

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Shane Carroll	Development of a new community pavilion with associated public realm and a 4 storey mixed use commercial building, containing office space and food and beverage facilities. Public realm improvements include outdoor public space and the un-culverting in part of Spadesbourne Brook.  Land At, St John Street, Bromsgrove, Worcestershire,	16.01.2024	23/01121/FUL

**RECOMMENDATION:** That planning permission be **GRANTED**

### Consultations

#### **Worcestershire Highways**

Worcestershire County Council, in its role as the Highway Authority, has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals and the additional information that has been submitted, the Transport Planning and Development Management Team Leader, on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 recommends that there is no highway objection subject to condition. The justification for this decision is provided below.

#### Context

A planning application was submitted in October 2023, together with various supporting documents and technical drawings, including a Transport Assessment (TA), prepared by ITP Ltd and dated October 2023. The planning application is for the erection of a four\_storey mixed-use commercial building, containing office space and food and beverage facilities, as well as a separate, new community pavilion building and associated public realm. It is intended the proposal be a car-free development, taking advantage of the highly sustainable location of the site and nearby active and public transport opportunities. Hence, no on-site car parking provision is to be provided. The Highway Authority reviewed the submitted TA and planning layout and, whilst there was no objection to the principle of development, did identify a number of concerns with the proposals. For this reason, the Highway Authority requested a deferral, dated 20 November 2023, seeking further supporting evidence and clarification.

Subsequently, the Applicant has submitted revised information, together with the requested clarification. The additional information provides the basis of this response.

#### Location

The area immediately surrounding the site is mixed in character, comprising a variety of uses typical of a town centre, such as retail outlets, offices, cafes, restaurants and pubs. The retail core and pedestrianised High Street lies 100m to the northeast of the site; additionally, the St John Street car park, and associated Waitrose supermarket, bounds the site on its south-western edge. The areas further beyond the site are comprised

primarily of residential properties. Currently, there are no direct vehicular access points into the site itself; with the nearest public highway being George Street and the entrance into St John Street car park, adjacent to the eastern and western boundary of the site, respectively. The local highway network, in the immediate vicinity of the site, is urban in nature, with the site bound by the A448 St John Street to the north, St John Street to the east, Worcester Road to the south, and George Street / St John Street Car Park to the west. Bromsgrove town centre contains several Public Rights of Way (PRoW) close to the site. Specifically, PRoW 584(B) routes in a north-south direction through the adjacent St John Car Park. However, no PRoW is directly affected by the proposal.

### Highway Safety

The TA discusses accident statistics on the local highway network, in the vicinity of the site. Personal Injury Collision (PIC) data has been provided by WCC for the five-year period between 01/12/2017 and 30/11/2022. Within the assessment period reviewed, 20 PICs were recorded on the highway network within a 300m radius of the site. 15 PICs were recorded as 'slight' in severity, 5 recorded as 'serious' in severity and none resulting in fatalities. The TA suggests the level of collisions recorded to have occurred within the vicinity of the proposed development site is synonymous with that of a town centre location, with the roads surrounding the site carrying a large number of vehicles on a daily basis. 15 of the PICs involved pedestrians or cyclists, reflecting the busy nature of the town centre. A review of the PICs does suggest human error was a significant factor in the majority of the PICs and there is no pattern or cluster at any particular location. The Highway Authority agrees there are no existing highway design concerns that might be exacerbated by the development.

### Access

As stated above, it is intended the proposal will operate as a car-free development with no on-site car parking providing. However, it is proposed that service and delivery vehicles will be able to access the site via George Street routing northbound in a one-way movement through the site and subsequently exiting via St John Street car park and onto the A448 St John Street. This one-directional movement will negate the need for vehicles to turn on site. Rising bollards were initially proposed at the site perimeter to prevent unauthorised vehicles from gaining access to the site. The TA adds servicing and deliveries will take place outside of operational hours, to avoid conflict with pedestrians and users of the adjacent Waitrose / public car park. Following a query from the Highway Authority, the Applicant has amended the proposals and now intends to use manually operated drop bollards instead. The proposed service delivery point has been repositioned to reduce conflict with pedestrians. The Applicant has also subsequently advised deliveries will be pre-booked with an estimated maximum of approximately four vehicles a day serving the site. The Highway Authority notes the proposed revised servicing and delivery arrangements, which are now generally acceptable. The Highway Authority has reviewed the submitted swept path drawing of both a 7.5m and 10.0m rigid HGV entering and exiting the site junction and agrees they can be accommodated. A driver would need to exercise due care and attention, as the access involves traversing the proposed pedestrian route. The Applicant has also confirmed the internal public realm area, which is to remain private, is not designed to be accessed by cyclists. No existing cycleways connect with the site and dismount signage will be erected within the development. The Highway Authority welcomes this clarification and has no issue with cyclists not being permitted to cycle through the site but allowed to push their bikes instead.

## Accessibility

Located in the heart of Bromsgrove town centre, the site benefits from an excellent existing provision of pedestrian infrastructure. All surrounding streets, including St John Street (A448), High Street (B4184) and Worcester Road, are well lit with wide footways present along both sides of the carriageway. Multiple pedestrian crossing points are situated within immediate proximity of the site, granting safe access on foot to the wider pedestrian network. Signalised crossings are present on St John Street (A448), as well as a zebra crossing on Worcester Road. These crossing points are immediately adjacent to the site and provide direct access into the existing site's footways and public realm. All crossing points cater for users of all mobilities with dropped kerbs and tactile paving present. All public footways link directly to the site providing a high degree of permeability through to the surrounding land uses. The pedestrian links allow connections to the numerous local services and facilities located within a short walking distance of the application site, most notably a range of public transport options including bus stops adjacent the site and Bromsgrove Bus Station. Table 3.1 of the TA includes examples of the walkable local amenities, along with their distance from the proposed development site and the respective walking times. There is a range of facilities and services within a 2km walking distance. The Highway Authority agrees the site is accessible by walking. The TA confirms that much of the local area, wealth of key amenities and public transport options are reachable by way of a combination of on-road routes as well as traffic free paths within a reasonable cycling time, including Bromsgrove Railway Station, which is within a 10-minute cycle journey from the site for connections further afield. The National Cycle Network (NCN) Route 5 runs through the centre of Bromsgrove, providing access to Redditch and Birmingham whilst Route 46 begins within Bromsgrove town centre and routes south into Droitwich. National Cycle Route 46 is situated directly adjacent the site along St John Street whilst Route 5 is located approximately 400m north of the site with some sections being off-road shared priority. The Highway Authority agrees the opportunity to travel by cycle would be a valid modal choice, offering direct and car-free journeys across Bromsgrove, as well as opportunities for interchange onto rail services. A number of bus stops are located in the vicinity of the site, the closest of which are located St John Street (A448), immediately outside of the site (less than a 1-minute walk). These bus stops are served by a number of bus routes, offering frequent services throughout the surrounding area. Additionally, Bromsgrove Bus Station is located approximately 300m from the site; reachable within a 4-minute walk. This facility is equipped with sheltered seating and grants access to an even wider range of bus services and destinations. The proposed development will be well connected by a regional bus network that can support the majority of a person's journey, with only the remainder of their trip needing to be made by foot or cycle to the site. Bromsgrove Railway Station is located approximately 1.7km to the south-east of the Site, being approximately a 27-minute walk from the site via a well-connected network of footways or a 9-minute cycle. Bromsgrove Railway station is operated by West Midlands Railway and provides regular services to Birmingham, Worcester and Hereford, and local destinations in between. The TA concludes the site's town centre location and the existing active and sustainable travel infrastructure demonstrates that there will be genuine opportunities for future users of the development to travel via means other than the private car. The Highway Authority agrees with the conclusion and is content the site can be considered an appropriate location for a car-free development.

## Parking Provision

### Car parking

The TA notes that, notwithstanding the car-free nature of the development and considerable sustainable transport opportunities, it is possible some future occupiers may still wish to travel by private car. Bromsgrove town centre benefits from a wide range of car parking opportunities, with BDC operating nine car parks within 700m of the site. In accordance with the parking standards policy for car-free developments, as set out in the WCC Streetscapes Design Guide (SDG), an assessment of car parking opportunities within 300m of the proposed development are to be set out. Given all nine BDC operated car parks are well connected to the site through a network of footways, all nine car parks have been assessed, which provide a combined capacity of 1,275 parking spaces. The closest car park to the application site is the 82-space St John Street car park, which is adjacent the site's western boundary. All but two of the car parks surrounding the site offer all-day parking, presenting multiple options for parking should future users wish to drive to the proposed development. The TA advises that, to gain a more up-to-date understanding of car parking capacity and demand in Bromsgrove town centre, ITP undertook a snapshot car parking audit on Tuesday 28 February 2023. The ITP car parking audits identified an overall parking occupancy of 20% (08:00-09:00) and 27% (09:00-10:00) of the total 1,275 total parking spaces across the nine BDC operated car parks, with spare capacity available in each car park. The Highway Authority notes the results of the parking audit and accepts there appears to be adequate parking capacity in nearby car parks to cater for any subsequent vehicular demand associated with the new development.

### Cycle Parking

Cycle parking provision currently exists surrounding the site for general use, including the following town centre locations which can accommodate 28 bicycles:-

- 5 Sheffield cycle stands situated on St John Street (A448) adjacent to Waitrose car park (accommodating 10 bicycles)
- 9 Sheffield cycle stands situated on the eastern side of High Street, within the footway (accommodating 18 bicycles)

The development proposes to replace the existing provision of 8 cycle spaces with 16 new cycle spaces, thus providing a net increase of 8 additional cycle spaces within the site boundary. The cycle spaces adjacent to Worcester Road will be replaced with parking for cargo-style cycles. The cycle spaces are intended for use by users of the development only. This is reinforced by the design of these spaces being inset within the site, as well as being adjacent to, and in clear visibility of, the development building. The Highway Authority notes the proposed 16 cycle spaces would be spread across the site, with 10 spaces to the north of the commercial building, 4 spaces to the south west of the Pavilion building and 2 spaces provided in the east area of the site, to replace the existing 8 spaces. The Highway Authority is content with the cycle parking provision.

### Trip Generation

Whilst the proposal is to be a car-free development, with no on-site car parking provided, the TA has still considered potential person trip generation, with indications of possible vehicle trips. The industry standard TRICS database (v.7.10.3) has been used to estimate the anticipated multi-modal trip generation of the proposed development. The results suggest that, during the weekday peak periods, the proposed development will potentially generate:-

- 15 two-way car trips during the AM peak hour and 18 two-way car trips during the PM peak hour.

All other trips are likely to be made by non-car modes. The majority of the car trips are associated with the office development. Given the relatively small scale of development and its nature, the Highway Authority is content with the forecasts. Both the Food & Beverage use and the Pavilion building are unlikely to generate much weekday AM peak hour traffic. It is also reasonable to expect some of the car trips will be pass-by or linked trips, already on the highway network.

#### Highway Impact

The Highway Authority is of the opinion the weekday peak period car trips can be accommodated on the local highway network, with the number of trips low compared with accepted daily fluctuations in general traffic flows. In addition, there is no new vehicular access to cause new turning movements. For this reason, there would be no justification for a recommendation of refusal, based on highway capacity or operation concerns. Given the nature of the proposals and being car free, there is likely to be occasions when the site attracts a lot of pedestrians. However, it is considered there is good pedestrian access to and from the site, reasonable footway provision around the perimeter of the site and adequate hardstanding open space within the site. These factors can help address any highway safety concerns. It should be stressed all road users, including pedestrians, need to exercise due care and attention when using highways.

#### Layout

Supporting information for the application includes various drawings that show the proposed layout of the scheme, together with related details. Drawing. No. OMH-ONE-ZZZ-XX- DR-A-0003 Rev P05 'PROPOSED SITE BLOCK PLAN' shows the proposed site layout. The Applicant has confirmed all open space, within the site, will remain private and not put forward for adoption.

#### S278 Agreement

Drawing. No. OMH-ONE-ZZZ-XX- DR-A-0003 Rev P05 shows the intention to resurface sections of the public footway to the north and east of the site, using a mix of materials. Whilst the Highway Authority has no objection to such a proposal, any works on the public highway, including a public footway, will require the Applicant to enter into a separate S278 Agreement with WCC, if planning consent were subsequently granted.

#### Lighting

A lighting report and drawing have been submitted, in relation to proposed lighting provision within the site. Lighting is to be restricted to lights on buildings and a number of lighting columns along the pedestrian route. Whilst the Highway Authority has no objection to the principle of lighting, the previous deferral response made some comments, stating the lighting guidance and standards referred to were out of date. No light spill plans were included in the original submission. Subsequently, the Applicant submitted a revised external light lighting assessment statement. This has been reviewed and is considered generally acceptable.

#### Drainage

The submitted Flood Risk Assessment document states the site is to be drained as per the previous consented scheme proposed for the site but which is not now being taken forward. Drawing No. OMH-ONE-ZZ-XX-DR-C-3001 Rev P03 'Drainage Plan Sheet 2 of 2' shows drainage works are to be installed on the existing north public footway, adjacent

to the St John Street carriageway. The previous deferral response requested clarification of a number of points. Subsequently, the Applicant has submitted Drawing No. OMH-ONE-ZZ-XX-DR-C-3001 Rev P05 'Drainage Plan Sheet 2 of 2', which shows revised surface water drainage proposals. The Applicant has confirmed 'linear drainage channel' means a footway drainage channel, which has been relocated to the rear of the existing public footway. The revised footway drainage proposals are generally acceptable. The detailed design can be agreed through the S278 Agreement although it may be more appropriate to locate the drainage channel within the site boundary, adjacent to the public footway. That can be a matter for further discussion if planning consent is subsequently granted.

#### Travel Plan

The Highway Authority notes a draft Framework Travel Plan (FTP) has been submitted as supporting information. The FTP has been reviewed with reference to, the WCC Guidelines for producing Framework Workplace Travel Plans and the WCC SDG. Comments were made within the previous deferral response, which the Applicant should consider. It would be acceptable to provide an updated FTP, addressing the above points, as part of any successful planning consent.

#### Construction

Given the town centre location and lack of vehicular access into the site, the Highway Authority will require a Construction Environmental Management Plan (CEMP) to be submitted for approval, if planning consent were subsequently granted.

#### Conclusion

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 is no highway objection subject to conditions, as listed below.

#### **Conservation Officer**

Part of the site (east) falls within the Bromsgrove Town Centre Conservation Area, the St John's Conservation Area lies to the west and there are several listed buildings within close proximity including St John's Church, Grade I

Thank you for consulting me in respect of this application for planning permission.

As noted above the east end of the site falls within the Bromsgrove Town Centre CA, the St John's CA lies to the west of the site and there are numerous listed buildings in close proximity.

The Bromsgrove Town Centre CA largely covers the High Street and the northern part of Worcester Road, the main shopping area of central Bromsgrove. It was initially designated as a CA in 1968, with extensions to the original area in 1983 and 1989. Following a conservation appraisal in 2009 the CA was split into two separate areas, Bromsgrove Town Centre covering the main shopping area and St John's CA which covered the area around St John's Church to the west.

The special interest of the Bromsgrove Town Centre CA is defined in the 2012 Appraisal as follows; 'The Bromsgrove Town Conservation Area contains an assortment of notable historic buildings dating from predominantly the 18th and 19th centuries but with some earlier surviving timber framed buildings. A range of architectural styles is represented from English vernacular, to restrained Georgian and more elaborate Victorian Gothic buildings. This variety of elevational treatments and styles demonstrate high quality construction and craftsmanship, giving a rich texture to the town centre, and are tangible reminders of the town's past prosperity. The medieval street pattern, based upon the older Roman Road from Droitwich, the original market place and the remains of some burgage plots have all survived.

The narrowness of the historic building plots, varied rooflines and the overall height of the buildings give an overall impression of vertical emphasis, and a strong sense of enclosure.'

The special interest of the St John's CA is defined in the 2009 appraisal as follows; 'The St. John's Conservation Area has substantial historic and architectural interest, with some of the oldest surviving buildings in the town within the Conservation Area. The Church is a strong landmark feature for the town, and is supported by a collection of surrounding listed and unlisted historic buildings dating from the 17th to 19th centuries. The area as a whole has a leafy green setting which contributes to the local sense of place and establishes a positive relationship between the built and the natural environment.'

Nearby listed buildings include ;

St John's Church Grade I - The church has its origins in the 12th Century but predominantly dates from the 14th and 15th centuries, having been restored in the mid 19th century. It is located on a high point to the west of the town and the development site with views over the town, and is clearly seen from various viewpoints within the town

Steps House, St John's Street Grade II - a 18th Century well proportioned town house. Located immediately west of the site, it sits raised above the road and immediately below the Church

14 St John Street - Grade II a 17th century property, originally a house, constructed in sandstone. Located to the south west of the site

St John's Court Grade II - A mid 19th century brick building constructed in an early 17th century style, with a later extension by Charles Bateman. It was originally the vicarage, later council offices and currently a care home. It is also located in a raised position above St John Street/Market Street, to the north west of the site.

1 High Street Grade II- A 17th century timber framed building. Located immediately north of the site.

2- 4 High Street - An 18th century brick built building, now with a ground floor shop unit with a modern shop front. Upper floors converted to flats. Located to the east of the site.

3 Worcester Road Grade II - another 18th century constructed in brick with a modern shop front. Located to the east of the site.

5/7 Worcester Road - Grade II and Grade II\* Both 18th century brick buildings, no 7 has venetian style windows was was originally the Golden Lion public house. Both located to the east of the site.

There are several other 18th century Grade II listed properties at the southern end of the High Street.

The site falls within the setting of all these listed buildings

The site had, as noted in the Heritage Impact Assessment been occupied by a modern market hall and a 1950s office building with retail on the ground floor, known as George House. The latter was demolished in 2017, the market hall some years before that. Over the last few the site has been used as an event space.

The proposal is to construct a pavilion building containing a community use space and a four storey building with a food and beverage space on the ground floor and offices on the upper floors, together with associated public realm works including the partial re-opening of the Spadesbourne Brook.

Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

This is supported by Policies in BDP 20 of the Bromsgrove Local Plan, which amongst other things, state that development affecting heritage assets, including alterations or additions as well as development within the setting of heritage assets, should not have a detrimental impact on the character, appearance or significance of the heritage asset or heritage assets.

In addition, guidance in the NPPF must also be considered. Paragraph 194 which requires applicants to describe the significance of any heritage asset affected by a proposal, including any contribution made by their setting. Paragraph 195 requires LPAs to take account of the significance of affected heritage assets when considering the impact of a proposal, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 199 requires great weight to be attached to the conservation of designated heritage assets, irrespective of the level of potential harm. Any harm to or loss of, the significance of a designated heritage asset, including its setting, requires clear and convincing justification. Paragraph 202 states that 'where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The site lies in a highly sensitive location in terms of the historic environment, at the southern end of the High Street, adjacent to the Roman road, and the historic medieval market place, and in close proximity to the medieval church of St John, in the medieval



core of Bromsgrove. As noted above it is surrounded by a number of designated assets including two CAs, the Bromsgrove Town Centre CA extending across the eastern side of the site and numerous listed buildings. The site, however, in its current state is featureless and merges into the Waitrose carpark.

The eastern end of the site is very much a focus of the CA, with views along the High Street towards this end of the site. The proposed pavilion building will form a distinctive feature at the end of the High Street with its interesting architectural form. Although the chosen materials are novel, the colour palette should blend well with materials of the surrounding historic buildings. It is therefore considered that the building will preserve the character and appearance of the Bromsgrove Town Centre CA and the setting of the nearby heritage assets.

The office/restaurant building will form a dominant feature on the corner of St John's Street, between the two CAs and again within close proximity of a number of listed buildings. It will clearly figure in the key view of the Church from the junction of Worcester Road and High Street, but due to the raised position of the Church the Grade I listed building will continue to dominate this end of the Town. The new building will help to partially enclose the St John Street and restore the historic building line. It will obviously be higher than buildings to the east but by setting back the top floor the bulk of the building will be reduced, and it is not likely to be higher than Steps House, which sits on a raised position above the road to the west. The proposed architecture is unapologetically modern as are the proposed materials, however as with the Pavilion building the proposed materials should sit comfortably with the neighbouring historic buildings.

The public realm proposals are welcomed as when not in use for events this area is very much a dead space between the bottom of the High Street and the Waitrose car park. Historically the Spadesbourne Brook was an important feature within the town, a number of historic mills being dependent on it. Its partial restoration is therefore particularly welcome.

There are therefore no conservation objections to the scheme.

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

The proposed development area (PDA) is located within the centre of the town of Bromsgrove.

The archaeological desk based assessment submitted with application notes that the site is located within what is considered to be the oldest part of Bromsgrove, as laid out by the 13th century and that this is likely located on an earlier Roman road, and next to a possible Saxon Minster precinct. The site became built over in plots from the medieval period and remained central to the town until its destruction in the 20th century. There remains a high potential for the presence of subsurface archaeological features ranging from the Roman road through to medieval and post medieval settlement.

Previous archaeological investigations in the vicinity of the PDA have revealed multi-phase activity from the 12th century onwards (WSM67952), medieval features (WSM31097) and post medieval activity (WSM31883 and WSM49800). A 1994 archaeological watching brief on the site of the New Market Hall, within the PDA itself,

revealed post medieval building footings (WSM20645), while a single trench excavated as part of a community project in 2013 at the former Market Hall, revealed similar results (WSM49636). The community excavation did not extend below the post medieval features and it was considered possible that medieval deposits survived underneath.

The DBA identified the potential for prehistoric activity as low, although noted that such activity can often be on the banks of water courses such as the Spadesbourne Brook, which the site straddles. It also identified moderate potential for Roman archaeology, any remains of which would be considered as of medium significance; low to medium potential of Early Medieval remains, that if present would be of medium to high significance; high potential for medieval archaeology, any remains of which would be of medium to high significance and very high potential for features of post medieval date, remains of which would be considered of low to medium significance.

The DBA concluded that the proposed buildings are likely to require excavation works for services and landscaping.

There is clearly potential for the proposed development to impact below ground archaeology that would be significantly altered or lost through development. On this basis, should you be minded to grant planning permission for this scheme it is recommended that a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of planning permission. The programme of works will require discussion at the brief/WSI stage but may involve a combination of evaluation, watching brief and excavation.

Local planning authorities have a responsibility to protect, either by preservation or record, the historic environment in a manner appropriate to its significance and should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (National Planning Policy Framework 16, paragraph 205). In order to comply with policy, we recommend that a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of planning permission.

Should planning consent be given, then the applicant or their successor in title must contact the Planning Advisory Section of the Worcestershire Archive and Archaeology Service to arrange provision of the brief prior to the commencement of works. It will be the applicant's (or their successor in title) responsibility to contract an appropriate archaeological organisation to undertake the programme of works as detailed in the brief.

### **North Worcestershire Water Management**

According to the Environment Agency data, the site falls partly within flood zone 3, and entirely within an area at low risk of surface water flooding with parts of the site at higher risk of surface water flooding. Whilst we do not hold reports of flooding within the site itself, we are aware of reports of flooding directly adjacent to the site, both due to the Spadesbourne Brook and surface water.

The planning application has been accompanied by a substantial flood risk assessment which includes the findings of a hydraulic model of the Spadesbourne Brook, in the absence of the Environment Agency holding an up-to-date model. This model report confirms that during the 1% AEP event, a small area of the site is currently likely to be at risk of flooding with depths not exceeding 10cm. Post development, there is a modelled increase in flood risk along the route of the Spadesbourne Brook which is to be expected (indicating the opened channel), with out-of-channel flood risk not expected to exceed depths of 20cm. The modelled flood level at the 1%AEP event (including an allowance for climate change) is 85.24mAOD. I do note that downstream of the site, there is a slightly increase in flood depth close to Sampson Court; I will need to better understand the exact location and amount of this increase to ensure no negative impact upon neighbouring buildings. There must be no increasing of ground levels within the areas modelled as being at risk of flooding without compensation storage being provided.

The site as a whole has an existing runoff rate of 28.5l/s; ideally brownfield sites should have their runoff rate and volume reduced as close as practicable to greenfield rates (which would be 1.1l/s), however I appreciate on this site that space is limited, and therefore the best achievable reduction in runoff from the site is down to 14.3l/s. As a significant reduction, this is acceptable. Due to the proximity of the Spadesbourne Brook, infiltration SuDS are not likely to be feasible, therefore in line with the drainage hierarchy, discharging clean surface water to the Spadesbourne Brook is acceptable.

The Spadesbourne Brook at this location is classed as a Local Wildlife Site, and the wider catchment is home to the protected water vole; ensuring no degradation in water quality is therefore of vital importance. I note s.6.4 of the Water Management Statement includes an assessment of the land use, which has a 'low' pollution hazard level, however the mitigation measures have not yet been assessed in line with the CIRIA Simple Index Assessment ' this will need to be completed as part of the detailed design of the site. I would also expect a robust CEMP to be provided to protect the water environment during construction.

A drainage strategy has been provided which at this stage is satisfactory, but I would like to clarify the levels of the outfalls into the channel in relation to bed / top of bank level, and also will require a copy of the .mdx file once the design is finalised. Where possible, I would welcome the addition of further porous surfaces such as block-paving in place of tarmac, to help further reduce the amount of surface water runoff from the site.

Looking at each element of the proposals individually:

The proposed development involves the de-culverting of the Spadesbourne Brook which is welcomed, and aligns with policies 23 and 24 of the Bromsgrove District Plan. At present the detail around this part of the proposals is very limited; although the work will need to obtain formal consent from North Worcestershire Water Management, I believe detailed plans will need to be provided as part of the planning application too. These should include, but are not limited to, long- and cross-sections of the channel and materials. Where possible natural materials for the bed and banks should be incorporated to maximise the benefits. I note the modelling report states that a flow control has been modelled to mitigate against downstream flood risk; it is a shame to see a new section of culvert beneath the bridge has been included as it slightly contradicts the aims of opening the culvert; if there is an alternative it would be welcomed, but should the crossing be

necessary ideally this should be a free-spanning bridge and not a culvert, acknowledging that further hydraulic design work will be required to ensure the flood risk does not increase on or off site.

The proposed office block to the west of the site.

This area is proposed to drain into the watercourse, at a rate of 9l/s, with the provision of 39.9m<sup>3</sup> storage to accommodate runoff.

The proposed office block is to have a finished floor level of 85.75mAOD, which is 0.51m above the 1%AEP event including an allowance for climate change. This is acceptable.

I note the provision of a swale helping to drain this catchment area which is very much welcomed as an above ground SuDS feature. Further detail of this will need to be provided at the detailed-design stage, to include levels indicating if this is an over-flow feature or if it will capture water before draining into the site drainage network.

The proposed pavilion to the east of the site.

This area is proposed to drain into the watercourse at a rate of 5.3l/s, with 20.52m<sup>3</sup> of attenuation storage being provided.

The pavilion area is designed with a finished floor level of 85.3mAOD. This is only 0.06m above the 1% AEP event (plus climate change) level. Although the building will remain dry up to and including the 1%AEP plus a climate change allowance, the FRA states that due to a need for level access to the building, the required freeboard cannot be provided. While I appreciate the need for level access, I would like to request that further consideration is made into this matter, as the proposed finished floor level does not meet our requirements. I would also like to ensure that there is a safe and dry escape route from this part of the site; at present the proposed route is through an area which may have up to 30cm of flood water before crossing over the brook, although I acknowledge that this is classed as a very low hazard. Is there potential for a rear exit onto Worcester Road perhaps, where there is no risk of flood water.

The FRA states that the building will not be in constant use and is a less vulnerable use, but does not mention if the building will be flood resistant or resilient.

Overall I have no objections to the proposed development, and can see there are multiple benefits including the daylighting of the culvert and the slight reduction in flood risk off-site according to the modelling report. I do however require some further information to ensure the site and surrounding areas are not at risk of flooding, and to ensure there is no damage to the water environment.

## **Environment Agency**

### **Flood Risk**

Based upon our Flood Map for Planning the West side of the development site is located in Flood Zone 1, an area at low risk of flooding, whilst the East side of the site is located in Flood Zone 3, an area at high risk of flooding from the Spadesbourne Brook (an Ordinary Watercourse).

'Annex 3: Flood risk vulnerability classification' in the National Planning Policy Framework (NPPF) sets out that professional and other services such as offices and food facilities are classed as Less Vulnerable development.

We have produced standing advice to enable Local Planning Authorities to make decisions on lower risk planning applications where flood risk is an issue without directly consulting the Agency for a bespoke response. It also identifies those higher risk

development situations where case by case consultation with the Agency should continue.

This standing advice should be treated as a substantive planning response provided by the Agency via a direct consultation response. It should be treated as a material planning consideration in determining the application. As with any consultation reply, it is a matter for the LPA what weight it decides to attach to this standing advice having regard to this and all the other material considerations involved.

We have attached our Flood Risk Standing Advice Process Note 3 to this response for consideration of potential flood risk issues and mitigation options associated with the development.

We note that flood modelling has taken place at the site within the Flood Risk Assessment (FRA) by JBA Consulting (Ref: KAK-JBAU-XX-00-RP-HM-0001-S03-P02-FRA\_Report) to show the baseline and post-development flood risk utilising the correct climate change allowance of 30%. We have not reviewed the modelling as part of our consultation and recognise that the FRA states there will be no increase and a likely reduction in flooding on site post development.

We recommend that your council consult your Lead Local Flood Authority (LLFA), as well as your emergency planners and services for consideration of flood risk, mitigation, safe access and egress.

### Protected Species

The Environment Agency fully support the removal of Culverts, we are however, not supportive of the current design, which is hard engineered, offering very little value to wildlife.

Although there were no evidence of water voles and it was assessed that the habitat is currently unsuitable for this species in the Preliminary Ecological Appraisal produced by Sharpe Ecology (dated January 2023), Bromsgrove has the last remaining strong hold for water vole populations in Worcestershire. Water voles are one of the UK's faster declining mammal species and they are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Water voles have local strategic significance – the Worcestershire Biodiversity Partnership have a formal Biodiversity Action Plan (BAP) for water voles, due to their extensive scarcity throughout the county and therefore it's important that planning applications meet county BAP objectives when opportunities exist. Chapter 6 of the BAP, which defines the Conservation Aim, emphasizes the need to re-connect suitable habitats for this species. Opening up short sections of culvert can have a positive knock-on effect for other applications to do the same and therefore it is important to ensure it is done in the most appropriate way for the species which are known to the area.

Furthermore, there are records of water voles approximately 130 metres downstream of the site. Therefore, there is a significant opportunity here when opening the culvert, to make the habitat suitable for water voles. Suitable habitats for water voles include areas with both deep and shallow water, tall marginal and bankside vegetation for cover and fairly steep earth banks along the watercourse to excavate extensive burrow systems. As a result, we strongly recommend that the concrete steps/seating area concept is removed, and this area is replaced by a graded back naturalised earth bank. This should then be planted with native species of vegetation – please ensure that any vegetation/trees planted across the site are native and of local provenance. Seating areas could then be provided at the top of the bank instead. We do not support the use of gabion baskets (as seen downstream) as these provide no biodiversity benefit for the Spadesbourne Brook. The Spadesbourne Brook is a Local Wildlife Site (LWS), affording

it elevated protection in consideration of planning applications. The water vole is designated as a national BAP species in the LWS citation, and the proposed planning site lies within the water vole colony section of the Spadesbourne Brook LWS. Efforts should therefore be made and focused on creating suitable bankside vegetation for water voles at this site.

#### Otters

In the 'External Lighting Strategy and Planning Statement' produced by Creative Environments (Ref: OMH-ONE-ZZ-XX-RP-E-0001-P03), it is discussed that at the next stage of the design, night-time reduction lighting will be considered. Night-time lighting should definitely be considered for this planning application to minimise any disturbance to local strategically significant species such as otters.

#### Sustainable Drainage Systems (SuDs)

It is good to see that SuDs have been considered including swales and detention basins. In the 'Drainage Plan', rainfall gardens were mentioned. We strongly recommend that the rainfall gardens are implemented on site – particularly in the heavily concreted 'plaza' area. Adding rainfall gardens here will help to infiltrate any surface water runoff into the Spadesbourne Brook, helping to improve water quality. We also recommend that other green infrastructure measures are implemented including green roofs on the rooftops of the buildings.

#### Biodiversity Net Gain (BNG)

It does not appear that BNG has been considered for this site. Although Biodiversity Net Gain is not currently a legal requirement, we strongly recommend that the applicant undertakes the BNG metric and considers BNG in their design plans.

#### Invasive Non-Native Species (INNS)

For your information, the INNS, Himalayan Balsam, is extensive at this site. There are also records of Winter Helitrope, Japanese Knotweed, Signal crayfish and Northern River Crangonyctid at the site and within the wider area. INNS management along the Spadesbourne Brook should be included in the design plans. Biosecurity measures (including Check, Clean, Dry) should also be included in any risk assessments to minimise the spread of INNS in the area (e.g., ensuring any equipment/vehicles/boots are properly cleaned before entering and when leaving site). Strict care should be taken when working in the channel to minimise the spread of the Signal crayfish plague.

### **Worcestershire Regulatory Services**

Noise: The submitted background noise assessment (Sandy Brown 23152-R01-A Dated 28 March 2023) appears satisfactory. The cumulative impact, when assessed in line with BS4142, of all proposed plant / equipment / ventilation openings associated with the development shall not exceed the levels detailed in Table 4 of the assessment 1m from the nearest residential premises. This should be conditioned and confirmed by the submission of a Noise Technical Note when the it is known what plant / equipment / ventilation openings will be installed.

External Lighting: The revised external lighting plan and assessment are acceptable. I therefore have no objection to the application in terms of light nuisance.

Fume & Odour: Full details of any commercial kitchen ventilation systems, including fume and odour mitigation in line with the Defra / EMAQ+ guidance, shall be submitted for approval.

Construction Phase Nuisance: The applicant should submit a Nuisance Management Plan detailing the proposed measures to monitor and mitigate emissions of noise, vibration (piling) and dust emissions during the construction phase for approval. Reference should be made to BS5228 Parts 1 & 2.

## **Community Safety Manager**

The following advice and recommendations are informed by Secured by Design "Commercial 2015" guidance, a copy of which can be accessed here: <https://www.securedbydesign.com/guidance/design-guides>

It is important to note that crime is a material planning consideration and is a determining factor in gaining planning consent. Practitioners are also reminded that the prevention of crime and the enhancement of community safety are matters that a local authority should consider when exercising its planning functions under the Town and Country Planning legislation.

In commenting on this development, I have considered.

- Crime and Disorder Act 1998 (S17) local authorities are duty bound to adhere to Section 17 of the Crime and Disorder Act 1998 and exercise their functions with due regard to their likely effect on crime and disorder and do all that they reasonably can to prevent crime and disorder.
- National Planning, Policy Framework S8 (Promoting Healthy and Safe Communities) and S12 (Achieving Well-Designed Places) Para 130 (f)
- Planning Practice Guidance (Healthy and Safe Communities) P009 & P010
- Bromsgrove District Plan 2011-2030 (Strategic Objective 7; Reduce fear of crime, Promote community safety) and Policy BDP19 High Quality Design
- Bromsgrove High Quality Design SPD

We are satisfied that we have had the benefit of engagement with the development project group for this development and consequently have had opportunity to make comment during the design stages. This is always beneficial allowing early identification of design aspects we would regard as problematic and facilitating discussion to reach mutually agreeable positions. We have also been engaged with the BREEAM Security Needs Assessment which this comment largely mirrors.

The below recommendations are not intended to be exhaustive but should be considered as general principles relative to the initial design. Further discussion with a DOCO as the design develops is recommended to ensure a safe venue in line with Local Planning Policy, Secured by Design "Commercial 2015" and the National Planning Policy Framework.

## **Comment ref Sustainability**

I also note that the Design and Access Statement makes specific reference to environmental issues and sustainability. I would point out that research conservatively estimates the carbon cost of crime within the UK to be in the region of 6,000,000 tonnes of CO2 per annum. This is roughly equivalent to the total CO2 output of 6 million UK

homes! Effectively designing out crime at build or refurbishment stage therefore delivers additional environmental benefits.

### Context

Bromsgrove Town Centre is generally a positive environment for shoppers, workers and residents, there is however a history of certain recurrent behaviours that should be considered when designing new buildings and spaces. These behaviours include youths accessing rooftops and the rear areas of buildings for the purpose of anti-social behaviour, nuisance loitering and gathering, sometimes in numbers, sometimes for begging. Criminal damage including arson (there was an incident of arson at the present birdbox site) and graffiti.

### Design and Layout

Avoid climbing aids on buildings.

Care should be taken to ensure that design features of the building's exterior do not constitute climbing aids onto the building, this is an ongoing challenge in relation to young people for other buildings in the high street.

When considering materials being used on the exterior these should where possible be graffiti resistant.

Avoid covered recesses on buildings where possible to inhibit anti-social lingering.

Recesses are a known concern for anti-social behaviour and as well as encouraging nuisance loitering can create places encouraging rough sleeping. Where these recesses are built into the design There should be consideration how this kind of negative use can be designed out, i.e., increased lighting or minimised recessing.

### Natural Surveillance

Currently this site is one that has a lot of natural surveillance. The submitted design however produces an area including a throughfare between Waitrose Car Park and St John Street which is less subject of surveillance. This vulnerability should be minimised by CCTV surveillance, by good lighting and by attention to planting that does not create hiding and ambush places.

### Planting and Landscaping

Planting must compliment rather than obstruct the existing Council CCTV system and any building CCTV system and should be carefully designed not to impede natural surveillance. Trees must be maintained at a height no greater than 2.0 meters from the base to the crown and may require more frequent maintenance and pruning during the summer months where foliage becomes denser.

Care should be taken to avoid wind-blown litter traps as these can create an atmosphere of neglect and lead to nuisance loitering.

Any planters that are proposed for the site should be to a design that does not create seating areas.

### Urban Stream

The open culvert (Urban Stream) is undoubtedly a potentially attractive feature of the design, but this could prove an attractor for ASB behaviour and certainly litter, management plans for the site should include how these issues may be managed.



## **Bromsgrove Society**

The Society supports in principle the proposed development of a community pavilion with associated public space, the un-culverting in part of Spadesbourne Brook and improvements to the public realm. The Society is aware of the role of the proposed mixed use commercial building in supporting the proposed community pavilion. However, given the trend from working within a traditional office environment towards hybrid and remote working, we question if the development proposals represent an overprovision of office space likely to lead to prolonged periods when the commercial building is not fully let. The Society has reviewed the objection by Mr Troy Kidsley to the proposed development. Mr Kidsley makes use of industry standard techniques to access the impact of the mass and form of the proposed commercial building on key sight lines. The Society shares the concerns raised by Mr Kidsley regarding the adverse impact of the mass and form of the proposed commercial building on sight lines from the southeast when looking towards St John's Church and the view from the grounds of St John's Church to the southeast. The Society invites Bromsgrove District Council to address these concerns by reducing the height of the proposed commercial building. The Society also shares the concerns raised by Mr Kidsley regarding the performance of the proposed cladding material. The Society calls upon Bromsgrove District Council to commit to a regular maintenance scheme that will prevent staining of the cladding. The adverse impacts of noise arising from the proposed outdoor public space, outdoor tables served by the proposed ground floor food / beverage area and the proposed third floor outdoor dining area is of concern to The Society. To date, the impact of noise arising from these sources on adjacent residential properties and streets does not appear to be addressed in the Applicant's submissions or Consultee responses. The Society has an expectation that Bromsgrove District Council will address this matter.

### **Publicity**

34 letters sent 23.10.23 expired 16.11.23  
Site notices displayed 23.10.23 expired 16.11.23  
Press notice published 27.10.23 expired 13.11.23

7 representations have been received in relation to the application.

Of these 1 supports the proposal whilst 6 raised objections.

In support of the application the following matters were raised:

- Pleased to see a modern design and stream incorporated into the proposal
- Hope that the proposal will support independent businesses in the town
- Promotion of town through events and functions
- Continue the good use of the Birdbox for public events and street trade

In objection to the application the following matters were raised:

- The design is too modern and intrusive for the area
- Alternative uses for the site should be considered
- The funding for the development could be better spent on alternative projects/sites
- The height of the proposed office building
- The materials proposed for the proposed office building and how it will weather

- Impact of pollution and noise

### **Relevant Policies**

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
BDP16 Sustainable Transport  
BDP17 Town Centre Regeneration  
BDP19 High Quality Design  
BDP20 Managing the Historic Environment  
BDP23 Water Management

#### **Others**

Planning Practice Guidance  
National Planning Policy Framework  
High Quality Design SPD

### **Relevant Planning History**

15/1064 Demolition of existing building (George House) Granted 11.03.2016

### **Site Description and Proposal**

The site is approximately 0.2 hectares in size located at the junction of the High Street, Worcester Road and St John Street. It is an irregular shape and is currently occupied by the 'Birdbox' – an open air space which has previously been used for outdoor recreation events in the town centre.

The site is laid to either tarmac or artificial grass with raised seating structures similarly finished in artificial grass. To the edges of the site are planters formed from metal gabion basket type structures and towards the eastern end of the site there is a timber stage structure. There is unrestricted pedestrian access through the site from St John Street/the High Street through to the council run car park and Waitrose beyond to the south west. The culverted Spadesbourne brook runs underneath the site.

The site is allocated in the Bromsgrove District Plan (BDP) as being within the Town Centre. The eastern end of the site is located in the Bromsgrove Town Centre Conservation Area with the western side of the site allocated under Policy BDP17 of the BDP as a Town Centre Regeneration site.

On the opposite side of St John Street from the application site lies the St John's Conservation Area and listed buildings – 10, 12, 12a, and 14 St John Street. At slightly further distance lies the listed St John the Baptist's Church and St John's Court Nursing Home. Number 1 High Street is a listed building at the junction of St John Street and the High Street opposite the application site with numbers 2 and 4 High Street and 3 and 5 Worcester Road opposite the eastern end of the application site.

The application proposal comprises two distinct elements – a pavilion building to the eastern end of the site and a four storey mixed use building to the western end of the site.

It is proposed that the Spadesbourne Brook, which effectively divides the site in two, will be opened up as part of the landscaping of the site.

The ground and third floor of the mixed use building will comprise office and food and beverage uses. The first and second floor is proposed to be in office use. The fourth floor is for plant and roof mounted photovoltaics.

The pavilion building, whilst having the appearance of a two storey building will only have accommodation at ground floor level and will be utilised as a multi purpose space for community use both internally and externally. In the main the building will be left as an open space with toilet facilities accessible internally and plant and bin storage areas accessible from the rear.

The scheme is designed to be car free, except for deliveries, with new cycle parking facilities proposed as part of the development. Service and delivery vehicles will be able to access the site from George Street, continue through the site via paving into the Waitrose car park and exit on to St John Street. Access is controlled by manually controlled drop bollards.

## **Background**

Bromsgrove District Council has been awarded funding from central Government through the Levelling Up Fund. This funding is to be shared between the application site and the former Fire Station/Library site on Windsor Street with the majority being awarded to this site. The funding is to provide circa 2250 square metres of flexible office, commercial and community space as well as associated public realm.

## **Assessment of Proposal**

### **Principle**

The site lies in the Town Centre as defined by Policy BDP17 of the BDP. BDP17.2.2 states that the Town Centre will continue to be the main retail centre of the District with the Primary and Secondary Shopping Zones being the main focus. The Worcester Road/St John Street frontage of the site is defined as a Primary Shopping Zone. Furthermore, the western side of the site, along with the council run car park and Waitrose supermarket, is allocated by BDP17.8 as a Town Centre Regeneration site. BDP17.8 sets out a number of principles for redevelopment of the site which include: the primary land use being a retail led mixed use development, leisure uses such as cafés and restaurants may also be acceptable at ground floor with the possibility of residential and office uses on upper floors, the scale of development should preserve or enhance the surrounding Conservation Area with protection of notable views and a perimeter block layout should be used. There are further requirements with respect to flood risk and public realm improvements.

Matters relating to the design/layout of the proposed buildings will be considered separately. The proposed uses across the site are mixed, comprising café/restaurant and office uses as well as the pavilion building, the use of which would not readily fall within any particular use class and would therefore be considered a sui generis use. The wider allocated site has already been developed by the Waitrose supermarket – a retail use. In

view of this and the flexibility of the uses considered acceptable by policy BDP17.8 the principle of developing the site in the manner proposed is considered to accord with Policy BDP17.

## **Heritage and Design**

The design of both of the proposed buildings takes a modern approach and seeks to respond to a number of site constraints. These include the Spadesbourne Brook which dissects the site, part of the site being in Flood Zones 2/3, part of the site being within the Conservation Area, level changes and access to and through the site.

The pavilion building is proposed to be sited at the eastern side of the application site on the junction of Worcester Road, the High Street and St John Street. With respect to the design proposed for the pavilion building it will take a two storey scale, with accommodation on the ground floor only, the building being double height internally. The roof will take the form of three asymmetric gables. To the front there will be a pergola type frame structure with fabric roof. At both ground and first floor level there will be floor to ceiling windows. It is proposed to largely finish the building in a bronze standing seam material.

With respect to the mixed use building, this will be sited at the western end of the site, addressing the curve of the St John Street junction. Accommodation is proposed across four floors with a plant area on the roof. The scale of the building will be the same from ground to second floor level with the building reducing at the third floor and further still at the plant area to create a tiered appearance. It is proposed to finish the building in blue brickwork at ground floor level with the first, second and third floors finished in bronze standing seam cladding as per the pavilion building. The rooftop plant area will be screened with a perforated metal screen in a light bronze colour. There will be floor to ceiling windows across all levels, with those at first and second floor level being highlighted with light bronze perforated steel fins.

Both buildings incorporate photovoltaic panels to the roof.

With respect to the historic environment the Council's Conservation Officer has provided detailed comments on the application proposals as reported in full above. No objections have been raised to the proposed scheme and in coming to this conclusion regard has been had to the Town and Country Planning (Listed Building and Conservation Areas) Act 1990, Policy BDP20 of the BDP and the guidance within the NPPF. Reference is made to paragraphs 194, 195 and 202 of the NPPF, however since the revised version of the NPPF was published in December 2023, these paragraphs are now numbered 200, 201 and 208 respectively.

It is recognised that the site is in a sensitive location having regard to the proximity of two Conservation Areas and a number of listed buildings, as well as being adjacent to the Roman road, and the historic medieval market place, and in close proximity to the medieval church of St John, in the medieval core of Bromsgrove.

With respect to the pavilion building it is noted that the proposed pavilion building will form a distinctive feature at the end of the High Street with its interesting architectural form. Although the chosen materials are novel, the colour palette should blend well with

materials of the surrounding historic buildings. The Conservation Officer therefore concludes that the building will preserve the character and appearance of the Bromsgrove Town Centre Conservation Area and the setting of the nearby heritage assets.

With respect to the mixed use building it is acknowledged that the building will form a dominant feature on the corner of St John Street. However, views of St Johns Church will continue to dominate. The proposed building will also partially enclose St John Street which will restore the historic building line. The modern design of the building is acknowledged, however it is considered that the proposed materials will sit comfortably with the nearby historic buildings.

Improvements to the public realm are welcomed as outside of when the space is being used for events it becomes a dead space at the bottom of the high street. Particular support is given for the reintroduction of the Spadesbourne Brook through the site given its importance associated with historic mills in the town.

It is noted that representations received relating to the application raise both support and concern for the design approach taken for the proposed buildings and in particular the modern approach and materials finish.

Policy BDP19 of the BDP seeks to deliver high quality people focussed space and sets out a series of criteria as to how this may be achieved. Similarly, Chapter 12 of the NPPF recognises that high quality, beautiful and sustainable buildings and places is fundamental to what the planning process should achieve.

There is nothing in either the BDP or NPPF which requires that the design of new development exactly replicates that in the surroundings. A thorough assessment has been made of the varying architectural styles in proximity to the site and the design has been developed to reflect this. For example, the use of contrasting materials at ground floor level of the mixed use building breaks up the mass of the building and reflects the shop fronts which occupy the units on the High Street and Worcester Road. The use of metal cladding for the buildings is intended to blend with the materials of the local area and also celebrate Bromsgrove's history of nail making.

Taking all those matters raised above into account, in particular that the Conservation Officer raises no objections to the proposal, it is considered that the overall design and impact on the historic environment is acceptable.

## **Flood Risk**

The application has been subject to consultation with the Environment Agency and North Worcestershire Water Management (NWWM) as reported in full above. Clarification to satisfy the queries raised by NWWM in those comments above has been received and this has resulted in no objection being received, with amended conditions being recommended.

The western portion of the site lies in Flood Zone 1 with the eastern side of the site lying within Flood Zones 2 and 3 as defined by the Flood Maps for Planning produced by the Environment Agency. Planning Practice Guidance defines Flood Zone 1 as having a low

probability of Flooding, Flood Zone 2 as a Medium Probability of Flooding and Flood Zone 3 as a High Probability of Flooding.

Annexe 3 of the NPPF categorises different types of development depending on their flood risk vulnerability. Buildings for shops, financial, professional and other services, restaurants, cafes and hot food takeaways as proposed in this application are considered 'less vulnerable' uses. Table 2 paragraph 079 of the Planning Practice Guidance indicates that the Exception Test is not necessary for less vulnerable development in Flood Zones 1-3. However, it is necessary to carry out a sequential test as part of the site to be developed lies within Flood Zones 2 and 3. The aim of the sequential test is to promote development in areas at lowest risk of flooding by comparing the site it is proposed to be developed with other available sites to find out which has the lowest flood risk. The submitted Flood Risk Assessment sets out that due to the existing land use being less vulnerable and the proposed land use also being less vulnerable as well as the constraints of the development site and the requirement for additional commercial building in Bromsgrove the proposal is considered to pass the Sequential Test.

The sequential test, however, requires consideration as to whether there are any alternative sites available for the development proposed and with respect to this regard has been had to Policy BDP17 of the BDP. There are two other sites allocated for similar land uses as part of this policy in the Town Centre – the former fire station/library site on Windsor Street and Mill Lane. Mill Lane similarly lies within Flood Zones 2 and 3 as defined by the Flood Risk Maps for Planning and therefore would not represent a sequentially preferable development site in Flood Risk terms. With respect to Windsor Street, this lies within Flood Zone 1 so could represent a sequentially preferable site. The most recent applications for development of this site (in 2015, 2016 and 2018) have not been successful, with applications in 2015 and 2016 being refused and subsequently dismissed at appeal and the 2018 application being withdrawn. The developments proposed were also for retirement living for the elderly so would not deliver the same type of development as proposed at this site. Therefore, whilst this site could be sequentially preferable in flooding terms there is no certainty as to when and whether development of a similar nature is likely to come forward on this site. It is therefore considered that the proposal passes the Sequential test.

Paragraph 173 of the NPPF requires that when determining planning applications flood risk is not increased elsewhere as well as a series of criteria being satisfied. NWWM have commented that there are multiple benefits to the proposal including the opening up of the Spadesbourne Brook and a slight reduction in off site flood risk. The proposal includes a swale as an above ground sustainable drainage feature and significant reduction in runoff rate from the site. In addition, the modelling in the submitted Flood Risk Assessment shows that the site is susceptible to less flooding than the Flood Risk Maps for Flooding. As such it is considered that having regard to the sequential test, the requirements of paragraph 173 of the NPPF, and policies BDP23 and BDP24 of the BDP the proposal is acceptable in flood risk terms.

## **Highways**

The Highway Authority have provided a thorough assessment of the application, following the submission of amended information from the applicants. It is noted that it is intended

the proposal be a car-free development, taking advantage of the highly sustainable location of the site and nearby active and public transport opportunities.

Policy BDP16 requires that development should comply with Worcestershire County Council Transport policies, design guide and car parking standards (or any successor guidance) and incorporate safe and convenient access and be well related to the wider transport network.

Consideration has therefore been given to highway safety, the proposed development being car free, the delivery arrangements through and for the site, accessibility, vehicular and cycle parking provision, trip generation, lighting, drainage, trip generation, highway impact and layout.

No objections are raised to the proposal on highway grounds subject to the imposition of conditions relating to the submission and approval of an employment travel plan, employment travel welcome pack and a construction environmental management plan which covers matters such as site operative parking, delivery hours and measures to keep the highway clean.

In view of this, the lack of objection from the Highway Authority and guidance found at paragraph 115 of the NPPF which states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, it is considered that the proposal is acceptable with respect to highway matters and does not provide a reason for refusal of the application.

### **Protected Species**

The application is supported by a preliminary ecological appraisal. Comments from the Environment Agency (EA) and NWWM also refer to a population of water voles being present within the watercourse close to the application site and the presence of invasive non native species, Himalayan Balsam.

In summary the ecological appraisal concludes that no protected or notable habitats or plants were noted on site and the site was assessed as being unsuitable for supporting water vole, bats, otter or other protected or notable species, and no further surveys were considered to be required. Specifically with respect to water voles it was concluded that the section of Spadesbourne Brook within the site boundary is unsuitable for water voles, and the stretches of the brook either side of the site were assessed as not supporting any habitat suitable for water voles. This, combined with the lack of water vole field signs and historical records of water voles within the Spadesbourne Brook, means that water voles are deemed to be absent from within and immediately adjacent to the site and any works within the site boundary would not result in any direct or indirect impacts on water voles.

The EA raise concerns relating to the design of the opened culvert element with respect to it being hard engineered and adding little value to wildlife. In this respect it is recommended that the concrete steps/seating area is removed from the scheme and is replaced by a natural earth bank. In response to this the agents have commented that the southern bank of the opened watercourse is identified as a more natural slope which is vegetated and planted and so this gives more opportunity to be soft engineered, giving

the opportunity for biodiversity benefits including habitat provision for mammals, invertebrates and other water-borne organisms. Following dialogue with NWWM it is proposed to naturalise the base of the channel to avoid exposure of concrete and introduce more planting into the channel. This will be reflected in detailed designs submitted to NWWM via condition before works to the culvert commence.

Due to the presence of invasive non native species near the application site, a condition has been recommended with respect to taking appropriate action to prevent their spread and having a long term management plan for the issue. It is considered that alternative wording than that proposed by NWWM would be necessary to ensure the production, submission and implementation of such a management plan in order to control this issue.

Taking all these matters in to account it is considered that the development would not have an adverse impact on protected species and the incorporation of features on the site which can be controlled by planning condition could lead to an improvement in biodiversity across the site.

### **Residential Amenity**

The nearest residential properties are located at Sampson Court, to the south of the application site. Consultation letters were sent to the occupiers of these properties, however no responses have been received in relation to the application.

The proposed mixed use building is sited between approximately 22 and 28 metres from the closest flank wall of Sampson Court. The council's High Quality Design Supplementary Planning Document (SPD) does not specify acceptable separation distances between commercial and residential development in order to satisfactorily protect residential amenity, however it is considered that a separation distance of 21 metres between two residential dwellings is adequate to avoid issues of overlooking. Where main living rooms are above ground floor level a separation distance of 27.5 metres is considered necessary. In this case the separation distance is marginally below 27.5 metres, however there is not a direct window to window relationship as the proposed mixed use building is sited at an oblique angle compared with Sampson Court. Furthermore there are perforated metal fins proposed to the upper floor windows which will obscure and restrict views. It is therefore considered that this relationship is acceptable having regard to any overlooking impact.

With respect to overbearance and overshadowing it is considered that due to the development being sited to the north of Sampson Court and the separation between the proposed development and this building the proposed development will not cause an adverse overbearing or overshadowing impact to these residential properties.

### **Other matters**

Worcestershire Regulatory Services have commented on the application with respect to noise, light pollution, fumes and odour and construction phase noise.

Information submitted with respect to lighting is considered acceptable, however details relating to plant/equipment/ventilation openings, commercial kitchen ventilation systems and a nuisance management plan should be secured by condition.



Comments have been received from Worcestershire Archive and Archaeology Service which consider that there remains a high potential for the presence of subsurface archaeological features at the application site. This is in view of the fact that the site is located within what is considered to be the oldest part of Bromsgrove laid out by the 13<sup>th</sup> century which is likely located on an earlier Roman Road and next to a possible Saxon Minster precinct. In view of this, and the guidance at paragraph 211 it is considered necessary to attach a pre commencement condition to any permission granted.

The Community Safety Manager has provided detailed comments regarding the proposal. Matters covered include natural surveillance, avoiding climbing aids on to the proposed buildings, avoiding recesses, planting and landscaping.

A number of other matters have been raised but these would not be a material planning consideration. The comments relating to the maintenance of landscaped areas would be undertaken by the council and could be managed appropriately. Conditions are recommended which cover the submission of materials such that whether they are graffiti proof can be considered at this stage and the development does not create any significant recesses such as to promote anti social behaviour.

In conclusion, the principle of developing the site in the manner proposed is supported by policies of the BDP. No objections have been received from statutory consultees relating to the detail of the proposal, subject to the imposition of planning conditions and as such there is no planning reason to withhold planning permission in this instance.

**RECOMMENDATION:** That planning permission be **GRANTED**

**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 and drawings:

Drainage Plan Sheet 2 of 2 OMH-ONE-ZZ-XX-DR-C-3001 P05  
External Lighting Layout OMH-ONE-ZZ-XX-DR-EE-2400 P05  
External Lighting Strategy OMH-ONE-ZZ-XX-RP-E-0001-P04  
Landscape Masterplan OMH-ONE-ZZ-XX-DR-L-0010 P18  
Street Elevations OMH-ONE-ZZZ-XX- DR-A-1000 P04  
Proposed Site Block Plan OMH-ONE-ZZZ-XXX-DR-A-0003 P05  
Roof Plan OMH-ONE-ZZZ-RF- DR-A-0024 P04  
Drainage Plan Sheet 1 of 2 OMH-ONE-ZZ-XX-DR-C-3000 P03  
Site Location Plan OMH-ONE-ZZZ-XX-DR-A-0001 P04  
Pavilion Building Elevations OMH-ONE-PVB-XX-DR-A-1003 P07  
Pavilion Floor Plan OMH-ONE-PVB-00-DR-A-0023 P06

Site Sections OMH-ONE-OFB-XX-DR-A-1010 P04  
Office Building Elevations 1-4 OMH-ONE-OFB-ZZ-DR-A-1001 P06  
Office Building Elevations 5-7 OMH-ONE-OFB-XX-DR-A-1002 P06  
Office Building Floor Plans Ground to Second Floor OMH-ONE-OFB-XX-DR-A-0020 P05  
Office Building Floor Plans Third and Fourth Floor OMH-ONE-OFB-XX-DR-A-0021 P05

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

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 of the Pavilion and Mixed Use building 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. 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.
5. 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 4 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 205 of the National Planning Policy Framework.

6. The Development hereby approved shall not be brought into use until the Applicant has submitted a Travel Plan using Modeshift STARS Business. They must meet green level accreditation before occupation and bronze level accreditation within 12 months of occupation.

Reason: To reduce vehicle movements and promote sustainable access  
Employment Travel

7. The Development hereby approved shall not be occupied until the Applicant has submitted to and had approval in writing from the Local Planning Authority an employment Travel Welcome Pack promoting sustainable forms of access to the development. The pack shall be provided to each member of staff at their work induction.

Reason: To reduce vehicle movements and promote sustainable access.

8. 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 traffic management arrangements; and
  - A highway condition survey, timescale for re-inspections, and details of any reinstatement. 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.

9. Prior to commencement of development a Nuisance Management Plan, referencing BS5228 Parts 1 & 2, detailing proposed measures to monitor and mitigate emissions of noise, vibration (piling) and dust emissions during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the amenity of the surrounding area during the construction works.

10. No works or development shall take place until a method statement for the protection of the adjacent brook from pollution during the course of construction has been submitted to and approved in writing by the local planning authority. The statement shall assess the risks from all pollution sources and pathways (including silt, cement and concrete, oils and chemicals, herbicides, aggregates, contaminated land and waste materials) and describe how these risks will be mitigated for this development. Development shall be carried out in accordance with the approved details.

Reason: to protect the water environment. This condition is required to be pre commencement as there is potential during the site preparation / clearance phase for pollutants to enter the culverted watercourse via drains on site. It also ensures no accidental damage to the culvert occurs.

11. No works in relation to site drainage may commence until a scheme for a surface water drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and the drainage strategy submitted with the application (OMH-ONE-ZZ-CC-DR-C-3001 - Drainage Plan rev P03). The scheme should include run off treatment proposals for surface water drainage. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

Reason: To ensure satisfactory drainage of the site and no detriment to water quality.

12. No works in relation to the de-culverting of the Spadesbourne Brook shall take place until detailed plans of these works have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To allow proper consideration of the proposed de culverting works.

13. The development hereby approved shall not be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, lighting etc.). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason: To minimise the effect and enhance the character of the development

14. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of 5 years from the date of planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted, destroyed, dies or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place within the next planting season (October-March), unless the Local Planning Authority gives its written consent to any variation. Any tree, hedge or shrub scheduled for retention which is lost for any reason during development works,

shall be replaced with a tree, hedge or shrub of a size and species to be agreed in writing with the Local Planning Authority and planted during the first planting season after its loss.

Reason: To retain the character of the landscape.

15. No development works, other than demolition, clearance of demolition waste, and site compound set up, shall proceed until a methodology and management plan to prevent the spread of Himalayan Balsam or any other invasive plant species found on the site has been submitted to and approved in writing by the local planning authority. Any long-term mitigation and monitoring set out in those reports, shall be carried out in accordance with the approved details.

Reason: To prevent the spread of Himalayan Balsam and any other invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981.

16. The cumulative impact, when assessed in line with BS4142, of all proposed plant/equipment/ventilation openings associated with the development shall not exceed the levels detailed in Table 4 of the Noise survey and plant noise egress limits report 1m from the nearest residential premises. Prior to the installation of any plant / equipment / ventilation openings a Noise Technical Note shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to protect the amenity of nearby residential properties.

17. Prior to first installation on site full details of any commercial kitchen ventilation systems, including fume and odour mitigation in line with the Defra / EMAQ+ guidance, shall be submitted for approval. The development shall be carried out in accordance with the approved details.

Reason: In order to protect the amenity of the surrounding area.

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