

Bromsgrove District Housing Trust
c/o
Mr Steve Faizey
'B'

Construction of 16 dwellings plus new Residential access formed by demolition of no 31 Cobnall Road and part demolition of no 33 plus new extension to no 33.

12/0170
30.05.2012

LAND AT E396350 N274440
COBNALL ROAD
CATSHILL
WORCESTERSHIRE

RECOMMENDATION: that Planning Permission be **GRANTED**.

Consultations

WH
Consulted: 13.03.2012. Response received: 12.04.2012.
Recommends that permission be deferred for the following reasons:

In order to accommodate services for the future properties, amendments to the road are necessary to ensure that an adequate service margin is provided. The road will require re tracking showing that refuse vehicle can satisfactorily enter and exit the site and turn within the limits of the prospective highway.

The proposed parking area for 33 Cobnall Road should be provided with a 2m by 45 degree visibility splay.

Further comments received: 11.05.2012.
No objection subject to conditions:
HC8 (Vehicle Access Construction)
HC25 (Modified – Access, Turning and Parking)

Catshill and North Marlbrook PC
Consulted 19.03.2012. Response received: 11.04.2012.
There are concerns that this is over-development of a land-locked site with limited parking, likely to spill out on to the already congested surrounding roads. The proposed rendered finish to the properties would not be in keeping with the surroundings.

ENG
Consulted: 13.03.2012. Response received: 20.03.2012.
No objection. The site is not within any EA fluvial or surface water flooding zones. The provision of rainwater harvesting and the use of soakaways are welcome.

SP
Consulted: 13.03.2012. No response received.

WWT
Consulted: 13.03.2012. No response received.

WRS
Consulted: 13.03.2012. Response received 19.03.2012.
The history of the site suggests that there may be contamination issues. No objection subject to conditions.

- GPU Power UK Consulted: 13.03.2012. No response received.
- National Grid (Transco) Consulted: 13.03.2012. Response received: 20.03.2012.
Having reviewed the drawings related to the proposed development I have identified electrical cables, low voltage and high voltage, in this area that will be affected by this development.
- The developer will contact us to request that we move our cables and equipment before they commence works on site. Therefore, no objection.
- Tree Officer Consulted: 13.03.2012. Response received 21.03.2012.
There are no Tree Preservation order protected trees on the site and it is not within a conservation area. There are no trees worthy of protection with the site. I would advise that consideration is given to re-designing the path network required providing access to properties on the on the South Western boundary to protect the root plate of the Willow in the rear garden of 21 Alexander Close.
Overall, no objection, subject to a landscaping condition.
- Publicity: 39 letters sent: 13.03.2012, expired 03.04.2012.
Site Notice posted 28.03.2012, expired 18.04.2012.
Press Notice posted: 23.03.2012, expired 13.04.2012.
3 Responses received, summarised as appropriate:
- The only concern with the application are the levels differences between the development site and 23 Alexander Close
 - It is unclear whether the existing vehicular access to 17 Alexander Close will be maintained
 - The whole proposal looks very good, should stop fly tipping and youths on mini motorbikes
 - 109 and 111 Woodrow Lane are being denied vehicle access to the rear of their properties. This is important when large goods are being delivered.

The site and its surroundings

The application site is located to the south of Cobnall Road within the residential area of Catshill as defined on the Proposals Map. It is a triangle of land 0.32 hectares in extent. The site is bordered on all sides by the rear curtilages of residential properties off Cobnall Road (to the north), Woodrow Lane (to the east) and Alexander Close (to the west). The site is currently vacant land, having previously been occupied by residential garages which were located mainly towards the northern boundary and have since been demolished. The surrounding development consists of post war housing with a traditional design and layout. There is an existing laneway leading from Cobnall Road into the site and serving as a rear access to the properties on Woodrow Lane and Alexander Close.

Proposal

The application proposes the development of 16 affordable dwellings on the existing vacant site and part of the rear gardens of nos. 27 and 29 Cobnall Road. The scheme also proposes the demolition of the existing property at 31 Cobnall Road to provide for a new access road.

Several of the semi detached properties on Cobnall Road have a connecting first floor extension and this will be lost between No. 31 and 33. As a result the application also proposes a replacement extension on the eastern elevation of that property. The proposed development will provide 12 social rented apartments, and 4 intermediate (Shared ownership) houses. The application is supported by a Supporting Planning Statement, Design and Access Statement and an Extended Phase 1 Habitat Survey.

Relevant Policies

WMRSS QE3, CF5, CF6.
WCSP CTC.1, D.5, D.6, SD.2, SD.3, SD.4, SD.8, T.1.
BDLP DS13, S3, S7, S14, S15, TR1, TR11.
NPPF Paragraphs 47 - 55
Draft CP2, CP3, CP6, CP8, CP14.
CS2

Relevant Planning History

P11/0095 Construction of New Dwellings on a former garage site, including demolition of an existing dwelling and a new access. Pre application advice.

Assessment

On Tuesday 27 March 2012, the Government released the National Planning Policy Framework (NPPF). The NPPF makes it clear that its policies apply immediately. From the 27 March onwards the National Planning Policy Guidance Notes and Planning Policy Statements cease to exist, including all relevant circulars and guidance (a list of which is contained in Annexe 3 to the NPPF). Planning applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan currently consists of Local and Regional planning policy documents. The NPPF is also a significant material consideration in planning decisions. The Development Plan will continue to include all the saved Policies of the Bromsgrove District Local Plan. Due weight will be given to these policies according to their *degree of consistency* with the framework set out in the NPPF (the closer the Policies in the Plan to the policies in the Framework, the greater the weight that may be given). Weight may be given to emerging policies in some circumstances. Members should note that the National Planning Policy Framework was not in place at the time of the pre application discussions. Paragraphs 48 and 50 of the NPPF are especially relevant and refer to windfall sites and the delivery of affordable housing to support to mixed and balanced communities. I consider that policies S3, S7 and S14 remain broadly consistent with the principles of the NPPF and are thereby accorded considerable weight.

The main issues in the consideration of the application are the following:

- (i) The principle of development
- (ii) The design and layout of the proposal and its impact on the character of the area
- (iii) The impact of the proposal on the amenity of adjoining occupiers
- (iv) Highway and access issues

(i) Principle

The proposal would be located within the defined urban area and amounts to the development of an underutilised site. I note that the applicant has referred to PPS1, PPS3 and PPG13 which have now been superseded by the NPPF. Policy S7 states that residential development outside the Green Belt will be considered favourably provided that they meet criteria in terms of design, density and layout and generally maintain the form and character of the area. Policy S14 states that proposals leading to the provision of affordable housing (for rent, sale or shared ownership) would be welcome. Members should note that the delivery of affordable housing is an important corporate priority. There is a significant shortfall in provision with a total of 3265 persons on the housing waiting list on a District wide basis. The site is substantial and even with the garages present would have represented a poor existing use of land. The principle of development is acceptable.

(ii) Density, Design and Layout

Policy S7 requires developments to respect the character and layout of development in the area and be of a density appropriate to the area. The site area is 0.32Ha. The proposal would result in an overall density of 50 dwellings per hectare. This is a relatively higher density than the properties around it. However, the site is every enclosed from Woodrow Lane and Cobnall Road and therefore, the higher density has a very limited impact on the streetscene.

In terms of layout, the immediate locality is characterised by the linear arrangements of Cobnall Road and Woodrow Lane and development around a turning circle at Alexander Close to the south. The proposal (consisting of 5 blocks) is similar to the arrangement on Alexander Close and I do not consider that the layout proposed is detrimental to the overall layout of the area. The erection of two storey dwellings is acceptable in terms of the form of development in the locality.

In terms of the design of the proposal, this is referred to in detail in the applicants Design and Access Statement (Section 6) and useful visualisations of the proposal are provided in plan Ref: 10025/6A, which I would advise Members to examine. Each of the blocks will have a similar material finish, with a mix of hip and gable roofs. The smaller blocks (2 -5) and (13 – 16) will each contain 4 residential units with two on the ground floor and two on the first floor. The larger linear blocks located to the west end of the site will contain 7 dwellings in a conventional semi detached arrangement. The single bungalow proposed in the rear garden of No. 29 provides interest in the streetscene on the access to the site.

I have some concerns about the alterations between Nos. 29 and 31 to facilitate the access road. No. 31 will be demolished, leaving No. 29 in a stand alone position. A hipped roof has been requested to No. 29 and the applicant has stated that this would require entire reroofing and significant disruption to the existing tenant. The

side extension proposed to No 33 certainly provides some balance to offset this effect but the alteration is detrimental to the streetscene. On balance, I do not consider that this harm is so great that it outweighs the benefits of the scheme. Additional landscaping/screening may be possible.

(iii) Residential Amenity

The proposal is examined against the advice of paragraphs 8.0 - 8.4 of Supplementary Planning Guidance Note 1 (Residential Design Guide).

Plot 1 is a single storey dwelling, located more than 18m from No. 29 Cobnall Road. The front and rear of the property overlooks rear gardens, with no residential properties in the visual line. The rear windows are 5m from the boundary of the garden with No. 25. There is a 15m separation distance to the proposed No. 2. I note that there is only a single small window facing in this direction.

The block containing plots 2 – 5 is located 45m from the properties to the north on Cobnall Road. There are bedroom, bathroom and hall/landing windows located to the side elevation of the block, approximately 16m from plots 10 and 11. I consider that this is acceptable provided that the bedroom windows are removed and the bathroom windows are obscure glazed. Amendments have been requested. In terms of plots 4 and 5, the main living room windows are directed away from plots 6 and 7 and are further away than 21m in any event. The windows on the north side of the block face in the direction of plot 1 and the rear gardens of 21 – 25 Cobnall Road. The view would be obscured by a proposed electricity substation but this is not a matter which makes it specifically unacceptable in terms of SPG1. There are no windows on this elevation facing onto the rear gardens of 107 and 109 Woodrow Lane.

In terms of the blocks containing housing (plots 6 - 9) and (10 – 12), the gable elevation of plot 6 is located an average of 8m from the garden boundaries of 103 – 107 Woodrow Lane. These are substantial gardens with garages at the end and I do not consider that their amenity would be unduly affected. The blocks are located 30m from No.17 Alexander Close and 28m from Nos. 19 and 21 and 23. The end gable of plot 12 overlooks the block containing Nos. 13 – 15 but the elevation only contains one window serving a hall. In terms of the last block (containing plots 13-16), the front of plot 13 is oriented towards the proposed rear gardens of No. 12. There is a 9m separation and this is adequate. The other windows on the block face the access drive to the east. There is a small window serving a kitchen on plot 15 close to the garden boundary of No. 43 Cobnall Road. The windows on the rear elevation of the plot are adequately separated from the gardens of Nos. 23 and 24 Alexander Close. Overall, subject to some minor amendments (as outlined above), the proposal complies with the advice of SPG1.

In terms of private amenity space, the semi detached houses and bungalow are afforded with a private garden and for the remaining units, a shared amenity space is provided. In terms of the houses, these have a garden depth of 8m and an average of 45sqm. The other blocks containing the apartments have approximately 100sqm of shared space and this broadly complies with the requirement of 30sqm per unit outlined in SPG1. Whilst the gardens are small, it is an affordable housing scheme with a majority of rented units.

(v) Highway and Access Issues

Members should note that there is no objection from WH, subject to conditions. There was originally a concern raised about the width of the proposed access. However, the applicant has clearly indicated that it is not their intention to enter into a section 38 agreement for adoption and this will result in the road being privately maintained by the applicant. The proposal complies with policy TR11 of the BDLP.

Other Matters

Members should note the Third Party representations received. There is no significant levels difference in respect of No. 23 Alexander Close and, as outlined above, the proposal complies with the requirements of SPG1. Access will be provided to the rear gardens of surrounding properties where they have a right of access. There is a vehicular access to no 17 Alexander Close and pedestrian access to 109 Woodrow Lane. This is more of a legal than a planning matter.

The application is supported by an Extended Phase 1 Habitat Survey which shows that the site is of low value with no evidence recorded of protected species. In terms of infrastructure, the proposal will provide affordable housing and, as such, contributions towards education and public open space are not required.

Conclusion

The proposal will result in the provision of 16 affordable dwellings and there is a significant shortfall of this type of development in the District. The proposal does not have a significant impact on the character of the streetscene or the amenity of adjoining occupiers. Permission should be granted.

RECOMMENDATION: that permission be **GRANTED** subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan@ 1:1250 (Ref: 10025/1A)
Proposed Site Layout@1:100 (Ref: 10025/4C),
Alterations to Existing Houses (Ref: 10025/5A),
Alterations to Existing Houses (Ref: 10025/5B),
Alterations to No. 33 Cobnall Road (10025/18),
Alterations to No. 33 Cobnall Road (10025/17H),
Plot 1 Plans and Elevations (Ref: 10025/7C),
Plots (2 – 5) Elevations (Ref: 10025/12B)
Plots (2 – 5) Plans (Ref: 10025/8B)

Plots (6 – 9) Elevations (Ref: 10025/13B)
Plots (6 – 9) Plans (Ref: 10025/9A)
Plots (10 – 12) Elevations (Ref: 10025/14B)
Plots (10 – 12) Plans (Ref: 10025/10A)
Plots (13 – 16) Elevations (Ref: 10025/15A)
Plots (13 – 16) Plans (Ref: 10025/11A)
Proposed Streetscenes and Visualisations (Ref: 10025/6A), Received 30.04.2012.
Supporting Planning Statement, Received 29.02.2012,
Extended Phase 1 Habitat Survey, Received 29.02.2012.
Design and Access Statement, Received 29.02.2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.

4. Prior to the commencement of the development, full details of the occupancy criteria which are to be used to select occupants of the development shall be submitted to the Local Planning Authority for approval. Subsequently, the occupation of the units shall only be taken up by persons meeting the approved occupancy criteria, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the proposed flats are provided at an affordable level to meet local housing need in accordance with Policy S15 of the Bromsgrove District Local Plan 2004.

5. Before the commencement on site of any works which are the subject of this permission, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-

- a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;

- b) full details of all proposed fencing, screen walls, hedges, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when any of the buildings hereby permitted are first occupied.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: 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.

- 6
- (a) A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk 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 to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.

 - (b) Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. 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) Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. 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) Where identified as necessary 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 prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. 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.

 - (f) Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of

the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

(g) 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.

Reason

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.

- 7 Full details of any soil or soil forming materials brought on to the site for use in garden areas, soft landscaping, filling and level raising must be provided. Where the donor site is unknown or is brownfield the material must be tested for contamination and suitability for use on site. Full donor site details, proposals for contamination testing including testing schedules, sampling frequencies and allowable contaminant concentrations (as determined by appropriate risk assessment) must be submitted to and approved in writing by the Local Planning Authority prior to import on to the site. The approved testing must then be carried out and validatory evidence (such as laboratory certificates) submitted to and approved in writing by the Local Planning Authority prior to any soil or soil forming materials being brought on to site.

Reason

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.

- 8 Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be agreed in writing with the Local Planning Authority.

Reason: To ensure the safe and free flow of traffic onto the Highway and to accord with policy TR11 of the Bromsgrove District Local Plan 2004

- 9 The development hereby permitted shall not be occupied until the access, turning area, parking facilities and cycle shelters shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

Reason: To ensure the safe and free flow of traffic onto the Highway and to accord with policy TR11 of the Bromsgrove District Local Plan 2004

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 Bromsgrove District Local Plan January 2004 (BDLP) and the provisions of the National Planning Policy Framework (NPPF) 2012 as summarised below:

WMRSS QE3, CF5, CF6.
WCSP CTC.1, D.5, D.6, SD.2, SD.3, SD.4, SD.8, T.1.
BDLP DS13, S3, S7, S14, S15, RAT4, TR1, TR11.
Draft CS CP2, CP3, CP6, CP8, CP14.
NPPF Paragraphs 47 - 55

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.