

**PLANNING
COMMITTEE**

15th June 2011

PLANNING APPLICATION 2011/094/EXT

**EXTENSION OF TIME FOR APPLICATION 2008/202/FUL:
DEMOLITION OF NUMBER 3 PLYMOUTH ROAD AND CONSTRUCTION
OF A 60 BEDROOMED NURSING HOME WITH ASSOCIATED PARKING
1 TO 3 PLYMOUTH ROAD, REDDITCH**

APPLICANT: MR M DAWSON

EXPIRY DATE: 14TH JULY 2011

WARD: CENTRAL

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on extension 3206
(e-mail: steve.edden@bromsgroveandredditch.gov.uk) for more information.

(See additional papers for Site Plan)

Site Description

The site is triangular with an area of approximately 0.69 acres (0.28 ha). It is located in Plymouth Road approximately 300m from the Town Centre. To the North-East of the site lies the bus station and to the South-West lie the memorial gardens and Cemetery Road. The land has previously been occupied by two bungalows, No's 1 and 3 Plymouth Road. Number 1 has now been demolished. The site is overgrown and unkempt, and rises steeply up from Plymouth Road, with a level difference of about 5 metres. There are a number of trees on the site many of which are conifers and have in the opinion of your Officers, little amenity value. The surrounding residential development to the South and West generally dates from the 1930s to 1950s and comprises typical detached and semi-detached properties from this era. To the South of the site lies Aspell Close, a recently constructed road leading to the residential development comprising 20 no. apartments arranged in three blocks which was granted consent in 2004.

Proposal Description

This is an 'Extension of Time' application. Due to the present economic climate, some time ago, the previous Government decided that it should be acceptable in principle for an applicant to be able to extend the length of time before commencement of that development, provided that the 'original' consent (the application to be extended) has not expired. This extension of time application relates to application reference 2008/202/FUL. Permission was granted for a 60 bedroomed Nursing Home, with associated parking at the Planning Committee of 12th August 2008 subject to the satisfactory completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990. The legal agreement was completed and the decision notice was dated 28th August 2008.

**PLANNING
COMMITTEE**

15th June 2011

The development proposed under that application is set out as follows:

Proposed Nursing Home providing 60 no. bedrooms. The home would have a qualified Nurse on duty 24 hours a day. The residents are likely to be people who are physically or mentally frail who need regular attention from a nurse. The proposed building would be mainly three storeys in height with a smaller four storey element around the central core. The nursing home would be cut into the bank which rises from Plymouth Road, in order to minimise the overall massing and scale of the building. It would be constructed from traditional red brick and render including timber to respect the traditional residential character of the area. A car park providing parking for 15 cars would be accessed off the existing access road (Aspall Close) at the rear of the building. Level access would be provided from the car park into the building at first floor level. A second point of access from Aspall Close is by the Plymouth Road junction, which would include 8 additional car parking spaces and a service area. 23 spaces would be provided in total. An amenity space would be located adjacent to the main car park close to the main entrance at the rear of the building. A further landscaped amenity area is to be provided at the northern corner of the site.

Relevant Key Policies

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk

www.redditchbc.gov.uk

National Planning Policy

PPS1 Delivering Sustainable Development
PPG13 Transport
PPG24 Planning and Noise

Borough of Redditch Local Plan No. 3

H.2 Homes for the Elderly
CS.5 Achieving Balanced Communities
CS.6 Implementation of Development
CS.7 The Sustainable Location of Development
E(TCR).1 Vitality and Viability of the Town Centre
E(TCR).2 Town Centre Enhancement
B(BE).13 Qualities of Good Design
B(BE).19 Green Architecture
C(T).12 Parking Standards
S.1 Designing out Crime

**PLANNING
COMMITTEE**

15th June 2011

SPDs

Encouraging Good Design
Designing for Community Safety

Relevant Site Planning History

Extensive planning history relates to the site and the surroundings. The earliest application of note is 2000/404 which proposed the demolition of numbers 1 and 3 Plymouth Road, and on land including the land to the south of the site (where the 20 no. apartments have since been built) the erection of 15 three and four bedroomed houses along with 8 three bed roomed flats. Although this application was refused planning permission by the Planning Committee in October 2000, the application was subsequently allowed on appeal by the Planning Inspectorate in May 2001.

This permission was never implemented. Applications for residential development (apartment schemes) were submitted on land to the immediate South of the site in 2002 and 2003 which were Withdrawn and Refused planning permission respectively, before application 2004/265/FUL was submitted proposing the erection of 20 no. apartments. This proposal was approved and has since been built and is located at the end of Aspall Close. With respect to the site itself, an application was submitted and granted consent in 2006 – ref 2006/285/FUL for the demolition of the then bungalow present on the site – number 1 Plymouth Road, and for the erection of a new dwelling – granted in July 2006. The dwelling has since been demolished, but the consent has expired due to lack of implementation within the timescales given for works to commence. In April 2008, planning permission was refused for an application to erect a 60 bedroomed nursing home – application 2008/051/FUL on grounds that the bulk, scale, massing and design of the development would be inappropriate. Application 2008/202/FUL was submitted in order to try to accommodate concerns raised by members of the Planning Committee at that time and was granted permission on 28th August 2008.

Public Consultation Responses

Responses in favour

1 letter received. Comments summarised as follows:

- No objection to this extension of time proposal but would wish to limit time extension to a maximum of two years. The letter does not explain why the time limit should be extended to a maximum of two years.

Responses against

Three letters received. Comments summarised as follows:

- Development would be out of character with its surroundings
- Increased traffic will impact detrimentally upon amenity
- Too much development in the area already. This isn't needed

**PLANNING
COMMITTEE**

15th June 2011

- Impact on wildlife and trees – general concerns
- Unsightly and overpowering

Consultee Responses

County Highway Network Control

No objections. Recommends conditions relating to proper consolidation, surfacing and construction of the access and parking area

Worcestershire Regulatory Services (Environmental Health)

No objections

Severn Trent Water

No objections. Drainage to be subject to the written approval of Severn Trent Water

Police Crime Risk Manager

No comments received

Council's Drainage Officer

No comments received

Comments received in respect of application 2008/202/FUL

The Council's Urban Design Advisor was consulted on application 2008/202/FUL. The UDA has not been consulted here since the proposal is identical, but previously received comments are summarised below for Members' information:

Urban Design Advisor (UDA)

I commented on the merits of the earlier application 2008/051 in April 2008. The modifications to the original design improved the proposal and made it acceptable in terms of its massing and appearance. Although a large building, it was well related to its site and its form and articulation enabled it to relate acceptably to its context. Although there are two storey houses opposite the site in Plymouth Road, to the North stands the large bulk of the shopping centre. As this is an edge-of-town-centre development, the proposal makes a satisfactory transition in scale between the large commercial neighbour and the smaller domestic ones. However, contrary to my recommendation, the Planning Committee felt that the scale and massing of the building was inappropriate for the site. With regards to the current, amended proposal, the essentials of the proposal remain unchanged with the accommodation proposed, the same as before. What has changed is the surface treatment of the building; the pattern of fenestration and the external materials. The curved wall to the north has reverted from brick to timber cladding on its upper floors, and the southern half of the building facing Plymouth Road has reverted from being unified by one material to being a

**PLANNING
COMMITTEE**

15th June 2011

mixture of brickwork and render. With regards to the fenestration, bay windows have been omitted and window arrangements have become more unified and regular.

Whilst the fenestration of the building is in my view less interesting, the changes are generally superficial. In conclusion, I still consider that the scheme as a whole should be approved.

Procedural Matters

This application is being reported to the Planning Committee since two (or more) written representations in objection to the proposal have been received, and because the recommendation is that permission be granted subject to a planning obligation.

Background

As stated earlier in this report, due to the present economic climate, some time ago, the previous Government enacted legislation to allow an applicant (via a formal application) to be able to extend the length of time before commencement of that development, provided that the 'original' consent (the application to be extended) in itself is extant. Subject to the planning policy framework not changing in the intervening period, the legislation allowing 'extension of time' applications would normally consider an additional three year extension of time to be reasonable. The Council receives relatively few such applications and they are rarely presented before the Planning Committee. Application 2008/202/FUL, to which this current extension of time application relates, granted permission for the erection of a 60 bedroomed Nursing Home, with associated parking at the Planning Committee of 12th August 2008 subject to the satisfactory completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990. The legal agreement was completed and the decision notice was dated on 28th August 2008. Planning conditions were attached to the consent, some of which require the applicant to submit details to the Local Planning Authority for the Councils' approval in writing prior to any development on the site commencing. Those details have not as yet been submitted. However, providing such written approval in respect to those outstanding conditions is given; monies required to be paid under the S106 are received, and development 'starts' on site before 28th August 2011, application 2008/202/FUL would remain a 'live' application.

Assessment of Proposal

In considering such applications, it is only relevant to consider what has changed since the previous approval, both in terms of the planning policy framework under which the decision should be made, and also, any significant physical changes to the site and/or its surroundings that might result in different impacts from the proposed development. In both respects, no material changes have occurred since the 2008 approval. The plans which

**PLANNING
COMMITTEE**

15th June 2011

have been submitted are identical to those amended plans approved under application 2008/202/FUL. The issues which were considered to be relevant under application 2008/202/FUL were as follows:-

Principle of the development

Policy H2 in the Borough of Redditch Local Plan concerns applications submitted for homes for the elderly. It states that in considering applications for the change of use of existing properties and for new development for homes for the elderly and nursing homes, each application will be treated on its individual merits subject to the consideration of requirements including; that all necessary car parking and servicing can be provided within the curtilage of the site; that the accommodation has the benefit of convenient access for pedestrians, cyclists and other users of public transport; account will be taken of the position and suitability of amenity and garden space provided as part of the development for occupants of the proposed development; preference will be given to the utilisation of detached properties as these generally have a lesser potential for the disturbance of neighbours; and the development should not compromise the local environment with regard to the form, character and existing layout of an area. Under the reasoned justification for this policy it states that from a sustainability point of view, homes for the elderly and nursing homes should be in locations where visitors and employees could travel by foot, cycle or public transport. This would allow residents who are able to, to integrate with their community. Suitable locations would therefore include the Town Centre or District Centres and other locations that are convenient to a bus route. Officers consider that the site in question, near to the town centre, railway station, and in very close proximity to the bus station, is highly sustainable and ideally suited to such a use. The Town and Country Planning (Use Classes Order) categorises this use as a C2 use which itself is suited and compatible to being located within an area such as this.

Design

The building is considered to be acceptably sited within the plot having regard to the levels present in the site, and the need to respect the existing building line and street scene. The building quite rightly fronts onto Plymouth Road, properly addressing the street frontage, with car parking mainly situated to the rear. Private amenity space for the residents is to be located to the rear which would be South facing and would provide a satisfactorily sized area for the residents to enjoy. The building itself is contemporary in design and its scale and massing is considered to address satisfactorily the context of the site and its surroundings.

The bus station is only some 60m to the north. The proposed building's scale and mass is considered to represent an appropriate transition between the height of the bus station to the more domestic scale of the adjoining residential area. The proposal is considered to accord with Policy B(BE).13 of

**PLANNING
COMMITTEE**

15th June 2011

the Borough of Redditch Local Plan which encourages new development to enhance the legibility of the Borough by the appropriate design and siting of distinctive corner buildings, landmarks, 'gateways' and focal points at key junctions and by the enhancement of key vistas that create visual links between places. The curved elevation has two storeys of cedar cladding veneer, which rises above the brickwork parapet at the lower ground floor to emphasise the gateway location. Site section drawings have been produced which demonstrate that the building would not harm nearby residential amenity in terms of over-dominance or overlooking. In this respect the proposals are satisfactory having regard to spacing standards / separation distances contained within the Council's adopted Supplementary Planning Guidance 'Encouraging Good Design'.

Parking and Access

A car park to the rear provides spaces for 15 No. cars – this provision complies with car parking standards tables (Appendix H) within the Borough of Redditch Local Plan. This area is satisfactorily passively surveyed by active habitable room windows in accordance with Secured by Design principles. In addition, 8 No. staff car parking spaces are to be provided, at a location nearer to the Plymouth Road junction with Aspall Close. A transport assessment carried out by the applicant's agent containing trip generation data has demonstrated that car parking provision on site would be more than adequate to cater for the development and as such the proposal would not prejudice highway safety. No objections are raised by County Highway Network Control. The building has been designed to ensure compliance with other relevant legislation. All entrance doors will have level thresholds to allow wheelchair access and a lift will provide access to all floors.

Security

Along the Plymouth Road frontage, 1.2 metre high metal railings define the boundary and provide defensible space to the building. This defensible space increases from about 2m to 3.5m where the building steps back from the road allowing for trees to be planted in this area. At the car park entrance, a change of surface treatment gives the impression of entering a private area. Many of the bedroom windows would overlook the car park providing natural surveillance. The amenity area would also be overlooked by windows from the entrance lobby and the bedrooms above. 1.2 metre high railings would surround the amenity area to provide security and safety for residents whilst allowing views through. To the rear boundary, a 2 metre high wooden fence is proposed with a light weight trellis topping. All entrance doors and car parking areas would be lit from dusk to dawn. Your Officers are satisfied in all other respects with details submitted in order to satisfy Policy S.1 of the Local Plan.

**PLANNING
COMMITTEE**

15th June 2011

Sustainability

The site occupies a highly sustainable location, near to the Town Centre in very close proximity to the train station, adjacent to the bus station and within a very short walk from a large number of shops and other local amenities. Policy B(BE).19 – Green Architecture, encourages new developments to maximise the use of, for example sustainable, local sourced and recycled materials and to maximise the energy efficiency of the building through its siting and orientation, through the adoption of energy conservation measures. The building is likely to achieve a BREEAM rating of very good. BREEAM assesses buildings against a set criteria and provides an overall score which will fall within a band providing either a; pass, good, very good or excellent rating. The Sustainability Statement submitted as part of the application is acceptable to your Officers, and a planning condition is recommended to be attached to any decision notice, in the event of planning permission being granted to ensure the implementation of these details.

Planning Obligation

Under Policy CS.6 of the Local Plan, where appropriate, developers can be required to make provision for related environmental works and services etc. Developers can be required to finance such provision which is fairly and reasonably related in scale and kind to the proposed development and its impact upon the local environment. The above provisions will be the subject of a planning obligation in accordance with the relevant legislation which should be secured before the issuing of any planning permission. Under application 2008/202/FUL, Officers considered it reasonable to ask for monies to cover local environment improvement works within the vicinity of the application site. The applicant signed up to this agreement in 2008 and an amended (draft) agreement relating to the current 'extension of time' application, stipulating the same terms is progressing.

Conclusion

The development plan and the planning policy framework under which an application for a nursing home such as this should be determined have not changed. Similarly, the site itself, and its surroundings have not changed, nor have any significant planning permissions been granted in the area which could change the context of the site. It is considered that the proposed development would accord with policy criteria and objectives to result in a favourable recommendation. It is not considered likely that the proposed development would result in harm to amenity or safety. It is therefore considered reasonable to allow an extension of time to implement this consent for a further three years, subject to the inclusion of conditions as summarised below, which appeared on decision notice 2008/202/FUL and which Officers consider are reasonable, necessary and meet the tests as set out under Circular 11/95 (Use of Conditions in Planning Permissions).

**PLANNING
COMMITTEE**

15th June 2011

Recommendation

Officers are seeking an either/or resolution from Members in this case as follows, in that Officers would carry out whichever of the two recommendations below applied:

- 1. That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration to GRANT planning permission subject to:
 - a) A planning obligation ensuring that appropriate contributions in relation to off-site improvement works in the locality are provided; and**
 - b) Conditions and informatives as summarised below:****

Conditions

1. Development to commence within three years.
2. Details of materials (walls and roofs) to be submitted.
3. Landscape scheme including details of boundary treatment to be submitted.
4. Landscape scheme including details of boundary treatment to be implemented in accordance with approved details.
5. Access, turning and parking areas to be provided
6. Limited working hours during construction period.
7. Contaminated land survey and details to be agreed
8. Any unexpected contaminants found to be dealt with in agreement with LPA.
9. Land contamination remediation measures if necessary to be agreed with LPA.
10. Development to be carried out in accordance with plans submitted with the application.
11. Cycle store details to be agreed.
12. Bin storage details to be agreed.
13. Defined use as C2 residential home only (not a general C3 Residential Use Class).
14. Further details to be submitted in respect of Sustainability Statement for prior written approval of the LPA.
15. Staff and visitor car parking area granted to be clearly demarcated and signage to be displayed at the site directing staff and visitors to the parking areas: details to be submitted for approval in writing by the LPA.

**PLANNING
COMMITTEE**

15th June 2011

Informatives

1. Reason for approval
 2. Drainage details to be in agreement with Severn Trent Water.
 3. The attention of the applicant is drawn to the importance of keeping Plymouth Road free of parked vehicles during the construction period in the interests of highway safety
-
2. **In the event that the planning obligation cannot be completed by 14th July 2011; Members are asked to delegate authority to the Head of Planning and Regeneration to REFUSE the application on the basis that without the planning obligation the proposed development would be contrary to Policy CS.6 of the Borough of Redditch Local Plan.**