

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Midland Park Homes 'B'	Demolition of existing bungalow and erection of 4 No. 2 Bed and 2 No. 4 Bed affordable dwellings with associated landscaping and parking provision, extension of existing vehicular crossover and creation of new vehicular crossover onto Forest Way (as amended by plans received 29.06.2009 and 30.06.2009, and augmented by information received 26.06.2009 and 30.06.2009) - 160 Shawhurst Lane, Hollywood	RES	09/0378-CE 04.08.2009

Councillor S. R. Peters has requested that this application be considered by the Committee, rather than being determined under delegated powers.

RECOMMENDATION:

- (a) that authority to grant planning permission be delegated to the Head of Planning and Environment Services subject to the applicant entering into a suitable legal mechanism to secure the proposed dwellings as affordable housing units and the receipt of satisfactory views from the consultees; or
- (b) that, in the event of an appropriate legal mechanism not being agreed by the Council with the applicant by 3rd August 2009, authority to refuse the application be delegated to the Head of Planning and Environment Services.

Consultations

WH	<p>Consulted - views received 26.06.2009.</p> <p>No objection subject to conditions. The proposed accesses are indicating a bell-mouth at the access. This is unnecessary and a standard dropped kerb is more appropriate and favoured.</p> <p>Re-consulted 29.06.2009 following receipt of amended site layout - views received 30.06.2009. No objection subject to conditions.</p>
Strategic Planning (Policy and Open Space)	<p>Consulted - views received 25.06.2009.</p> <p>The site is identified as a residential area within the Bromsgrove District Local Plan 2004. Policies S7, S14 and S15 are of relevance, together with SPG1 and policy CF5 of the West Midlands Spatial Strategy. PPS1 and PPS3 are also of relevant, particularly in relation to good design.</p> <p>As the proposal is for affordable housing, it is considered that it is in accordance with the policy of housing restraint.</p> <p>SPG11: Outdoor Play Space in the District of Bromsgrove does not apply as the proposal involves a net gain of 5 dwellings and is therefore below the policy threshold.</p> <p>In relation to the proposed access and levels of car parking the views of the Highways Engineer will be of relevance.</p>

Tree Officer	<p>Re-consulted following receipt of additional and amended information - views received 02.07.2009.</p> <p>The arboricultural impact assessment and method statement need to be updated in accordance with the amended plan. These need to assess the impact of the works being done within the Root Protection Area and demonstrate how the works can be carried out in such a way to reduce or avoid any impact on the tree. It would not be suitable to request this information by way of a condition.</p>
Strategic Housing	<p>Consulted - views received 29.06.2009.</p> <p>The proposed development of affordable housing meets with support of the Strategic Housing Section. The type and mix of dwellings proposed are in accordance with the housing needs of the District. The site in question was one of a number that were identified as having development potential at the time of housing transfer and a ransom strip was retained and transferred to BDHT to enable the potential for affordable housing to be realised.</p>
ENG	<p>Consulted - views received 30.06.2009.</p> <p>No objection subject to a condition requiring the submission of details for the disposal of storm water. No flood risk assessment is required. Advice provided on the disposal of foul sewage,</p>
EHO (Contaminated Land)	<p>Consulted - views received 26.06.2009.</p> <p>The proposed end-use of residential housing is a sensitive end-use and would be particularly vulnerable to the presence of contamination. In accordance with Annex 2 of Planning Policy Statement 23, the developer must submit "sufficient information" to demonstrate that the site is either not adversely affected by contamination or that the site can be made suitable for use with regards to any contamination prior to the granting of any planning consent; that is, at the application stage. This applies where a sensitive receptor is proposed; that is, residential housing. In this case, it is most likely that a desk study and site walkover report would be sufficient for these purposes. Ideally this should be submitted as part of the application prior to any consent being granted. This could possibly avoid the need for any planning conditions relating to contaminated land. However, it is understood that the Council is not currently in a position to be able to fully implement this aspect of PPS23 at the application stage. Therefore, a number of conditions are recommended.</p>
EHO (Pollution Control)	Consulted - views received 28.06.2009. No comment.
WMC	Consulted 22.06.2009. No response received to date (expires 13.07.2009).
WWT	Consulted 17.06.2009. No response received to date (expires 08.07.2009).
Wythall PC	Consulted 17.06.2009. No response received to date (expires 08.07.2009).

- Publicity
- 13 letters sent 19.06.2009 (expire 10.07.2009).
 - 2 site notices posted 19.06.2009 (expire 10.07.2009).
 - 2 responses received to date raising the following concerns:
 - Proposal contravenes the spirit of the Community Plan 2005 - 2011 consultation document against infill development and does not comply with SPG1.
 - 2 bungalows would be more in keeping on Forest Way and offer greater flexibility for disabled and infirm persons.
 - Forest Way has restricted access due to on street parking.
 - The infill ratio is too high.
 - One response raises concern about the Acer at the rear of the site stating that there would be no objection if this tree was either removed or pollarded due to the mess it creates on the patio of an adjoining property.

The site and its surroundings

The application relates to a 0.115 hectare site located between Shawhurst Lane and Forest Way. The site primarily consists of 160 Shawhurst Lane, a detached bungalow and associated front and rear gardens. The site also includes parts of the front and rear gardens of 162 Shawhurst Lane, a small section of land belonging to the adjoining flatted development and a small corner of roadside verge adjacent to Forest Way. The adjoining flats provide sheltered housing and consist of a number of two storey buildings. To the west, the site adjoins 24 Forest Way, a semi-detached bungalow. 160 Shawhurst Lane has an existing vehicular access point off Shawhurst Lane. There are a number of trees across the site including an acer within the rear garden that is the subject of a Tree Preservation Order.

Proposal

This application proposes the demolition of the existing bungalow and the construction of 6 no. affordable houses. The new dwellings will be arranged in two rows of three terraced houses, one facing onto Shawhurst Lane and the other onto Forest Way. Each terrace row will consist of 2 no. two storey, 2 bedroom units and 1 no. three storey 4 bedroom unit. The second floor to the 4 bedroom units will be located within the roof space. The proposal also includes the widening of the existing access off Shawhurst Lane, a new access off Forest Way and associated parking provision and landscaping.

Relevant Policies

WMSS	CF2, CF3, CF4, CF5, CF6, QE1, QE2, QE3, T2, T7
WCSP	SD.2, SD.3, SD.4, SD.5, CTC.1, CTC.5, D.5, D.6, T.4
BDLP	DS3, DS13, S7, S8, S14, S15, C10A, C17, TR9, TR11, ES7
Others	PPS1, PPS3, PPS9, PPG13, PPS23, SPG1

Relevant Planning History

B/2001/0409 Residential development - outline: approved 14.05.2001.
B14459 Kitchen diner extension.
B10906 One bungalow and access: refused 12.09.1983.

Notes

The main issues in the consideration of this application relate to whether the proposed development accords with the criteria set out in policy S7 of the Bromsgrove District Plan 2004 and, if not, whether any disadvantages to the scheme are so substantial to justify refusing permission. I also note the comments from consultees and third parties arising from the consultation and publicity exercises.

Density

PPS3 states that that a density of 30 dwellings per hectare should be used as a national indicative minimum, where no local policies are in place. Based on the area of the application site, excluding highway land, the proposed development equates to a housing density of 52 dwellings per hectare. I have noted the concerns raised by a third party that the proposed infill ratio is too high. However, given the density and layout of the surrounding area, I consider the proposed density appropriate for the locality and to make an efficient use of the land available.

Form and layout

Policy S7 requires new residential development to be of a form and layout appropriate to the area of the site. The section of Shawhurst Lane in which the application site is located is predominantly characterised by semi-detached dwellings together with the adjoining flatted development. Although there are no existing rows of terraced houses in Shawhurst Lane, the proposed terrace row is of a similar scale to the adjoining block of flats. The front facing gable to the centre of the proposal reflects a similar feature to the larger block of flats facing onto Shawhurst Lane. The ridgeline of the proposal will provide a natural step between the higher ridgeline of the adjoining semis and the lower ridgeline of the flats. Forest Way consists of the flatted development, terrace houses, detached and semi-detached dwellings and bungalows mainly dating from the 1960s / early 1970s. As there is little variation in the street scene of Forest Way, I acknowledge that, to some extent, a new development will contrast with the surroundings. However, the overall form of the proposal, with its gabled roof, is not that dissimilar to the existing terraces and I am therefore satisfied that no harm will be caused to the street scene. The proposed houses facing onto Forest Way will be set forward to the adjoining bungalows. A 2.5 metre wide gap will be retained between the two buildings and I consider this sufficient to prevent the proposal appearing overbearing when viewed in relation to and from the adjoining bungalows. I am therefore of the opinion that the proposed development is of a form and layout appropriate for the area.

Housing over-supply issues and affordable housing provision

In accordance with policies CF2 and CF3 of the West Midlands Spatial Strategy, a policy of housing restraint is in place to manage a situation of housing oversupply in the District. An exception to the policy of housing restraint is proposals for 100% affordable housing schemes to meet a proven local need. The proposed 6 no. social rented houses fall under the definition of affordable housing and the applicant has provided evidence to show that there is a local need for the number and type of units proposed. The applicant has verbally agreed to enter into a suitable legal mechanism to secure the proposed dwellings as affordable housing units. On this basis, I am satisfied that the proposal falls under an exception to the current restrictions on housing development and should not be refused on housing oversupply.

Impact on the amenity of adjacent occupiers

Policy S7 states that new dwellings must not adversely affect the existing amenities of adjoining occupiers. The adjoining bungalow, 24 Forest Way contains 3 side windows that directly face the application site. The proposed terrace row facing onto Forest Way will be positioned adjacent to these windows and I therefore acknowledge that the level of daylight they receive will be significantly reduced. However, it is understood that these windows are to a kitchen and lounge which both benefit from front or rear facing windows. Any impact to the daylight received by the front and rear windows is likely to be minimal. The proposal will also block daylight to the side window to 162 Shawhurst Lane. However, this window appears to be to the stairs, a non-habitable space. I am therefore of the view that the level of harm that may be caused to the amenities of the occupiers of 24 Forest Way and 162 Shawhurst Lane as a result of loss of daylight will not be to an extent to warrant the refusal of the application. Any loss of daylight to the neighbouring flats will be minimal. The only windows to the proposed development that will directly overlook existing private spaces to adjoining properties are the second floor roof lights facing the rear gardens of 24 Forest Way and 162 Shawhurst Lane. These windows will be positioned 1.8 metres above the internal second floor level and I consider that this is sufficient to prevent loss of privacy to adjoining occupiers.

The development can be properly serviced

The Drainage Engineer has raised no objection to the proposed scheme subject to a condition relating to the disposal of storm water. I am aware that this matter will be dealt with under Building Regulations and therefore consider the condition unnecessary.

Highway safety and car parking issues

Policy TR11 of the BDLP requires all development to incorporate safe means of access and egress appropriate to the nature of the local highway network and to include sufficient off-street parking. I have noted the concerns raised by a third party regarding on-street parking issues on Forest Way. The proposed development provides sufficient off-road car parking to meet the requirements of the Council's car parking standards. Worcestershire Highways has raised no objection to the proposal, subject to conditions, and I am therefore satisfied that the proposal will not adversely affect highway safety.

The original Proposed Site Layout plan to this application illustrated the use of a bell-mouth arrangement to the two accesses. The Highways Engineer commented that a standard dropped kerb arrangement would be more appropriate. An amended site layout has been received to address this matter and the Highways Engineer has raised no further concerns.

Potential land contamination issues

PPS23: Planning and Pollution Control requires Local Planning Authorities to pay particular attention to development proposals for sites where there is a reason to suspect contamination and to those for particularly sensitive uses such as housing likely to be used by families with children. In accordance with PPS23, the Council's Environmental Health Officer has recommended that any permission granted be subject to conditions requiring the submission of a risk assessment and site investigation. Where appropriate, remediation work will be required.

Tree issues

Policy C17 of the BDLP requires development proposals to retain existing trees wherever possible. The proposed development includes the retention of 4 existing trees to the site including the protected Acer. The remaining trees are to be removed. I am of the opinion that the trees to be removed are of limited intrinsic value in their own right and I therefore have no objection to their loss. Replacement trees can be secured through the imposition of a condition requiring the submission of a landscaping scheme. I have noted the comments received from an adjoining occupier suggesting the removal or pollarding of the existing Acer to the rear of the site. However, given that the tree is protected, I do not consider that such action would be appropriate. The application was accompanied by an Arboricultural Implications Assessment and Method Statement. In accordance with the Tree Officer's comments the applicant has been asked to provide further details to demonstrate that the proposed works will not adversely affect the trees to be retained. I will update Members on this matter at the meeting of the Committee.

Ecological issues

Policy C10A of the BDLP states that the Council will seek to minimise the effects of development proposals on features of nature conservation importance in the District. This requirement to have regard to the impact of development on such features is reinforced under the provisions of PPS9: Biodiversity and Geological Conservation. The application was accompanied by a Phase 1 Habitat Survey and Protected Species Survey. This document reports that no evidence was found of protected species during the survey. I am therefore satisfied that the proposal does not raise any ecological issues.

Conclusion

Having considered all material considerations to this application, including the impact of the proposal on the character and appearance of the locality and the amenities of adjoining occupiers and the proposed affordable status of the scheme, I find this application acceptable. I therefore recommend that planning permission be granted subject to the conditions detailed below, the receipt of satisfactory views from the

consultees and the applicant entering into a suitable legal mechanism (under Section 106 of the Town and Country Planning Act) to secure the proposed dwellings as affordable housing units.

RECOMMENDATION:

- (a) that authority to grant planning permission be delegated to the Head of Planning and Environment Services subject to the applicant entering into a suitable legal mechanism to secure the proposed dwellings as affordable housing units and the receipt of satisfactory views from the consultees; or
- (b) that, in the event of an appropriate legal mechanism not being agreed by the Council with the applicant by 3rd August 2009, authority to refuse the application be delegated to the Head of Planning and Environment Services.

- 1. C01
- 2. C03 (materials to be submitted)
- 3. C10 (landscaping)
- 4. HC8
- 5. HC11
- 6. HC14
- 7. HC25
- 8. Unless otherwise agreed by the Local Planning Authority the development hereby approved, other than that required to be carried out as part of an approved scheme of remediation, must not commence until:
 - (a) A preliminary risk assessment has been submitted to and approved in writing by the Local Planning Authority. This study shall take the form of a desk top study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors.
 - (b) A scheme for detailed site investigation and risk assessment must be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".
 - (c) A detailed site investigation and risk assessment must be undertaken and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".
 - (d) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be submitted to and approved in writing by the Local Planning Authority. The remediation scheme must ensure that the site will not qualify

as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- (e) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
- 9. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any buildings hereby approved.
- 10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority, prior to the occupation of any buildings.
- 11. C13
- 12. C14
- 13. C15
- 14. C16
- 15. C17
- 16. C18
- 17. C19
- 18. Prior to the commencement of the development hereby approved, details of the proposed 6 No. garden sheds to be provided shall be submitted to and approved in writing by the Local Planning Authority.
- 19. The development hereby approved (including site clearance) shall be carried out in accordance with the recommendations set out in part 4 Conclusions and Recommendations of the Phase 1 Habitat Survey and Protected Species Survey Assessment by Worcestershire Wildlife Consultancy dated April 2009. This shall include the provision of two bat boxes and two bird boxes as recommended under paragraph 4.12.

Reasons

- 1. C01
- 2. To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.
- 3. In order to secure the satisfactory appearance of the development in accordance with policies DS13 and S7 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.
- 4. - 7. In the interests of highway safety in accordance with policy TR11 of the Bromsgrove District Local Plan January 2004 and policy T.1 of the Worcestershire County Structure Plan 2001.

8. - 10. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES7 of the adopted Local Plan January 2004.
11. - 17. In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
18. In order to secure the satisfactory appearance of the development in accordance with policy S7 of the Bromsgrove District Local Plan 2004.
19. To ensure there are sufficient protection and mitigation measures to address the potential presence of protected species on site in accordance with policy C10A of the Bromsgrove District Local Plan 2004.

Notes

1. HN5
2. HN9
3. There is a Public Surface Water Sewer available in Forest Way. A connection to this will require a Road Opening Notice from the Highway Authority along with the Water Authority's supervision.
4. The disposal of foul sewage should be to either the public sewer located within Shawhurst Lane (via the existing connection once this has been proven to be in a sound condition) or the Bromsgrove District Housing Trust sewer within Forest Way. The latter would require easement from the Trust. The applicant is advised that the Trust's system is known to give problems due to poor construction.
5. All defunct pipework should be broken out.

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy (WMSS) June 2004, Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS	CF2, CF3, CF4, CF5, CF6, QE1, QE2, QE3, T2, T7
WCSP	SD.2, SD.3, SD.4, SD.5, CTC.1, CTC.5, D.5, D.6, T.4
BDLP	DS3, DS13, S7, S8, S14, S15, C10A, C17, TR9, TR11, ES7
Others	PPS1, PPS3, PPS9, PPG13, PPS23, SPG1

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.