distance to Kidderminster Hospital, this could add £3685 per annum to CT operating costs justifying a contribution of £18,500 for CT.

The conclusions of the Transport Assessment area accepted - proposed development

- is located within easy walking/cycling distance of key services in the area
- is readily accessible by public/communal transport, on foot and by cyclists
- will provide suitable access, parking and servicing arrangements
- will have no material impact on the operation of the local highway network

Mott Macdonald Highway comments (Bromsgrove DC's direct highway consultee)

- Robust justification is required for the level of parking based on similar sites to avoid overspill onto nearby residential streets
- The proposed new access junction needs to be compatible with other site accesses

NHS Primary Care – Redditch and Bromsgrove Clinical Commissioning Group (NHS CCG)

No objections if a developer contribution of £ 9,621 is secured for the following reasons

- It is required to mitigate the likely impact on the services of 1 GP practice – Hagley Surgery. The GP practice does not have capacity for the additional growth resulting from this development.
- The development could generate approximately 61 residents and subsequently increase demand upon existing constrained services.
- The proposed development will be likely to have an impact on the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development
- It is calculated on the basis of expanding footprint which is one way of providing the capacity but an alternative is freeing up existing capacity or repurposing it. Increasingly clinical services are provided either by telemedicine or by clinicians other than GPs. So the capacity issue can be addressed by provision of IT systems able to put clinical staff in contact with patients or information systems remotely or by converting existing space to allow for patient contact.
- The NHS is capacity to see patients not limited to physical space. That capacity can be derived from both the increasing space and increasing the efficiency of use of clinician's time or a combination of both, especially in the case of a low number but high demand care home. Normally this is done by increasing the use of Information and Communications Technology enabling remote communications between the sites although that may involve some building works on the Primary care site(s) and normally it would involve agreement with the home, and indeed the patients on the specific care plans.

Worcestershire Acute Hospitals NHS Trust

No objections if a developer contribution of £14027 for the purpose of the provision by the Trust of acute and accident and emergency healthcare services. The reasoning is summarised as follows:

- The existing service infrastructure for acute and planned health care is unable to meet the additional demand – 63 extra interventions, generated from a 61-bed care home.
- The population increase associated with this proposed development will significantly impact on the service delivery and performance of the Trust until contracted activity volumes include the population increase
- Without the contribution the development would not be acceptable in planning terms because there would be inadequate healthcare services available to support it and it would adversely impact on the delivery of healthcare for others in the Trust's area

Urban Designer

- The design is broadly acceptable. Whilst it is a pastiche of English Arts and Crafts mode, the proposed building is composed very successfully.
- The large mass of the building is successfully articulated into smaller parts, which enclose external spaces well, and the disposition of the various architectural elements and materials gives variety and legibility to its different elevations.

- There is a strong desire in the design of a care home to avoid small changes in level internally to address the sloping site. The differences in site level appear to be taken up by retaining walls or banks to external spaces on the southeast and northeast sides of the building. This is a reasonable strategy, but the level changes are not fully explained on the elevational drawings.
- The Design and Access Statement (DAS) describes the changes in the proposed site layout which took place following pre-application discussions in September 2016. One significant change has been to move the car park from the southern side of the building to the northern side, and to move the external amenity space from the northern side of the building to the southern side. The car park will not be an appropriate neighbour to the public open space to the north of the site, although private amenity space is more suited to the southern side of the building.
- The position of revised building now reasonable being almost, but not quite, parallel to the adjacent four houses fronting Bennett Drive
- The movement of cars is given prominence over the movement of pedestrians. The route of the footpath from Bennett Drive to the front door follows the edge of the car park rather than taking a more direct, legible and convenient route, and this has not been addressed in the amended plans

Tree Officer –

No objection in respect of the final layout plan which would avoid any need to carry out significant tree pruning or removal. There are suggested pre-commencement conditions:

- Protective fencing around trees on or adjacent to the site
- Preclusion of works in root protection areas,
- The implementation of a landscaping scheme.

Community Safety. Concern regarding the lack of detail regarding the issue of crime and security and specific concern in certain design aspects including:

- *External lighting* of the building and parking area including positioning, amount, type and how it would support an effective CCTV system.
- *Open Space.* If a timber knee rail, sufficiently robust this is well maintained this should deter unauthorised vehicular incursion but the applicant should ensure that access points are of a dimension that does not allow the passage of road vehicles or caravans. It should be noted that incursions frequently involve damage to boundary markers so any such knee rail should be robust enough to deter this.
- *Bin Store* The re orientated bin store entrances, to promote natural surveillance is a positive .
- *Perimeter; Stairs-* The rear service areas need to be sufficiently protected to negate allowing an intruder to gain access to the open areas to the SE, S and W of the building which is otherwise secure.

Worcestershire Regulation Services (Air Quality) No objections subject to a standard air quality conditions – specifically the provision 10% of the proposed parking spaces with electricity storage points and the installation of Ultra-Low NOx boilers with maximum NOx emissions less than 40mg/kWh

Worcestershire Regulation Services (Noise and Odour) – No objections, subject to conditions

Worcestershire Regulation Services (Contaminated Land) - No objections

North Worcestershire Water Management. – No objections. A specific drainage condition is recommended requiring the implementation of an approved drainage strategy.

Conservation Officer –

No objections. The three storey care facility on the site, with the top floor located within the roof space, in a pastiche arts and crafts design. The Hagley Hall (Grade I listed) lies approximately 1 km to the north and its associated Registered Park and Garden (also Grade 1 listed), at its closest point is approximately 350 metres to the north east. The most important features of the Park, many of them listed in their own right lie to the east and north of the house. Although there are long views to the west from Hagley, intervening land and now buildings are largely filtered out by tree planting along the Bromsgrove Road boundary and within Beacon Hill. The planting to the east of the site adjacent to the A491 might also contribute to this screen, but this is much later planting and not part of the designed landscape. Therefore it is unlikely that the proposed development would impact on the setting and therefore significance of the designed landscape.

Leisure Services –

No objections based on the assumption that the public open space allocation meets with the requirements of the SPD from a quantitative perspective then we would have no concerns from a Leisure perspective accepting the open space would be managed and maintained by a management company.

Waste/ Environmental Policy

Any 26 tonne refuse collection vehicle would have issue in collecting from the bins where they are proposed, particularly if the bin store is not even at the edge of the car park – being tucked around the corner makes it even more of an issue. Although the developers may identify that an external collection company will be servicing the waste collection of this development, it should be noted that

- Any waste collection provider will run into these same issues
- As the LA, we have a legal duty to collect business waste if asked and business may change their waste contract provider at any time

Worcestershire Wildlife Trust - No consultation response received

Public Notifications

- 13 Neighbour notifications, to near neighbours, sent on 30/07/18 (expired 23/08/18) in respect of original plans and documents
- 26 Neighbour notifications sent on 04/12/18 (expired 21/12/19) to both near neighbours and occupants of other properties commenting on the original application, in respect of amended plans and documents
- Site notice displayed 03/09/18 (expired 24/09/18)
- Press notice – 27/09/19 (expires 18/10/19)

- 15 letters of objection summarised below:

Objection summary

Principle and marketing

- Walton Hipkiss marketing report is insufficient to demonstrate the grounds for the developer to move from the original planning permission of B1 offices . The facts and figures are distorted particularly comparing a ground floor area for B1 use of 700 square metres with a ground floor area of C2 use of 3379 square metres and adding 17.5% to obtain a ground floor external area. A care home of 700 square metres is far more uneconomic than office of equivalent floor space. Also, finding a B1 user much depends on land price and negotiation skills. The report's conclusions relate more to development yield than lack of demand and the desire to recover buying the land at a premium price
- Conflict with the original planning permission (12/0593) which approved office development on the site subject to reserved matters

Scale and Design

- Monolithic block with minimal poor architectural features
- Unacceptable mass and dominance in relation to the boundaries of the site and the relatively small adjacent dwellings
- Scale and height of the building – 3379 square metres compared with 700 square metres approved for a B1 use and three storeys
- It does not fit in with the heritage and design themes with a village feel which formed the basis of planning permissions 12/0593 and 14/0629
- Boundary treatments unsympathetic – particularly a 1.8 metre high fence running parallel with Bennett Drive
- It would have been a better design to have the car park rather than amenity space for the proposed building to the south adjacent to 1 Bennett Drive

Noise

- There is insufficient information on noise particularly the justification for the noise monitoring points and that the design can be achieved without future non material amendment applications for . It underemphasises the effect of low frequency noise which is likely to be intrusive on a site next to a busy road, particularly with trickle vents open which would disturb sleep and if kept shut would provide inadequate ventilation.
- A noise sensitive residential property should not be situated next to a busy road junction would conflict with policy BDP19
- Noise from delivery vehicles

Highways Parking, Transport

- Exacerbation of current traffic , visibility and parking difficulties on Bennett Drive
- 21 car parking spaces is inadequate for staff and visitors particularly at shift changeover resulting in on street parking causing congestion on a relatively narrow road
- Poor public transport service in Hagley – infrequency service

Living conditions

- Invasion of privacy particularly from the terraced area on the 1st floor and café on the ground floor and potential for window to landing of the south west elevation looking directly into rear windows to habitable rooms and rear gardens
- Loss of light and outlook for directly adjacent properties

- Inadequate separation distance between the south east elevation and adjacent properties fronting Bennett Drive and Creed Close exacerbated by being at a higher level
- The amended plans show marginal differences which do not make the loss of privacy, light and outlook acceptable
- The construction of such a large building with for multiple deliveries and the likely need to storage, staff cabins, a balanced cut and fill etc would make it problematic to keep all construction traffic segregated from Bennett Drive

Health Services/ Infrastructure

- Wyre Forest Health Partnership, Hagley Surgery- Objection. Detrimental impact on ability of Hagley Surgery to deliver effective care to its patients. Care home residents tend to have multiple medical conditions and are quite unwell for a large proportion of the time and require a disproportionate amount of clinical resources. The medical services in Hagley area already overstretched having absorbed additional patients arising from local developments A further extension to the surgery with the benefit of Section 106 monies would not help as the care would take place the care home

Councillor Colella:

It is essential that the application does not have a detrimental impact upon the health service in Hagley ie the Hagley Doctors surgery and the impact upon general health provision in Hagley. Such a care home is likely to have 24/7 pressures on the existing doctors and therefore the wider available to the general health matters in Hagley. This application must not be approved without a formal agreement from the care home to the doctors practice in terms of financial agreement which matches the size of the establishment with the appropriate financial support to the doctors. He wholeheartedly endorsed the comments of local residents summarised in this report

Site Description & Background

The 0.53 hectare application site forms part of a wider mixed use site that was granted outline planning permission for 175 dwellings and Class B1 development in April 2013 (ref. 12/0593). The area that was earmarked for Class B1 development lies to the north-eastern corner of the Wychbury Fields housing estate. The site is part of a designated under BDP5B as a development site for a mixed use development of community leisure/ employment/ residential. This site is outside the Green Belt

The site is located on the eastern side of Bennet. Drive. There are dwellings with associated gardens and parking adjoining the southern boundary and fronting Creed Close. There are roads and junctions adjoining the northern and eastern boundary of the site – A456 and A491. The site sections reveal a gently sloping site towards the south and south east.

The site is within the Hagley built up area since it is part of the 'Hagley Development Site' and is not within the Green Belt. The designated use is a mixed use site with community leisure/employment and residential, (full analysis is in the Strategic Planning comments)

Nature of Development

The proposed two, two and a half and three storey building with broadly 'H' shaped footprint would be constructed in the southern part of the site with the northern part of the site managed as open space. The total gross internal floor space would be 3379 square metres. The proposed care facility would provide 24 hour care to elderly patients in individual rooms within the use class C2 with facilities including lounge, dining room, café and cinema room

The Proposed landscaping plan including the planting of trees and shrubs in groups within the proposed open space and for the proposed amenity area in the southern part of the site a car parking space (22 spaces, including 2 disabled spaces) and bins and cycles store on the north side of the proposal.

Relevant Planning Policies

Bromsgrove District Plan

- BDP1 Sustainable Development Principles
- BDP 2 Settlement Hierarchy
- BDP5B Other Development Sites
- BDP6 Infrastructure Contributions
- BDP12 Sustainable Communities
- BDP 14.4 Loss of Employment
- BDP 16 Sustainable Transport
- BDP19 High Quality Design
- BDP 20 Managing Historic Landscape
- BDP24 Green Infrastructure

Others

- NPPF National Planning Policy Framework (2019)
- NPPG National Planning Practice Guidance

ASSESSMENT

Issue 1: Principle of the development regarding compliance with BDP 5b & BDP 14

Issue 2 Whether the proposed development represents high quality design and rural character in accordance with development plan

Issue 3 The compatibility with adjoining users and impact of living conditions of future occupants

Issue 4: Effect on Highway safety and adequacy of parking provision

Issue 5: The effect of the proposed development on the green infrastructure and Heritage Matters

Issue 6: The effect of the proposed development in terms of the effect of the increase population on infrastructure, facilities and services

Principle of the development regarding compliance with BDP 5b & BDP 14

Members will note the views of the Strategic Planning Manager. The site is partly policy compliant, in respect of BDP14, and whilst it is not strictly compliant with BDP5B, at least a care home is not a C3 dwelling use and has an element of employment. These are a material consideration of considerable weight in the

assessment of the principle of development. Moreover, the final views of the North Worcestershire Economic Development, regarding the adequacy of marketing, demonstrates, on balance, that marketing of the site for employment and other non-residential users has been adequate in terms of duration and nature. Thus it is accepted that the original marketing report lacked some details. However, the applicant's supplementary narrative indicates the marketing met, and exceeded, the minimum 12 month requirement of policy BDP 14.4, criteria iii). Furthermore the additional interest shown in the site has now been recorded and dated. There is only one potential interest recorded after May 2016, which is when the 12 month period of marketing would have needed to run until in order to satisfy the policy.

Similarly, the Council's Viability Consultant has concluded that the site is non-viable for a standalone employment use. Whilst he has concluded it could be viable for a mixed residential and business use, a residential use was not envisaged for this site in terms of policy BDP5B and a care home has an element of employment, notwithstanding it is not set within an employment use class.

In conclusion, on balance, the proposed development is acceptable in terms of BDP5B and BDP14.

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. The applicant has made the following pertinent points from which it is evident that the proposed development falls within the use class C2

- The provision of a range of communal facilities which would be ancillary to the proposed 61 bedrooms
- Residents that need to live in a care home are unable to cook their own meals. The care home would employ a kitchen staff which will prepare every meal for each resident. Carers would be on hand to assist residents with eating those meals, should they need it.
- 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.
- Every resident that enters the care home is unable to continue living at their home and needs 24 hour care. The care home would provide personal care to every resident for all aspects of life at all times of the day. This includes eating meals, washing, going to the toilet and taking their medicine
- The care home would offer a standard level of care to all residents. There are no minimum or maximum hours of care offered, nor are there any variations in care packages. A standard package of care would be provided 24 hours a day to all residents.
- The units are not for sale. Residents pay weekly / monthly for care and accommodation.
- It is proposed to secure the applicants intention to restrict the age of primary occupants by a planning obligation

High Quality Design and Effect on character and appearance

The proposed building, which is effectively three storeys in that the second floor is not unduly constrained by the roof pitch and covering much of the southern part of the side is of a different character and grain than the adjoining streets of two storey residential dwellings. However, the large mass of the building is successfully articulated into smaller parts with the 3rd floor partly in the roof space, gables and recesses in the elevational alignment. Moreover, the final design has resulted in a frontage on Bennett Drive which has a similar set back and is only slightly not parallel with the road such that it would appear integrated into the street scene. The disposition of the various architectural elements and materials gives variety and legibility to its different elevations. The broadly 'H' shaped footprint of the building provides a sense of enclosure and space for the external grounds which also facilitates space for meaningful landscaping which would help integrate the large building onto the site and would assist in mitigating the concerns of local residents in respect of living conditions. It represents an efficient use of the site

The larger scale of the development on relatively high ground would be satisfactorily integrated into the wider landscape by the retention of the tree belt to the north and east of the site.

The car park has also been designed to retain the tree belt adjacent to the north east boundary of the site, Therefore it is considered that the application is in accordance with BDP 19..e,,o and p).

The compatibility with adjoining users and impact of living conditions of future occupants

The design of the building together with its recesses and creation of landscaped grounds would provide an adequate separation distance between habitable windows and adjoining properties. With regard to the juxtaposition between the south west elevation of the proposed development and the rear elevations of properties fronting Bennett Drive and Creed Close, the applicant's 'information site plan' highlights certain pertinent separation distance between windows of habitable rooms, including:

- 33.7 metres between the recessed raised terrace on the SW elevation and the north elevation on no. 1 Creed Close
- 28.6 metres between the south eastern projecting component of the 'H' shaped proposed building and no. 3 Creed Close
- 27.5 metres between the nearest clear glazed window in the south west elevation and the rear elevation of no. 1 Bennett Drive

In terms of the High Quality Design SPD, paragraph 4.2.49 the minimum separation distance between opposing faces of buildings where main living rooms are above ground level is 27.5 metres. Additionally since the neighbouring dwellings eg 1 Bennett Drive and no. 1 Creed Close are at a lower level which the applicant's cross section indicates is 1 metres lower the appropriate separation distance ought to be 29.5 metres since the SPD advises that 2 metre separation distance be added for every 1 metre lower height difference .

Additionally, in accordance with paragraph 4.2.32 of the SPD balconies will only be acceptable where it can be demonstrated that the privacy of adjacent residents can be safeguarded by ensuring no direct overlooking of windows or at close quarters the rear gardens of adjacent dwellings. In this context the balconies at 1st and 2nd floor level which are accessed communal areas and rooms on the south west elevation and which do overlook various properties, particular no. 1 Creed Close has been carefully considered. I am of the view that privacy concerns can be satisfactorily ameliorated by the combination of separation distance, the space for meaningful landscaping close to the southern boundary and the scope to enclose the balcony by an obscure glazed screen, secured by condition,

The applicant has produced a 45 degree code analysis report which demonstrated that adjacent dwellings notably no. 1 Bennett Drive would not be unduly overshadowed by the proposed buildings particularly as the site lies to the north. The concerns about construction noise and disturbance can be satisfactorily ameliorated by an appropriate condition.

In terms of the living conditions of future occupants WRS has not objected to the scheme on noise grounds. A suitable glazing condition has been imposed

Therefore, on balance, the application is in accordance with policy BDP1.4e) and the High Quality Design Guide SPD

Effect on Highway safety and adequacy of parking provision

The nature and extent of the proposed parking provision has been the subject of detailed discussion with the applicant resulting in the conclusions of no highway objections subject to conditions. During these discussions the applicant has supplied information of the parking provision of comparable sites and a TRICS assessment has been undertaken in which it is concluded that 22 car parking spaces is an appropriate provision and the plans now included provision for accessible spaces, electric vehicle spaces, motor cycles and cycle spaces. Moreover there is a reasoned justification for the visibility splays. The suggested conditions and planning obligation for community transport contributions are considered appropriate. The issue of community transport justification is considered under the infrastructure section below. This would satisfactorily ameliorate highway and highway related sustainability issues in accordance with policy BDP 16.

Regarding the Mott MacDonald comment the proposed access is a dropped kerb and care homes generate low numbers of trips. In this context, it is considered that the conflict with the opposite accesses given the level of visibility, the low trip numbers and the limited overlap of housing and care home peak movement times would not cause a significant problem

The effect of the proposed development on the green infrastructure and Heritage Matters

The juxtaposition of the proposed car park, bin store and retaining wall with the tree belt to the north east of the site had been the subject of detailed discussion, amended plans and with the Council's tree officer ultimately being satisfied that there

would little or no impact on tree canopies or roots, subject to pre-commencement conditions which have been accepted by the applicant. Therefore the application accords with BDP24.1b in that it would maintain the quality of green infrastructure.

The Conservation Officer has raised no objection to the scheme. I am satisfied the scheme will not have a harmful impact on the setting of the identified heritage assets.

The effect of the proposed development in terms of the effect of the increase population on infrastructure, facilities and services.

Medical Infrastructure

The request from the CCG for medical infrastructure is acceptable in principle. However, the evidence required to support the request from the CCG is currently awaited. I will update Members at your Committee on this issue.

Members will note the request from the Worcestershire Acute Hospitals NHS Trust for financial contributions towards acute and accident and emergency healthcare services. The Council has obtained Legal Advice on this matter. Whilst I accept, the request is material and is more than *de minimus*, it is considered that the planning obligations requested by the Worcestershire Acute Hospitals Trust (NHS Trust) requiring the developer to make annual shortfalls in National Health Service revenue would be likely to be unlawful. Such requests do not meet the Community Infrastructure Levy Regulations 2010 Regulation 122 tests: the requests are contrary to policy and they do not serve a planning purpose and/or do not fairly and reasonably relate to the proposed development. Paragraph 56 of the NPPF states that planning obligations must only be sought where they meet the tests in Regulation 122 of the CIL Regulations. I am therefore of the view that the NHS Trust have failed to meet these three tests and therefore the request is not CIL compliant.

Worcestershire County Highways Community Transport Worcestershire County Highways Community Transport

Members will note this request relates to contributions relating to £18,500 for This is for non-ambulatory residents needing a door to door transport service to access key public services. This request is considered acceptable.

As of 1 September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met. The applicant has agreed to this fee in principle. The fee/charge is subject to confirmation following authorisation to proceed with this provision at the meeting of Full Council on 25 September 2019

The applicant has engaged in the process towards a prospective Section 106 agreement. Moreover the fact that a completed Section 106 agreement is at an advanced stage that this is a further positive in the planning balance. Therefore, overall the proposed development complies with BDP 6.

Other issues

Noise Taking account of the comments from WRS (Noise) it is accepted, in principle, that the site is suitable for residential occupation. However with the windows open the recommended internal noise level may be exceeded but as the noise assessment recommends passive trickle ventilators recommended internal noise levels can be achieved with windows closed while still providing adequate ventilation. A condition has been imposed relating to suitable glazing and ventilation measures.

Air Quality: - It is not considered that the requested condition from WRS relating to low emission boilers can be imposed. However an informative can be added to encourage the application to install this feature.

Waste: Whilst the car parking size and layout may not be optimum in terms of waste collection, given the applicant's stated intentions for it to be served by private waste collection operators and the Cinnamon group have similar operations it represents a reasonable compromise between parking, manoeuvring, cycle & motor cycles spaces and bin storage and does not encroach the tree belt.

Hagley Parish Council representation comments where not covered under the subject headings

- There are no C2 parking standards, the adopted parking policy simply required an evidence base to be provided and the robustness of that evidence relevant to this site has ultimately been accepted taking account of the advice and conclusions from County Highways
- The distance between the proposed site and the village centre is under 1 km. According to 'Manual for Streets' acceptable walking and cycling distances are 2km and 5km respectively. It is accepted that compared with urban areas public transport is not frequent. However for the size of settlement the weekday day time public transport serving Hagley is reasonable. Members will also note the Community Transport contribution will also allow accessibility for occupants of the site.
- It is not considered that the provision of affordable housing for the workers of the proposed facility secured by planning obligation would be a valid planning condition or obligation. There is no valid planning policy base for this request.

Conclusions

The proposed development would be an acceptable use, in principle, on the site and not cause unacceptable harm in respect design character and appearance, living conditions, highways and parking, green infrastructure and pressure on community infrastructure subject to conditions and planning obligations.

RECOMMENDATIONS

- (1) Mind to **APPROVE FULL PLANNING PERMISSION**
- (2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the planning application following:

- (a) The satisfactory completion of a S106 planning obligation ensuring that:
- i. Capital contribution for NHS Primary Care Commission to mitigate the primary care impacts arising from the proposed development which would be used for medical infrastructure (financial figure to be confirmed)
 - ii. £18,500 - Contributions for Community Travel to Serve the Hagley Area regarding the transport needs of elderly and disabled residents who cannot use bus services and in accordance with the 2010 Equality Act.
 - iii. The occupancy of the development hereby approved shall be limited to persons aged 55 and over (the qualifying person), together with any spouse or partner and any surviving spouse or partner and ensuring that a minimum level of care is needed and taken up by future residents
 - iv. Planning Obligation Monitoring Charge: the fee to be agreed by the Head of Planning and Regeneration in conjunction with the Planning Portfolio Holder following the meeting of Full Council on 25 September 2019.
- (b) The expiry of the publicity period on 18 October 2019
- (3) That in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services, in consultation with the Chairman of the Planning Committee, to assess whether new material considerations have been raised, and to issue a decision after the expiry of the statutory publicity period accordingly.

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 proposed development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:

- 1267_000 Site Location Plan
- 1267_001S Site Plan
- 1267_003J Ground Floor Plan
- 1267_004J First Floor Plan
- 1267_005H Second Floor Plan
- 1267_006D Elevations 1
- 1267_007F Elevations 2
- 1267_008A Elevations 3
- 1267_011 Boundary Treatments
- 1267_012A Site Sections
- 1267/CS Proposed Cycle Stand
- 819/A – Landscape Plan

Reason: For avoidance of doubt to seek compliance with the approved plans

3. Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. 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.

4. 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 construction operation hours

The approved construction plan shall be fully implemented and all works shall be undertaken in accordance with it

5. Prior to the commencement of any works on site, including any site clearance, demolition, excavations or import of machinery or materials, the trees or hedgerows which are shown retained on the approved plans both on and adjacent to the application site shall be protected with fencing around their Root Protection Areas. This fencing shall be constructed as detailed in Figure 2 and positioned in accordance with Section 4.6 of British Standard BS5837:2012 and shall be maintained as erected until all development has been completed.

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

6. Prior to the development being occupied or operational, the approved landscaping scheme– Landscape Plan 819/A – Landscape Plan shall be completed in the first planting season following first occupation of the proposed development. Should any trees or hedges which are shown to be retained or planted on the approved plans either die, become diseased or are removed, they shall be replaced or restored to within a 5 year aftercare period starting from the completion of the approved planning scheme

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

7. No development shall commence until the specific details of the proposed means of enclosure around and fencing within the site and the timber knee rail fences have been submitted to and approved, in writing by, the Local Planning Authority. The proposed means of enclosure shall be erected in

accordance with the approved details prior to first occupation of the proposed development and be kept in the approved positions permanently
REASON. In the interests of visual amenity, highway safety, site security and noise mitigation.

8. No development shall commence until details of the proposed external lighting and CCTV have been submitted to and approved, in writing by, the Local Planning Authority. The proposed means external lighting and CCTV shall be erected in accordance with the approved details prior to first occupation of the proposed development and be kept in the approved positions permanently

REASON: In the interests of site security and visual and residential amenity.

9. The Development hereby permitted shall not be first occupied until 3 of the parking spaces have been equipped with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced, in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.
Reason: To encourage sustainable travel and healthy communities.

10. 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 proposed development.

11. Prior to the first 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

12. No works or development shall take place until a site drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall include details of surface water drainage measures the principles set out in the drainage design strategy report (Arc Engineers, June 2018) submitted with the application. Details and results of field percolation tests shall be provided. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained
Reason: to manage flood risk in the interests of future occupants

13. The windows to be installed in first floor landing window on the south west elevation of the approved plan(s) shall be fitted with obscure glazing and any opening lights shall be at high level and top hinged only. The obscure glass and opening light shall be maintained in the said window opening in perpetuity.
Reason: To protect the amenities of neighbouring residents
14. No development shall commence until details of the method of enclosing the two roof balconies on the proposed south west elevation including the use of obscure and fixed glazing up to 1.7 metres above the balcony deck level, are submitted to and approved in writing by the Local Planning Authority. The balconies shall be enclosed in accordance with the approved details and retained thereafter.
Reason: To restrict the outlook of the users of the proposed development in the interests of privacy of adjoining residents
15. The development hereby permitted shall not be brought into use until the applicant has submitted to and have approved in writing a travel plan that promotes sustainable forms of access to the site with the Local Planning Authority. This plan thereafter will be implemented and updated in agreement with Worcestershire County Council's Travel plan co-ordinator.
REASON: To reduce vehicle movements and promote sustainable access

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