

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr D Owen	Demolition of Function Room and Erection of 23 Apartments with associated parking provision and landscaping.  Rubery Social Club, 141 New Road, Rubery, Worcestershire, B45 9JW	04.01.2024	23/00922/FUL

## RECOMMENDATION:

- (a) Subject to the satisfactory final views of Worcestershire Highways, North Worcestershire Water Management, Waste Management and Community Safety, **Minded to GRANT** outline planning permission
- (b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to a financial contribution of up to £69,324 to be allocated between the following:
- Integrated Care Board for a contribution of *up to* £9600 additional primary healthcare services
  - Worcestershire Acute Hospitals Trust for a sum of *up to* £2,791.08
  - Leisure Service - Open space/play/sports facilities contribution towards St Chad's Park and/or Callowbrook Park based on the sum of *up to* £55,346 (£48.97 per sqm)
  - Monitoring fee
  - Waste and recycling (bins)
- (c) And that **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to agree the final scope and detailed wording and numbering of conditions as set out in the summary list at the end of this report.

## Consultations

### **Worcestershire Highways - Bromsgrove**

Views awaited on amended plans.

Previous comments raised no objection subject to conditions: cycle parking, vehicle parking, manoeuvring area, CEMP. Requests contribution of £1,587.00 sought towards Community Transport.

### **WRS - Contaminated Land**

Due to the demolition to be undertaken, and proximity to a historic landfill site and a number of areas of unknown infill, WRS recommend conditions to ensure potential contaminated land issues on site are appropriately addressed.

### **WRS - Noise**

The revised noise impact assessment (Walnut Acoustics Document Ref: WA/0520/NA-355 rev1) appears satisfactory and predicts that acceptable internal noise levels should

be achieved by the installation of glazing products that meet the recommended specifications detailed in Table 14 of the assessment. In terms of alternative ventilation, the assessment states that a mechanical ventilation system is to be installed. Noise levels in external amenity areas is predicted to just exceed the BS8233 upper limit in the area serving Block 1 and below the upper limit for the areas serving Blocks 2 & 3 and I therefore consider this acceptable. Noise from commercial sources is not considered to require any additional noise mitigation measures to be implemented.

Conditions recommended: glazing specification, acoustic fence specification, details of mechanical ventilation, management plan detailing the proposed measures to monitor and mitigate emissions of noise, vibration (piling) and dust during the demolition and construction phases for approval.

### **North Worcestershire Water Management**

Views awaited on amended plans.

Previous comments identified that the site falls within flood zone 1 (low risk of fluvial flooding) and is not shown to be susceptible to surface water flooding. The site lies adjacent to the Callow Brook, but as the adjacent land is at a lower elevation the site is not deemed to be at risk of flooding.

I believe the development could go ahead without any drainage or flood risk impact and therefore I have no objections, subject conditions: drainage details.

### **Severn Trent Water Ltd**

I can confirm that we have no objections to the proposals subject to conditions: drainage details.

### **Housing Strategy**

Preference is for three units of affordable housing (a First Homes unit and two units should be social rented). However, as the applicant has demonstrated that no Registered Providers are interested in taking on 3 units in a mixed block, a financial contribution of £114,000.00 is sought in lieu of on-site affordable housing provision and will be utilised in the provision of affordable housing within Bromsgrove District within the next 10 years

### **Open Space/Parks/ Sports Provision/Facilities/Play Provision**

Contribution sought to support open space / sports facilities at St Chads

Park/Callowbrook Park based on the sum of £48.97 per sqm as in the s106 attached to PP 20/00198/OUT. This would be directly relevant to the proposed development which is likely to be occupied only by Adults. This would be towards outdoor fitness equipment and open space improvements/maintenance to include but not limited to paths/benches.

### **Arboricultural Officer**

I do not hold any objection to the proposed development with regards to tree related issues subject to conditions: tree protection

### **Waste Management**

Views awaited on amended plans.

Previously identified concern at the insufficient size of the bin store and its position away from the main drive.

### **Community Safety Manager**

Views awaited on amended plans.

Previous comments: This development is to be situated off the main New Road commercial street centre of Rubery, this is a busy environment with a number of shops, including supermarkets, access to a park and food retail premises. There are problems in this area with anti-social behaviour, retail theft and drug related crime.

Generally, there is good natural surveillance from the front (East) elevation from within the building over the car parking area which is positive. There is no information on planting and landscaping, any subsequent measures should ensure there is no compromise of the natural surveillance over the car parking area. Recommends installation of boundary treatment to the sides of the block to provide secure access for residents only.

General recommendation of the Secured by Design guidance to the developer.

### **Education Department at Worcestershire**

As this application states the apartments will all be 1-bed, we would not expect to see an impact regarding Education, therefore we have no comment to make on this.

### **NHS/Medical Infrastructure Consultations**

A contribution of £9600 is requested for additional primary healthcare services to mitigate the needs of the development.

### **NHS Acute Hospitals Worcestershire**

Worcestershire Acute Hospitals Trust has requested £2,791.08 to mitigate the needs of the development.

### **Public Consultations**

19 letters sent 18 September 2023 (expired 5 October 2023)

Site notice displayed 16 September 2023 (expired 10 October 2023)

Press notice published 22 September 2023 (expired 9 October 2023)

2 objections received raising the following concerns:

- Requesting the Council ensure the function room is redundant and not required for recreational purposes.
- Concern at the number of apartments to be created behind new road properties and consequential level of noise that would result.
- Concern that residents will not use the parking provided and instead will park on the pavements of New Road

### **Relevant Policies**

Bromsgrove District Plan

BDP1 – Sustainable Development Principles

BDP2 – Settlement Hierarchy

BDP6 – Infrastructure Contributions

BDP7 – Housing Mix and Density

BDP8 – Affordable Housing

BDP12 – Sustainable Communities

BDP16 – Sustainable Transport

BDP18 – Local Centres

BDP19 – High Quality Design

BDP21 – Natural Environment

BDP22 – Climate Change  
BDP23 – Water Management  
BDP25 – Health and Well Being

#### Others

NPPF – National Planning Policy Framework 2019  
NPPG – Planning Practice Guidance  
National Design Guide  
High Quality Design SPD

### **Relevant Planning History**

20/00198/OUT	Demolition of function room to the rear and erection of up to 20 apartments with associated infrastructure.	Approved	16.06.2023
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### **Assessment of Proposal**

#### **Proposal**

Full planning permission is sought for the demolition of the existing function room located to the rear of Rubery Social Club and the construction of a 3-4 storey high block of 23 no. 1-bed units. A communal garden area would run alongside the western boundary. Amended plans have been submitted to address identified deficiencies on the proposed bin store arrangements. A separate single storey block is proposed for secure cycle parking, another for plant along the northern boundary with a separate bin store close to the existing entrance drive (positioned to the rear of the Social Club building). 24 car parking spaces are proposed in front of the residential block within an area of landscaping (included 2 disabled spaces). An existing sycamore tree located close to the site entrance is shown to be retained.

#### **Site and surroundings**

The application site is accessed from New Road along an existing driveway located to the east of Rubery Social Club. The majority of the site is located to the rear of the Club and is currently occupied by a function room. The site is on level ground and is set within the Local Centre shopping area. It is bounded to the north by the A38 and Callow Brook and to the west by a residential garden.

#### **Principle of development**

The principle of the demolition of the function room and redevelopment of the site for residential purposes was established under the extant planning permission 20/00198/OUT which approved the development of up to 20 apartments on the site.

The application site is located on previously development land, within the settlement boundary of Rubery. This is considered a sustainable location and in accordance with the criteria for the delivery of housing set out in Policy BDP2.

The loss of the function room was considered by Planning Committee during the determination of the extant planning permission (20/00198/OUT). It was satisfactorily demonstrated that there is no realistic prospect of the function room continuing and

assessed that a more economically viable facility will be retained as part of the social club for the benefit of the community following the sale of the site. Therefore, there is no objection to the current application under policy BDP12.

### **Local Centre**

Policy BDP18 (Local Centres) states that the District Council will allow residential use at upper floors. The redevelopment of the site for residential purposes was established under planning permission 20/00198/OUT and continues to be considered acceptable.

### **Impact on Local Character**

The proposed apartment block is 3-storey in height rising to 4-storey at the northern end of the site. The building will be set back from New Road and will largely be screened by the existing social club and other buildings along New Road. It will be seen in glimpsed views through the gaps between buildings as is the existing function room. This is not considered to be harmful and is part of the existing character.

There is a 3 storey block directly to the east of the site entrance on New Road, with further 3 storey development a short distance further east.

The proposal is considered acceptable with regard to local character.

### **Amenity of Future Residents**

BDP1 (Sustainable Development Principles), seeks to ensure compatibility with adjoining uses with regards to impacts on residential amenity and Policy BDP 19 (High Quality Design) makes specific reference at criterion (t) to maximising the distance between noise sources and noise sensitive uses, such as residential. The High Quality Design SPD also requires care to be taken in siting residential development where noise disturbance may be caused. The matter was also considered in the determination of the extant planning permission. WRS has taken account of the submitted noise report in relation to the neighbouring A38 and concluded that with appropriate noise mitigation measures acceptable living conditions for future occupiers will be achieved. Suitable conditions are recommended.

Each residential unit would be dual-aspect (east/west). With this orientation each apartment would benefit from sunlight in addition to daylight at different times of day. It would result in a satisfactory outlook for future residents and overlooking of outdoor areas from both the front and rear elevations to aid surveillance and security.

The layout includes readily identifiable and legible entrance points to the building with direct access to the building from pedestrian routes into the site, car parking, cycle storage and bin storage areas. This results in a good level of site permeability for future residents.

Communal amenity space is shown to the site frontage and rear. The frontage space incorporates an existing established tree. The retention of the tree will provide an established element to the landscaping areas and the overall setting of the site. Satisfactory landscaping can be secured by condition.

Amendments have been sought to the position of boundary treatment from the site frontage to the rear amenity space to improve security following comments from the Council's Community Safety Officer. I will update Members at the Committee on this issue.

In addition, each apartment would meet national space standards, helping to ensure a high quality development.

### **Impact on Existing Residents**

An objection has been received from 135A New Road raising concerns at the number of apartments close to the rear of that property and that the outside amenity areas will result in extra noise.

The proposed block of apartments would be set back from the buildings that front onto New Road and would be approximately 26m from 135A New Road, the closest part of the proposed garden area would be approximately 22m from that building. The existing function room and the car park at the rear of the social club abuts the rear boundary of the neighbouring property. The size of the existing function room, its proximity to the boundary together with that of the existing car parking area will have an existing impact on the neighbour's amenity.

In contrast, the proposed block will be set back from the boundary by approximately 7m, representing an improvement in the amount of built form in proximity to the boundary. Similarly, the removal of the car parking will also result in a corresponding reduction in noise associated with vehicle manoeuvring or other activities which could otherwise take place on this area. There are already a mixture of garden areas and commercial areas to the rear of New Road properties and the creation of an outdoor amenity area to serve the flats is not considered to result in form of development that would justify refusal on this issue alone.

Access to the rear area will be restricted to residents by means of boundary treatment as noted on the layout plan for the site. There may be some overlooking from upper floor windows, though the presence of existing vegetation along the site boundary will also act as a screen to the area. On balance the relationship is considered acceptable.

### **Parking/Highway Matters/Waste Management**

The neighbour has also expressed concern that future residents would be unlikely to utilise the car parking spaces to be provided as part of the proposed development and instead would park on New Road. The layout includes the provision of a total of 37 parking space with 24 spaces identified for residential use and the remainder to serve the Rubery Social Club. 24 no. secure cycle spaces are also shown within a secure cycle store. Given that this vehicle and cycle parking is to be provided as part of the development and is located to the front of the proposed building it is highly likely that residents would make use of this rather than parking on street and walking the remainder of the distance to their apartments. It is not considered reasonable to refuse the application on the basis of parking provision.

In addition, the site is located in a sustainable location in an area identified as suitable for residential development in Policy BDP2 and the site already benefits for a planning permission for 20 dwellings.

Amended plans have been submitted in response to concerns that the bin store was of insufficient size to accommodate the required number of bins and would be difficult to access satisfactorily for waste collection. The amended plans relocate an enlarged bin

store at the entrance of the car park (close to where existing waste collections take place); the car park layout has been reconfigured to accommodate the same number of parking spaces. In addition, 2 disabled spaces are annotated on the amended plans. At the time of writing the report comments are awaited from key consultees. These will be included in an update report to Planning Committee.

### **Flooding and Drainage**

NWWM has raised no objection subject to appropriate drainage design and conditions. This is considered acceptable and reflects the extant planning permission.

### **Trees**

Tree Officer has recommended conditions to ensure the suitable protection of the existing mature tree within the landscaping area. These are considered appropriate.

### **Ecology**

No ecology information has been submitted with the application. However it is noted that the PEA submitted with 20/00193/OUT identified that the site in general and the proposed development area has little to no ecological value. That planning permission included a suitable condition to require the provision of bat/bird boxes. The application was submitted prior to recent changes in legislation requiring a biodiversity net gain metric. It is considered appropriate to attach a similar condition to that attached to the extant planning permission to secure bird/bat boxes.

### **Contamination Matters**

Due to the proximity to the historic Callowbrook landfill and two areas of unknown filled ground, WRS has recommended conditions requiring the applicant to incorporate gas protection measures within the foundations of the proposed new structure; or to undertake a gas risk assessment to ascertain if gas protection measures are required.

Such conditions reflect those attached to the extant planning permission and continue to be considered appropriate.

### **Public Open Space**

Some amenity space is proposed within the development site. However, a contribution has been requested by Leisure Services officers to support open space / sports facilities at St Chads Park/Callowbrook Park, in particular towards outdoor fitness equipment and open space improvements. This would directly relate to supporting the needs of future Adult occupants of the site and would accord with policy BDP6 (Infrastructure Contributions) and Policy BDP25 (Health and Wellbeing).

### **Affordable Housing**

Policy BDP8 (Affordable Housing), sets out that affordable housing provision will be expected to be provided on site at a rate of up to 30% of the dwellings. National Planning Policy allows for consideration of vacant building credit. The s106 Obligation attached to the outline planning permission 20/00198/OUT includes an allowance for vacant building credit. In this policy context, Housing Services has calculated a requirement for 3 no. affordable units, including 1no. First Homes. The applicant has contacted the local Registered Providers of housing, and none has expressed a willingness to take up such units. It has been explained that this is a result of the units being part of a single block of market apartments which is considered to lead to difficulties regarding future management

arrangements. This resulted in the applicant requesting consideration of a financial contribution in lieu of on-site affordable housing provision. Housing Services calculated this at £114,000.00.

The applicant has submitted a financial viability appraisal for the application proposal. This has been considered by the Council's Viability Appraisal Consultant. The advice concluded that there was insufficient value in the scheme to allow the requested affordable housing contribution of £114,000 and other requested contributions in full. This matter is considered further below.

### **Planning Obligations**

Planning obligations (contributions) can be secured by way of a legal agreement under Section 106 of the Town and Country Planning Act 1990.

Policy BDP6 (Infrastructure Contributions) requires the provision of infrastructure to meet the demands of new development and thus to mitigate its impact. This accords with Paragraph 57 of the National Planning Policy Framework.

In addition to submitting a viability appraisal the applicant also confirmed their agreement to the following s106 contributions (totalling £69,324.08):

- Primary Care Commissioning contribution of £9600 additional primary healthcare services
- WCC Highways contribution of £1,587.00 towards community transport
- Worcestershire Acute Hospitals Trust for a sum of £2,791.08
- Leisure Services - Open space/play/sports facilities contribution towards St Chad's Park and/or Callowbrook Park based on the sum of £48.97 per sqm which equates to £55,346

These contributions were not included in the submitted viability appraisal. Also, it was identified that the submitted document erroneously included the build costs as a s106 cost. The applicant subsequently confirmed this error. The Council's Viability Appraisal Consultant identified these errors, and these were taken into account in the review.

The Council's Viability Appraisal Consultant concluded that the benchmark value of the site and also some of the costs have been overstated in the submitted viability appraisal. Taking this into account together with the £69,324.08 contributions the applicant agreed to make, the Council's Viability Appraisal Consultant identified a potential shortfall of approximately £11,000 when assessing the viability of the scheme. However, they also advised that this was marginal and could likely be made up during the course of the build.

As a result of the viability assessment and its review, your officers accept that there is insufficient value in the scheme to allow the requested affordable housing contribution of £114,000 and other requested contributions in full. The applicant has been advised that there is an expectation that the contributions they previously committed to pay would be adhered to. The applicant has confirmed their commitment to honour those contributions (total of £69,324.08).

These were included in the heads of terms of the s106 attached to the extant planning permission, though the sums vary due to the difference in the date of calculation. In addition, the s106 attached to the extant planning permission includes a contribution for



bins and the Council's monitoring fee (in accordance with the Council's adopted charging schedule).

As there is insufficient value in the scheme to afford the full level of contributions sought, it is appropriate to consider how the available contributions should be allocated.

In this particular instance, and due to the relatively small financial amount available, no contribution is being recommended to be allocated towards affordable housing (which is also constrained by the issue of provision detailed in the previous section). The request for a financial contribution towards community transport is based in part on the likely number of over 65 years old that may live in the residential apartments. The age of future occupiers is not known.

With regard to the level of contributions available, in the context of adopted planning policy and with regard to the Council's strategic purposes, it is considered that the contributions should be allocated between healthcare, leisure, provision of refuse bins and the Council's monitoring fee. This would be compliant with the CIL Regulations.

### **Planning Balance and Conclusions**

Overall it is recommended that the proposal be approved subject to suitable conditions and a satisfactory legal mechanism to secure the identified contributions.

### **RECOMMENDATION:**

- (a) Subject to the satisfactory final views of Worcestershire Highways, North Worcestershire Water Management, Waste Management and Community Safety, **Minded to GRANT** outline planning permission
- (b) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to determine the planning application following the receipt of a suitable and satisfactory legal mechanism in relation to a financial contribution of up to £69,324 to be allocated between the following:
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  - Monitoring fee
  - Waste and recycling (bins)
- (c) And that **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to agree the final scope and detailed wording and numbering of conditions as set out in the summary list at the end of this report

### **Suggested conditions:**

- Commencement of development
- List of approved plans
- Materials
- Noise attenuation

Plan reference

- Drainage
- Landscaping
- Tree protection
- Parking/manoeuvring
- CEMP
- Ecology
- Contaminated land remediation

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