

REDDITCH BOROUGH COUNCIL

**PLANNING
COMMITTEE**

9th November 2016

Planning Application 2016/109/FUL

Proposed demolition of existing buildings and development of 45 Retirement Living apartments including communal facilities, landscaping and car parking.

Johnsons Cars Ltd, Clive Road, Enfield, Redditch, B97 4BT

**Applicant: McCarthy And Stone Retirement Lifestyles Ltd.
Expiry Date: 24th August 2016
Ward: ABBEY**

(Site Plan attached)

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: steve.edden@bromsgroveandredditch.gov.uk for more information.

Site Description

The site of this application is located on the south western corner of the junction of Clive Road with Prospect Hill. The site is currently occupied by Johnsons Volvo car showroom and associated maintenance workshops and offices.

A semi-mature Ash Tree is situated in the rear garden of number 81 Prospect Hill, just beyond the south-west corner of the boundary of the site. This tree is protected under the terms of the Borough of Redditch TPO No.5 (1981).

The site is prominently located on this principal access route into the town centre.

The site adjoins a terrace of three storey Victorian properties fronting to Clive Road (to the west), whilst a cul-de-sac of 1980's semi-detached and detached houses is situated immediately to the south.

The listed three storey Windsor Mills is situated immediately to the north of the application site on the northern corner of Clive Road with Birmingham Road. To the east of the site, fronting to Prospect Hill, there are further two and three storey listed buildings.

Proposal Description

Full planning permission is sought for the demolition of the existing car showroom and associated workshops and offices and the redevelopment of the site for 45 retirement living apartments comprising 23 one bedroomed units and 22 two bedroomed units. The apartment block would include a house Managers office alongside communal facilities such as a residents lounge.

The building would be "L" shaped and three storeys in height, constructed primarily in red brickwork.

Vehicular access would be from the north-west corner of the site via Clive Road.

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Relevant Policies:

Borough of Redditch Local Plan No.3:

CS02 Care for the Environment
CS06 Implementation of Development
CS07 The Sustainable Location of Development
E(TCR).2 Town Centre Enhancement
BHSG05 Affordable Housing
BHSG06 Development within or adjacent to the curtilage of an existing dwelling
BNE01 Overarching Policy of Intent
BNE01A Trees, Woodland and Hedgerows
BBE13 Qualities of Good Design
S01 Designing out Crime
CT12 Parking Standards

Emerging Borough of Redditch Local Plan No. 4

Policy 2: Settlement Hierarchy
Policy 4: Housing Provision
Policy 5: Effective and Efficient use of Land
Policy 6: Affordable Housing
Policy 16: Natural Environment
Policy 37: Historic Buildings and Structures
Policy: 39 Built Environment
Policy: 40 High Quality Design and Safer Communities

Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
SPG Encouraging Good Design
SPD Affordable Housing Provision
SPD Open Space Provision
SPD Designing for Community Safety
Worcestershire Waste Core Strategy (WWCS)
Worcestershire County Council Local Transport Plan 3

Constraints

Borough of Redditch TPO No.5 (1981)

Relevant Planning History

2006/247/OUT	Outline Application - Demolition Of Existing Car Showroom, Associated Maintenance Workshops And Offices And The Development Of 24 Residential Apartments	Granted	17.08.2006
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Consultations

Arboricultural Officer

Comments summarised as follows:

No objections providing conditions are applied to any consent requiring:

Full protection to the Ash tree at the rear of 81 Prospect Hill in accordance with BS5837:2012 throughout any ground or construction works.

A landscaping condition requiring the proposed new planting within the courtyard and along the Northern boundary of the site along Clive Road to include the use of root balled heavy standard trees to make an instant visual impact.

RBC Ecology Officer

The proposals represent an improvement over the existing build due to the increase in green open space by providing good quality gardens and soft landscaped areas to the frontage of the build. No objections are raised.

Worcestershire Archaeological Service

No objections subject to the inclusion of an archaeology condition

RBC Development Plans

The application site lies within Redditch Borough and is located within the Abbey ward. The site is on white land on the Borough of Redditch Local Plan No.3 (BORLP3) Proposals Map, which means that any development in principle would be acceptable if it is in-keeping with its surroundings. This designation has been retained in the emerging Borough of Redditch Local Plan No.4 (BORLP4) Policies Map (Submission version).

The site is considered to be in a sustainable location for development.

The proposal makes a positive contribution towards meeting the Borough's OAHN. The applicant has demonstrated that the higher density level is in keeping with the surrounding area.

An affordable housing contribution of 13 units on-site or an offsite financial contribution of £1,004,985 should be sought.

From a planning policy perspective, this application can be supported, provided that the affordable housing contribution is met.

WCC Education Authority

As the proposed development would be for retirement living apartments (with a minimum age restriction) the County Council will not be seeking an education contribution for this site.

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North Worcestershire Water Management

It is considered that the (amended) drainage plan details submitted are acceptable from a drainage perspective and as such there will be no need to impose a drainage condition in this case.

Fire Officer

With reference to legislative fire safety requirements, the Fire and Rescue Service have no comments to make with regard to the proposed development.

Urban Design Advisor: Place Services Peter Dawson

Following my pre-application responses, I am encouraged to see that the submitted planning application has addressed each of the issues raised. Therefore, from an urban design perspective, I would recommend approving this application.

The development proposals have evolved into a scheme that suitably addresses the context of this important key site. The proposed development appropriately reflects the immediate context of the site, the adjacent Windsor Mills building as well as the residential dwellings further along Clive Road.

The revised layout itself has been improved, with sufficient space provided for an accessible and well-designed private courtyard space. The proposed landscape scheme has also been improved to address the tree lined Clive Road, while providing a useful visual barrier between the proposed development and the adjacent listed building.

I would recommend the following planning conditions are applied to any planning consent granted;

- 1) Details of all external materials together with samples when requested should be submitted and agreed by the LPA prior to development commencing
- 2) Details of windows, window frames, glazing bars, window and door surrounds, canopies and porches shall be submitted at scales between 1:20 to 1:1 as appropriate and agreed by the LPA before development commences

Highway Network Control

It is appropriate that promoters of planned development contribute toward the measures needed to support the delivery of the growth set out in the emerging Redditch Local Plan and the already adopted Redditch Local Plan.

A financial contribution of £52,295 is sought to mitigate the cumulative impact of the Local Planning Authority's planned growth. The contribution is proportionate in scale to the development and is reasonable and should be secured by Section 106 obligation.

The development site is located in proximity to the recommended route for cyclists on Hewell Road and Clive Road which provides links to Redditch town centre.

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The identified schemes for which this development will contribute towards are:-

- The provision of dropped kerbs and tactile paving to improve the adjacent footways and crossing points.
- The provision of improved signage indicating routes for pedestrians and cyclists to the Town Centre, in the vicinity of the site.
- The provision of two Silver Standard bus stops.

The County Council also recommends that any conditions be imposed on any consent granted. These include matters pertaining to: vehicle access construction and access turning and parking facilities;

Police Crime Risk Manager

No objection

Worcestershire Regulatory Services

No objection subject to the imposition of conditions concerning contamination (desk top study) and air quality conditions

Waste Management

No objection. Under the terms of Policy WCS17 of the Worcestershire Waste Core Strategy a financial contribution should be sought in order to provide black (regular) and green (re-cycling) bins for this development. The sum has been calculated to £5,700 and should be secured by Section 106 obligation

Town Centre Co-ordinator

No objection. Under the terms of Policy E(TCR).2 of the BOR LP3, as a major development, a financial contribution should be sought in order to secure environmental enhancements and improvement to the Town Centre The sum has been calculated to £24,390 and should be secured by Section 106 obligation

Housing Strategy

Comments summarised as follows:

We are in agreement with the proposals not to provide on-site affordable housing on this scheme since for this type of development, affordable units are neither suitable or desirable.

It would however be appropriate to agree a commuted sum towards the provision of affordable housing within the Borough based on the Borough's Commuted Sums Protocol. This site falls within the Redditch Town Centre sub-area and a financial contribution of £22,333 per dwelling should be sought. This equates to an overall affordable housing contribution of £1,004,985.

It would not be appropriate to approve this application until the commuted sum has been agreed.

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Conservation Advisor: Node Katie Kershaw

No objection. Comments summarised as follows:

The re-development of the site provides a significant opportunity to enhance the setting of two Grade II listed buildings (Windsor Mills to the north of the site on Clive Road and British Mills and No 80 Prospect Hill which lie to the east) in this key edge of town centre location, replacing a single storey car dealership with hardstanding to the public realm along Prospect Hill and Clive Road which at present does not contribute positively to the character of the historic environment of the area and the setting of the listed buildings.

The proposals do enhance their environment through their building line, scale and material palette which are all appropriate to the wider context.

I am pleased to see that the elevations have been amended and now provide a more vertical emphasis in fenestration with a more regularised rhythm achieving greater balance and symmetry. Further windows have been introduced as per my suggestions and the proposed window recesses reflect those seen at Windsor Mills and will create depth and shadow to the frontage which is consistent with the wider environment

Public Consultation Response

5 representations received in support. Comments are summarised as follows:

- This development would be a great asset to Redditch and its older residents
- Good, sustainable location for such a development, near to the Town Centre, close to local amenities, train station and on a bus route. Proposing own car park in addition

1 representation received in objection. Comments are summarised as follows:

- Parking and safety concerns particularly during construction period

Assessment of Proposal

Principle

The principle of residential development on the site was accepted under application 2006/247/OUT. The "white land" designation of the site means that any development in principle would be acceptable if it is in-keeping with its surroundings. The site is clearly in a sustainable, edge of Town Centre and would make a positive contribution towards meeting the Borough's Housing Supply. Paragraph 50 of the NPPF includes advice that Councils should plan for a mix of housing, including, amongst other groups, the needs of the elderly and the NPPG includes advice that the need to provide housing for older people is critical.

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Design, layout and density

The scheme has developed following pre-application advice from your officers and detailed discussions with the Councils Conservation Advisor and the Councils Urban Design advisor and has evolved into a scheme that suitably addresses the context of this important key site. The proposed development is considered to appropriately reflect the immediate context of the site and its surroundings. The scheme demonstrates that a high density development can be achieved on the site without compromising the character of the area.

Landscaping has been provided between the front of the building and the proposed low brick wall with railings above appropriately addresses the sites surroundings, providing a visual barrier between the proposed development and the adjacent listed buildings.

Highways, access and parking

County Highways have raised no objections to the proposed access and parking arrangements which would provide space for 30 car parking spaces, 3 of which would be for disabled persons use. Despite the extensive neighbour consultation process only one objection has been received.

Affordable housing

The Councils Housing Strategy team have considered that it would not be appropriate to require a proportion of the units to be provided as affordable dwellings on-site and have instead requested that a commuted sum be sought as part of a S106 Planning Obligation.

Planning Obligations

Because the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation, a S106 agreement has been drafted. The obligation in this case would cover:

- Contributions towards play off site open space provision due to increased demand/requirements from future residents, required in compliance with the SPD
Total Sum: £17,516
- Contributions for refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire waste Core Strategy
Total Sum: £5,700
- Contributions towards securing improvements and environmental enhancements to the Town Centre in accordance with Policy E(TCR).2 of the BOR LP3
Total Sum: £24,390
- Contributions to the Worcestershire Highways in accordance with the Infrastructure Delivery Plan (IDP) and the WCC Local Transport Plan 3 Development Control (Transport) Policy
Total Sum: £52,295

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- A commuted sum towards the provision of affordable housing within the Borough of Redditch based on the Borough's Commuted Sums Protocol
Total Sum: £1,004,985

At the time of writing, the planning obligation is in draft form.

Viability Issues

The National Planning Policy Framework (NPPF) places a significant emphasis on the deliverability of housing and comments under Paragraph 173:

"Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

The National Planning Practice Guidance (NPPG) advises that competitive returns *"will vary significantly between projects to reflect the size and risk profile of the development and the risks to the project. A rigid approach to assumed profit levels should be avoided and comparable schemes or data sources reflected where possible."* The NPPG states that *"a site is viable if the value generated by its development exceeds the costs of developing and also provides sufficient incentive for the land to come forward and the development to be undertaken."* It also advises that where the applicant is able to demonstrate to the satisfaction of the Local Planning Authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations.

The applicant has accepted that the full contribution in lieu of affordable housing provision on site would be £1,004,985 and has not questioned the Council's basis for asking for the (smaller) contributions as set out above. The applicant agrees to pay some of the contributions requested but argues that the scheme would not be viable based on the financial contributions requested by the Council in respect to community infrastructure and affordable housing and have submitted a viability report to support their claims.

Your officers have commissioned Black Swan Property Ltd to independently critique the applicant's viability report. This company are experienced and regularly carry out S106 financial viability assessments on behalf of both private and public sector clients.

Black Swan Property have concluded that the scheme is viable based on the payment of all of the contributions requested by the Council and as set out above. They consider that a lower profit margin should be adopted and have also raised concerns with regards to

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other figures put forward by the applicant which include, (amongst other matters), construction costs and professional fees which are considered to be unreasonably high.

Conclusion

Your officers support the principle of residential development on the site and consider that it can be achieved without harming the character of the area, residential amenities or highway safety. The scheme would contribute towards meeting the Councils housing supply, generate jobs, bring economic benefits to the construction phase and would effectively and efficiently re-use a brownfield site creating additional new safe and secure housing for the elderly built to contemporary building standards. Additionally there may be wider benefits through the release of under occupied family housing, the release of capital into the economy and the tendency of older people to support local shops and services.

However, drawing all of the viability considerations together, your officers have concluded that the proposals do not include appropriate provision for off-site affordable housing and community infrastructure and that overall, the applicants viability appraisal does not satisfactorily demonstrate and verify that the viability of the development justifies a much reduced financial contribution. As such, the economic and environmental benefits do not outweigh the need for affordable housing and community infrastructure failing to meet the requirements of advice at Paragraph 50 of the Framework which seeks, amongst other things, to deliver a wide choice of high quality homes and create mixed and balanced communities. Nor does the proposal satisfactorily contribute to providing for housing needs or improving the conditions in which people live.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the reason stated below, noting informative A:

1. The Local Planning Authority considers that the proposed development fails to provide the required level of affordable housing either on site or as an off-site financial contribution in accordance with adopted planning policy. Further, without a planning obligation addressing all of the financial contributions required, the proposed development would be unacceptable due to the resultant detrimental impacts it would cause to community infrastructure by a lack of provision for their improvements. As such, the proposal is contrary to Policies E(TCR).2 and B(HSG).5 of the adopted Borough of Redditch Local Plan No.3, and provisions contained within the Councils Supplementary Planning Document on Affordable Housing Provision; the Councils Supplementary Planning Document on Open Space Provision; the Worcestershire County Council Waste Core Strategy (WWCS); the Worcestershire County Council adopted Local Transport Plan 3 Development Control (Transport) Policy and guidance contained within the National Planning Policy Framework.

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Informative A:

In the event of a refusal on this ground and the applicant resubmitting the same or a very similar planning application with a completed legal agreement addressing all of the councils financial concerns, officers are seeking that authority be delegated to the Head of Planning and Regeneration to GRANT planning permission subject to appropriate conditions without further reference to the RBC Planning Committee

Notes

- 1) The development is hereby refused in accordance with the following drawings:

Appropriate references to be inserted here

- 2) The local planning authority is aware of the requirement in the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicants in a positive and proactive manner, seeking solutions to problems arising in relation to applications.

Officers and the applicant have discussed concerns raised by the local planning authority prior to the applications determination. The applicant considered that the proposals should be determined as submitted.