

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Bromsgrove District Housing Trust 'B'	Renovation of existing building into 6 No. 1 bed 2 person flats and 1 No. 2 Bed 3 person flat, erection of 4No. 1 bed 2 person flats at Nos. 44-48 Windsor Gardens and Erection of 6 No. 1 bedroom 2 person flats at 2 Windsor Gardens (as augmented by Tree Survey received 16.06.2011 and amended plans received 16.06.2011) - 2 and 44-48 Windsor Gardens, Bromsgrove	Res	10/1184-DK 24.05.2011

This application was deferred at the meeting of Planning Committee on 23rd May 2011 in order to obtain further information in respect of trees on the site and, following discussions between the applicant and Tree Officer, to present this information back to Members for consideration.

The applicant has submitted a full Tree Survey and amended plans (received 16.06.2011) and a re-consultation has been conducted in respect of these amended plans on 17.06.2011.

RECOMMENDATION: that subject to the final views of the Tree Officer, permission be **GRANTED**.

Consultations

WH Consulted 02.03.2011. Response received 12.04.2011 as follows:

No objection subject to the following condition:

HC36 Cycle Parking (Multi unit)
and the following advisory:
HN14 Affected Street Lighting/Illuminated signs.

Reconsulted: 17.06.2011. No response to date.

ENG Consulted 02.03.2011. Response received: 05.05.2011.

Reconsulted: 17.06.2011. No response to date.

Strategic
Housing Consulted 03.05.2011. Response received 16.05.2011 as follows:

The proposed development meets strategic housing priorities in providing affordable housing for older residents and for general needs clients in a popular and sustainable location. The scheme which forms part of BDHT's four year development programme provides an opportunity to make better use of an existing building on the site and associated land in the ownership of BDHT.

Reconsulted: 17.06.2011. No response to date.

- LP Consulted 02.03.2011. No response received.
Reconsulted: 17.06.2011. No response to date.
- EHO Consulted: 02.03.2011. Response received 23.03.2011.
Further to your consultation dated 2nd March 2011 I have reviewed the submitted application and can confirm that I have no adverse comments to make in relation to potential contaminated land. Records do not indicate any potentially contaminative historic use of the proposed development site.
- BC Consulted: 02.05.2011. Response awaited.
- WCC PROW Consulted: 02.03.2011. Response received 23.03.2011.
Objection. The close boarded fencing would harm the amenity of the public right of way. Amended details received from the applicant.
Re-consulted 03.05.2011. Response received 09.05.2011.
Further to my letter of 23rd March 2011 objecting to the above application, I wish to withdraw the objection. Thank you for letting me know that the applicant proposes to reduce the fencing alongside the public right of way to a 1.2m high hit and miss fence. I am now satisfied that the proposal should have no detrimental affect on the public right of way. The applicant should still note their obligations toward the public right of way as noted in my previous letter.
Reconsulted: 17.06.2011. No response to date.
- RA Consulted 02.03.2011. No response to date.
Reconsulted: 17.06.2011. No response to date.
- EDO Consulted 02.03.2011. No response to date.
Reconsulted: 17.06.2011. No response to date.
- WCC Education Services Consulted 02.03.2011. Response received 02.03.2011.
The proposal is for affordable housing and therefore no contributions towards education will be required.
Reconsulted: 17.06.2011. No response to date.
- Tree Officer Consulted 02.03.2011. Response received: 20.05.2011 as follows:

There is an earth bank approximately 1.5 - 2m high which is covered in a mixture of vegetation with the notable tree species being Yew and Beech. The main feature of the site is a large (approx 20m tall with a crown spread of 12m) purple Beech located in the middle of the tree area. The working area required to carry out construction may result in disturbance to the bank and may therefore have an adverse effect on the stability of this and the other trees. The trees are likely to cause future issues with regard to leaf and fruit fall as well as general detritus which is likely to lead to requests for the trees to be pruned or removed.

It is likely that the proposed development will contradict the recommendations of BS5837 which sets out the root protection area (RPA) and maximum levels of disturbance for Trees in Relation to Construction.

In conclusion the development in its current form can only take place if all the trees are removed as there is a risk that they may become structurally unstable due to the proximity of construction - plus all the other concerns I have mentioned, and I would therefore recommend this application for refusal.

Reconsulted: 17.06.2011. No response to date.

Conservation
Officer

Consulted 02.03.2011. Response received: 09.03.2011

The existing building formerly known as The Green, The College and Elmshurst was built in 1866 and is a good quality Victorian villa which retains many historic details. The existing access was once the carriage entrance to the property and includes one rusticated stone gate pier, stone and blue brick retaining walls and a second pair of rusticated stone piers at the former pedestrian entrance on New Road. The retention and conversion of the building is welcomed, however the loss of the timber sash windows and their replacement with PVC units would undermine its character. An amendment should therefore be sought to either retain and overhaul the existing windows with additional secondary glazing, or install replacement timber double glazed units which are of a superior lifespan, quality and appearance to PVC.

This building and the other historic Victorian and Edwardian buildings along College Road have significant architectural interest and the designation of a new Conservation Area has previously been explored, but no public consultation has been carried out as yet. I am concerned that the new building directly in front of the existing building would undermine this group interest and restrict views of Elmshurst from New Road. It also appears that the proposals would result in the loss of the stone retaining wall which is contemporary with the house, and some established trees which contribute to the setting of the building of local interest.

I realize that the draft local list has no official status, and that the designation of a new College Road Conservation Area shall not be taken forward in the near future, but improvements could be made to the siting of the new building to better respect the setting of the historic building. As a minimum the proposed PVC replacement windows should be omitted from the scheme.

Reconsulted: 17.06.2011. No response to date.

Publicity 2 Site Notices posted 25.03.2011, expired 15.04.2011.

Press Notice posted 10.03.2011, expired 31.03.2011.

Neighbour Notification:

27 letters sent 04.03.2011, expired 25.03.2011.

1 letter received from the Victorian Society 20.03.2011 summarised as follows:

We are pleased that the intention is to restore the house, leaving the exterior unchanged in most respects. However, we note that the intention is to replace the timber sash windows of the house with PVC. This would definitely change the character of the house, and we object to this proposal. The original window frames should be copied and new double glazed windows used where it is not possible to use secondary glazing on the original frames. The glazed veranda porch should be restored to its original length and if the front door is original it should be kept.

The proposal to build a block of two storey flats (Plots 1-6) along the east side of Elmshurst's garden would prevent the view from New Road of what is one of the most important houses in this Victorian range of dwellings, reducing considerably the visual aspect of the road. The plans show the flats encroaching on the traditional entrance to the property. We consider this new build is inappropriate and too large in this position.

We therefore object to the proposals

- (a) to change the windows of the house to PVC
- (b) to build two storey flats at the front of the house
- (c) to make any alteration to the existing boundary walls or original gate piers, other than repair to the brick frontage.

The site and its surroundings

The application comprises development on two discrete sites at Windsor Gardens at Nos. 2 and 44-48. The site is managed by BDHT. The proposed site at 44-48 consists of a Georgian style residence with an access road from Windsor Gardens and an area of amenity space primarily to the south west. There are a number of mature trees. The site is bordered to the SW by College Walk and there are substantial trees and hedges on this side limiting the views from the footpath.

The second site, at No. 2 Windsor Gardens consists of a single storey brick building which was formerly occupied by the Women's Royal Voluntary Service and is currently derelict. The site adjoins Windsor St. car park to the NE. The immediate area to both sites largely consists of postwar housing in a variety of arrangements. The site at No. 44-48 adjoins the Town Centre Conservation Area.

Proposal

The amended proposal for consideration by Members consists of an increase in the number of units at No. 2 Windsor Gardens from 4 to 6 and a reduction of the number of new units in the block to be provided at 44-48 Windsor Gardens from 6 to 4 and the relocation of that block from the east to the west side of the curtilage to protect existing trees. The conversion of the existing Victorian building into 7 units of accommodation remains the same so there will be a total of 17 affordable housing units provided.

The application is accompanied by a Building Survey, Design and Access Statement and a Supporting Planning Statement. The amended plans are also accompanied by a full Tree Survey and the amendment have been subject to reconsultation.

Relevant Planning History

None.

Relevant Policies

WMSS QE1, QE2, QE3
WCSP CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1
BDLP DS13, S7, S14, S15, S35A, C4, C17, TR1, TR11
Others PPS1, PPS5, PPS3, PPG13, Circular 06/98, SPG1

Notes

I consider that the main issues in the determination of this application are:

- (i) The principle of development and the requirement for affordable housing;
- (ii) The design of the proposal and its impact on the amenity of the existing adjoining occupiers;
- (iii) The impact of the proposal on existing historic character on the site and on the adjoining conservation area;
- (iv) The impact of the proposal on the existing trees on the application site;
- (v) The highway implications of the proposal.

In this respect, I consider that policies T1 and SD3 of the WCSP, policies DS13, S7, S14, C17 and TR11 of the BDLP are most relevant in determining the proposal. The advice of SPG1 and PPS5 (Planning and the Historic Environment) are also of relevance.

(i) Principle

The site is located within the urban area of Bromsgrove. The redevelopment of the site of No. 2 Windsor Gardens amounts to brownfield development which is acceptable in principle. The remainder of the development consists of the conversion of an existing building and development in the curtilage of same. Whilst the automatic consideration of gardens as brownfield land has been removed in the amendment to PPS3, I do not consider that the principle of developing this site is in doubt and much depends on the

particular characteristics of the site. I would concur with the view of the applicant as expressed in paragraph 6.21 of the Planning Statement to that effect.

The applicant is Bromsgrove District Housing Trust and there is a supporting statement provided. The applicant has strongly raised the point about the lack of affordable housing in Bromsgrove and for every social rented, age restricted one bedroom flat that BDHT advertises, there are 21 applications and the Council's housing waiting list currently stands at 3,200 people. The Council's Housing Strategy (2006-2011) seeks to address the shortage of affordable housing as top priority.

In accordance with the guidance of PPS3 and the case of *Linson Construction Pension Fund v Warrington BC and DETR (2002)*, I consider that the need for affordable housing is a material consideration to which Members should attach considerable weight.

(ii) Design Density Layout

The site area comprises 0.23 hectares and I do not consider that the density of development proposed for either site would be unacceptable.

I consider that the form and layout of the proposal for 6 units at No. 2 Windsor Gardens acceptable. It occupies the position of the existing building and matches closely the residential use and scale of the surrounding buildings. It also follows the street pattern of Windsor Gardens.

I consider that the position of the amended proposal (on the opposite side of the curtilage and reduced in scale) to have considerable benefits in terms of the existing layout of the immediate area. There is also less impact on the setting of the historic building.

Residential Amenity

I consider that policy S7 and the advice of SPG1 is most relevant in determining the impact of the proposal on residential amenity. The policy requires that the amenity of adjoining occupiers is not detrimentally affected and SPG1 sets standards in terms of separation distances between proposed development and private amenity space.

I will consider the proposal at No. 2 Windsor gardens first. The windows to the front of the proposal are set 23m away from the properties opposite 31 - 37 Windsor Gardens. I note the set forward of the buildings opposite at Nos. 39-49 and these are approximately 20m away. However, I note that there is substantial screening provided by evergreen trees which would mitigate any loss of residential amenity to either the proposal or properties opposite. Whilst the 23m separation distance is less than the 27.5m requirement of SPG1 for these types of property, I note that the distance includes a street and the building follows the logical position of the existing development which also includes first floor living rooms. I note that the other side of the building will face Windsor St. car park and screening along this boundary will be important. I note that other properties to the west on Windsor Gardens also have this aspect. There are no windows to the side of the block Nos. 4 -10 Windsor Gardens and no windows on the proposal will face this blank elevation. I consider the proposed amenity space acceptable for flats and small house types as outlined in paragraph 9.2 of SPG1.

The amendment to the scheme to include two additional units in this position do not have a significant impact since these additional units will overlook open space to the south which is above the level of the units in any case. There are side windows proposed to the north facing the parking area and retained planting bed.

In terms of the conversion of the existing building, there is no change in the amended scheme. I note that fewer windows are proposed than are currently present on the rear elevation. There are no properties directly opposite to the NW and substantial screening to No. 15 New Road. There is a 20m separation between the range of properties 67-89 Windsor Gardens and the building. Whilst this is less than the requirements of SPG1, I note that there is residential accommodation currently on the first floor of the building and the proposal will not have any greater impact. The properties in the range opposite also have a staggered arrangement.

The position of the proposed block to the SW of the existing building has been changed from the east to the west side of the curtilage. This is in order to save existing trees of higher value in this position. The block is also reduced in scale to four flats. The front windows of the block are now separated by 37m from No. 19 New Road and there is substantial boundary treatment and a public footpath separating the site from this property. No loss of residential amenity arises. The block is located at a 90 degree angle to the existing building and there would only be oblique views from the windows of the proposed block. The proposed block is located substantially closer to No. 15 New Road. I note that this property is in an enclosed position at a lower elevation than the proposal. There is a good level of existing evergreen screening on the boundary and the private garden is separated by 10m from the proposed units which are 18m from the side of the dwelling at No. 15. The design of the scheme has taken into account the proximity of the garden of No.15 with windows in this direction generally serving bathrooms and corridors. I do not consider that there is any conflict with the advice of SPG1 and the screening on the boundary mitigates any impact.

(iii) Impact of the proposal on the historic character of site

The conversion of the existing building into 7 units of accommodation has no impact on the form or character of the area and the proposed fabric of the building will be retained. Members should note the comments from the Conservation Officer in this respect. The applicant has also agreed to retain the original windows if possible and, if not, to use timber rather than PVC.

The amended scheme has benefits in terms of the attractive area of curtilage to the SW of the existing building. The comments of the Victorian Society and Conservation Officer are noted. The reduction in the number of units from 6 to 4 in this position enables retention of the character of the site. I note the advice of PPS5 in this respect:

'In considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations. This understanding should be used by the local planning authority to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal'

In this instance, I do not consider that the heritage asset would be so detrimentally harmed to justify refusing permission.

(iv) Trees

The scheme has been amended specifically to enable the retention of the higher value trees on the east side of the application site including a mature beech and yew. The Tree Officer had objected to the original scheme. The applicant, in consultation with the planning department and Tree Officer has provided a full Tree Survey and the input of all parties has resulted in the amended proposal. The formal comments of the Tree Officer are awaited and I will update Members on this issue at the meeting of the Committee.

(v) Highways

Members should note that no objection has been received from Worcestershire Highways in respect of the original proposal and a response is awaited on the amended scheme. It is noted that the number of units remains the same.

Other issues

The scheme will provide 100% affordable housing and therefore contributions in terms of open space and education are not required. The views of the WCC Footpaths Officer should be noted.

Conclusions

The principle of development at this site is acceptable and I consider that the proposal would make more efficient and beneficial use of the site. The amended scheme overcomes the objections to the previous proposal and will provide much needed affordable housing in a sustainable location and the shortage of such accommodation is an important material consideration in considering this application. There are no overriding amenity concerns. Permission should be granted.

RECOMMENDATION: that, subject to the final views of the Tree Officer, that permission be **GRANTED** sfc:

1. C1
2. C3
3. C7
4. C10
5. C13
6. Prior to the commencement of the development, full details of the occupancy criteria which are to be used to select occupants of the flats shall be submitted to the Local Planning Authority for approval. Subsequently the occupation of these units shall only be taken up by persons meeting the approved occupancy criteria, unless otherwise agreed in writing by the Local Planning Authority.
7. HC36

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy, the Worcestershire County Structure Plan (WCSP) June 2001 and the

10/1184-DK - Renovation of existing building into 6 No. 1 bed 2 person flats and 1 No. 2 bed 3 person flat, erection of 4No. 1 bed 2 person flats at Nos. 44 - 48 Windsor Gardens and Erection of 6 No. 1 bedroom 2 person flats at 2 Windsor Gardens - 44 Windsor Gardens, Bromsgrove, B60 2QA - Bromsgrove District Housing Trust

Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS QE1, QE2, QE3

WCSP CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1

BDLP DS13, S7, S14, S15, S35A, C4, C17, TR1, TR11

Others PPS1, PPS5, PPS3, PPG13, Circular 06/98, 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.