

## APPENDIX A

| Name of Applicant<br>Type of Certificate       | Proposal  | Map/Plan<br>Policy | Plan. Ref<br>Expiry Date         |
|--|---|--------------------|----------------------------------|
| <b>Rubery<br/>Development<br/>Ltd.<br/>'B'</b> | Erection of three storey building comprising retail use in ground floor and 22 apartments above and associated works (as amended by plans, planning statement and Design and Access Statement received 31.05.2007) - Land at junction of New Road/Beverley Road, Rubery | Shopping           | <b>B/2007/0433</b><br>26.07.2007 |

**RECOMMENDATION:** That, subject to the applicants entering into a suitable Legal mechanism covering financial contributions towards the (1) Education Provision and (2) Off Site Play Space, that determination of the application be **DELEGATED** to the Head of Planning and Environment Services.

### MINDED TO APPROVE.

#### Consultations

|              |   |
|--------------|---|
| WCCHP        | <p>Recommends deferral as there are inconsistencies between drawings and between plans and the contents of the Planning Statement. Queries need for a Toucan crossing. The HA have already received the Section 106 monies as part of the previous scheme. 15.05.2007</p> <p>Consulted with amended information on 11.06.2007</p>   |
| Adjacent LPA | <p>Recommends conditions (by email) 22.06.2007<br/>Birmingham City Council consulted 27.04.2007<br/>No response received.</p>   |
| PROW         | <p>Consulted 27.04.07. No response received.</p>  |
| RA           | <p>Development is adjacent to a route that leads to Lickey Hills Country Park and therefore to is important that the opportunity is taken to improve this part of the route if possible. Adds information concerning advertising proposals and refers to relevant legislation, including PPS7, PPG13, Circular 2/93, PPG17. 03.05.2007.</p>   |
| WME          | <p>Requests that building use Secure by Design standards. Has some concerns about parking layout and natural surveillance. Request that lighting to the parking area be carefully considered. 08.05.2007.</p>   |
| STW          | <p>No objection to proposal, subject to including conditions relating to drainage details and location of existing public sewer. 03.05.2007.</p>  |
| ENG          | <p>Existing facilities are available on site; they require checking to ensure correct function. No objections, subject to conditions. 01.05.2007.</p>   |
| EHO          | <p>Notes contents of submitted Phase I and Phase II ground investigation reports which provides an initial risk assessment for the development of the site. Further discussion and assessment of the data is required and this should be used to determine what further action is appropriate. Further intrusive site investigation works are required following the demolition of buildings on the site to identify possible pollutant linkages and enable a more detailed risk assessment. Recommends the use of conditions to address these matters. 18.06.2007.</p> |

|                |   |
|----------------|---|
| EA             | Consulted 11.06.2007. No response received to date.   |
| WCC(Education) | As proposal relates to housing there is a need to seek a contribution towards education provision in accordance with the SPD on planning obligations for education facilities. Table supplied setting out contribution according to dwelling type. 04.05.2007.  |
| LP             | Notes that Outline consent has been granted under application B/2003/0987. Site is in Shopping area and Policies RUB2, S7, S21, S25, S26, S27, S27A and SPG2 apply. Good design is advocated in PPS1, PPS3, notes that this application represents a design improvement. Notes parking ration and considers may be substandard, but recognise sustainable characteristics of location. Considers decked area to be amenity space and not play space. Play Space should be provided in accordance with SPG11, which for 22 units equates to 158sq.m. A commuted sum would be requires to address this. 06.06.2007. |
| HLS            | Consulted 27.04.2007. No response received.   |
| Publicity.     | Five neighbours notified, expires 21.05.2007.<br>Press notice displayed, expires 24.05.2007.<br>Site notices displayed, expires 06.06.2007.<br>No responses received.   |

### The site and its surroundings

The application relates to a rectangular site on the corner of New Road and Beverley Road, Rubery, extending to 0.285 Hectares.

The site was, until recently, occupied by Mr. B'S Market Hall which was subdivided internally into a number of small retail outlets. That building was a flat roofed two storey structure when viewed from New Road which had an unattractive external appearance and which made little positive contribution to the appearance of the area. At first floor and accessed from the rear were four residential flats.

To the rear of the Market is a vehicular access to the site leading off Beverley Road. This serves a rear access to the market hall, and associated buildings which run along the west-facing boundary and back onto a footpath leading from New Road into Graham Crescent.

At the New Road/Beverley Road junction is a small cluster of more traditional two storey units with narrower frontages and retail uses to ground floor with residential uses above.

### Proposal

That scheme includes:

1. The entire demolition of all buildings on the site including the market hall and the two storey units on the corner.
2. The erection of a new retail area at ground floor and fronting onto New Road extending to 1369 sq. m (as opposed to the original 1444sq. m). This area will be divided into four discrete areas with their own shopfront accessed off New Road.

3. To the rear, and using a similar access to the existing off Beverley Road, 18 parking spaces are proposed for the retail element with 22 parking spaces for residential use.
4. Two floors of residential units over the retail area are proposed. This area will have arranged in a shallow 'L' shape around a central communal space at first floor level in the form of a decked area. The resultant building will have a three storey form and the submitted elevations show the ridge height of the structure sitting slightly below the existing three storey development to the west of the site. The development will be made up of 21 two bed units and 1 one bed units.

The application has been accompanied by the following documentation;

1. Design and access statement.
2. Planning Statement.
3. Ground conditions report.
4. Noise assessment Landscape scheme
5. Drainage proposals.

#### Relevant Policies

|               |  |
|---------------|--|
| WCSP          | SD1,SD2,SD3,SD4,SD5,SD6,SD7,CTC1,CTC9, T1,D1,D2,D3,D4,D5,D9, D11, D13, D34   |
| BDLP          | DS13, DS4, S1, S3, S7, S15, S21, S28, S29, RAT5, RAT6, TR11, RUB2, ES3, ES7. |
| <b>Others</b> | PPS1, PPS3, PPS6, PPG13, PPG17, PPG23, SPG1, SPG10, SPG11.                   |

#### Relevant Planning History

|             |   |
|-------------|---|
| B11918      | Internally illuminated sign. 1984.  |
| 15536       | Change of use from carpark to display of vehicles for sale. Granted 12.10.1987  |
| B1992/0242  | Change of use from garage to indoor market. Granted 15.06.1992.   |
| B1992/0748  | Permanent change of use to indoor market. Granted 14.12.1992.   |
| B1993/0008  | External cladding. Refused. 26.04.1993  |
| B1993/0488  | External elevational alteration. Granted 23.07.1993.  |
| B1993/0499  | Shop sign. Granted 23.07.1993.  |
| B/2003/0987 | Residential and retail development - Outline. Granted with S106. 28.06.2006.  |
| B/2007/0142 | Demolish existing structures and construct three storey development of retail and residential with associated works -Reserved Matters. Withdrawn. |

#### Notes

Members will note the planning history for this site and in particular the extant planning permission B/2003/0987. That application was submitted prior to the housing moratorium coming into force in July 2003 and whilst being submitted in Outline, following the issuing of a direction for further information, resolved the matters including access, siting and design. A copy of the report is contained in the attached Appendix.

That application approved four units of retail accommodation at ground floor with a total of 18 two bed, 8 one bed and 2 studios units above arranged in a 'U' shaped configuration around a communal decked area. Some 42 parking spaces were proposed to the rear (divided into 21 spaces for residential use and 18 for retail use). The application was approved in July 2006 following the preparation of a Section 106 agreement relating to education provision, upgrading of a pedestrian crossing and off site play area. That application remains as a live consent and details of materials and landscaping are all that would be required under a Reserved Matters submission in order to enable the application to be implemented. I consider that this fact represents a strong and readily available fall back position to the applicant.

Members will be aware that the suitability of the scheme has already been assessed against Policy RUB2 of the Local Plan and the advice in PPG6 and Draft Planning Statement 6 (DPS6) as it was at that time. In addition the appropriateness of the site for the residential development proposed and the associated requirements for play space and amenity space and the suitability of the proposed parking and serving and access for the site have all been considered on that earlier application.

I consider therefore the matters that require consideration under the current scheme are restricted to those changes proposed to the external appearance of the building and the housing moratorium, as well as the details of any associated S106 agreement.

#### EXTERNAL APPEARANCE

Guidance contained in PPS1 sets out the Governments objectives for the planning system, which includes the key principle of promoting '*...high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but over the life time of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted*'.

In addition PPS1 includes a section on design which refers to the need for high quality design to go beyond the purely aesthetic considerations and to ensure that designs are integrated into the existing urban form and the natural and built environments and that they respond to their local context and create or reinforce local distinctiveness as well as being visually attractive. The guidance refers to policies which concentrate on guiding the scale, density, massing height and layout of new developments in relation to neighbouring buildings and the local area generally.

With this guidance in mind I note that the previous scheme had a relatively poor external treatment. The two residential floors were designed with an external corridor and a number of balconies and screened walkways. These were not designed with any degree of unity and as such the two residential floors did not relate well to each other. In addition there was little relationship to the fenestration at the ground floor. The current submission seeks to provide a greater cohesion to the external appearance with the introduction of vertical elements along the New Road frontage. This relates to a greater extent to the existing form and design of Rubery as well as creating interest and variety along this frontage. That approach has been replicated along the Beverley Road frontage also.

In addition the variety of external finishes has been reduced from that original scheme and the building will be predominantly brick with some rendered panels. These changes to the external appearance of the unit are considered to improve the appearance of the resultant building and represent a design improvement in relation to the fall back position.

### HOUSING MORATORIUM

Policies D2 and D4 of the WSP set out an indicative number of dwellings to be provided in Bromsgrove, and the phasing of that provision. On the basis of these indicative figures the Council identified an oversupply of housing land which, if it continued, could lead to the failure to satisfy the requirements of the then extant Regional Planning Guidance and the WSP. Accordingly, following public consultation, it adopted *Supplementary Planning Guidance Note 10: Managing Housing Supply in the District of Bromsgrove* (SPG10) in July 2003.

The effect of SPG10 is to restrict residential development to a limited number of Categories, however criteria IV includes; *Where renewals of extant planning permissions conform fully with the specific requirements of PPG3, PPG25 and other relevant planning policy guidance.* The guidance produced in July 2003 emphasised that existing permissions that have not yet been started contribute to current housing land supply figures and whilst not all existing permissions are needed to meet the phasing target, the majority are needed.

With respect to criteria (iv) I note the Outline approval on the site and the fact that that allowed for a total of 24 units. The current proposals equates to a total of 22 units and I consider that this represents a fall back position. I do not consider therefore that the application could be resisted on the grounds of the housing moratorium.

### PROVISION OF PLAY SPACE/OPEN SPACE

The previous application noted that there was only one amenity area provided for residents on site in the form of the central communal space at first floor level. This area has been amended, however a planted up external space will be provided for residents at this level. This will be substandard with respect to the 30m<sup>2</sup> suggested per unit in SPG1. However, given the location of the site within the urban area, the constraints provided by the access and parking and extent of the retail use at ground floor, I consider that the location of the adjacent open space off Whetty Lane, provides suitable opportunity for amenity for the residents of the proposed site.

With respect to play space, the constraints on site are such that no on-site provision is proposed.

On the previous submission the Head of Leisure Services objected to the principle of accepting any reduction in play space however if a commuted sum were accepted, his view was that this should be utilized for a broader community based initiative. The Section 106 agreement related to a commuted sum of £80,750 for open space provision.

With respect to the current submission, SPG11 now sets out that 1582m<sup>2</sup> of play space should be provided. With respect to the current submission the applicants accept the need to enter into a Section 106 agreement to provide for off site play area. However they

are of the view that any new Section 106 contributions should not exceed that required by the 2003 application.

The Section 106 agreement is currently being prepared and Officers are continuing to negotiate on this point.

## CONCLUSIONS

The application proposes a mixed retail and residential scheme within a District Centre. The use reflects advice in both PPS3 and PPS6 and the location of the site enables the principle approaches of sustainable development to be implemented.

The proposal seeks to improve a visually poor part of the shopping area of Rubery and would make effective use of urban land. I consider that the application complies with the aims of Policies in both WCSP and BDLP and in addition I consider that the current submission represents a significant visual improvement in relation to the fall back position of the previous application.

**RECOMMENDATION:** That, subject to the applicants entering into a suitable Legal mechanism covering financial contributions towards the (1) Education Provision and (2) Off Site Play Space, that determination of the application be **DELEGATED** to the Head of Planning and Environment Services.

**MINDED TO APPROVE.**

APPENDIX