

Name of Applicant
Type of Certificate

Proposal

Map/Plan Policy Plan Ref.
Expiry Date

Bromsgrove District Housing Trust 'A'	Provision of 2 no. new build dwellings for affordable rent, with car parking space and private amenity rear gardens Land to the rear of 41 - 47 George Road, Alvechurch, Bromsgrove, Worcestershire	RES	12/0585 28.08.2012
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Councillor Hollingworth has requested that this application be considered by the Planning Committee, rather than being determined under delegated powers.

RECOMMENDATION: that permission be **GRANTED**

Consultations

WH	Request for amended scheme showing improvements to access track
SHM	Supported by Strategic Housing. Whilst acknowledging that the site is not ideal we recognise that our overriding objective is to work with registered providers to deliver much needed affordable housing in Bromsgrove District. It will meet identified need and is being provided in a sustainable location.
SPM	No comments received
BCO	No comments received
ENG	No comments received
WRS	No objection subject to contaminated land condition
CSO	I do have one concern with this application; the lack of effective natural surveillance as the access road is not overlooked by the public realm or the neighbouring properties and the proposed development would be substantially set back from the highway. Also the proposed development is not overlooked by rooms that are frequently occupied from neighbouring properties; this also contributes a lack of effective natural surveillance. Only two car parking spaces have been provided for the occupiers, therefore if the occupiers have more than one car, this will cause a displacement issue, which would increase the risk of car crime.
Publicity:	Neighbour notification 19 letters sent

7 objections received

- Loss of pedestrian access to rear garden
- Overlooking, loss of privacy
- Loss of garages
- Loss of light
- Loss of amenity
- Gardens currently flood and development will make this worse
- Access track too narrow
- Crammed form of development
- The proposal will cause serious parking issues and the displacement of these vehicles would only exacerbate the problem along surrounding roads.
- Lorries delivering materials and the vehicles of contractors for the development will cause more parking issues.
- The surrounding roads will become congested with parked cars which will cause problems for emergency and refuse vehicles

The site and its surroundings

The site is located within a recognised residential area and is accessible off a track which sits between 35 and 41 George Road. It is surrounded by 41-51 [odd numbers only] George Road to the south of the site and 59-61 [odd numbers only] Latimer Road to the east. The site currently has 10 garages, a row of 8 garages, which back onto to the rear of 43-47 [odd numbers only] George Road and a pair of garages which back onto the garden of 63 Latimer Road.

Proposal

The application proposes the demolition of all existing garages and the construction a pair of two bed, 4 person affordable houses. New 1.8m high close boarded fencing is proposed along the sides and rear of the site with replacement fencing where necessary. The existing rear accesses to the rear numbers 61 and 63 Latimer Road will be kept.

Relevant Policies

WMSS	QE1, QE3
WCSP	SD.3, SD.4, D.5, D.6, D.43, T.1
BDLP	DS2, DS13, S7, S14, TR11, ES4, ES5
DCS2	CP3
Others	NPPF, SPG1

Relevant Planning History

None relevant

Notes

The proposal seeks 2 new affordable dwellings and the site is located in a recognised residential area; thus it is considered that policies S7 (New Dwellings Outside of the Green Belt) and S14 (Range of Housing Types and Tenures) of the Bromsgrove District Local Plan 2004 (BDLP) are most relevant in determining the application. Supplementary Planning Guidance Note 1: residential Design Guide is also relevant.

In respect of policies S7 and S14, I consider the main issues to consider are

- Principle of development
- Housing Need
- Design
- Visual amenity
- Residential amenity
- Highways and servicing issues

Members will be aware that the National Planning Policy Framework (NPPF) is a significant material consideration in planning decisions. Tetlow King, on behalf of BDHT are of the view that no weight can be attached to housing policies within either the adopted Structure Plan or Bromsgrove District Local Plan. I refer to the NPPF which states that: "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them)". I am of the view that housing policy S7 set out in the local plan and policy D.6 of the structure plan are based on sound planning principles that are consistent with the relevant provisions of the NPPF. In addition, I do not consider that the NPPF presents any new policy matters. For these reasons I consider significant weight can be attached to Policies S7 and S14 of the BDLP and Policy S.6 of the Worcestershire County Structure Plan.

For this application it is considered that Part 7 (Requiring Good Design) would be of relevance to the proposal along with the relevant Core Planning Principles set out at paragraph 17 of the document.

Principle of development

The site is within an established residential area as designated in the BDLP. Policy S7 of the BDLP sets out a presumption in favour of residential development in urban areas, subject to meeting certain criteria. The application site consists of existing garaging and hardstanding areas which fall within the definition of previously developed land as set out in the NPPF. This proposal will not pose a detrimental impact on the street scene as there will be limited views of the site from the surrounding roads. This part of Bromsgrove is a sustainable location for this type of development, as it is well served with buses and a railway station and lies outside of the Green Belt. . The NPPF "encourages the effective use of land by reusing land that has been previously developed". The Worcestershire County Structure Plan mirrors this advice in stating that priority should be given to the

redevelopment of previously development sites in preference to Greenfield sites. Given this context, the principle of residential development in this case is accepted in planning policy terms.

Housing Need

The agents for the application have referred in their planning statement to the need for affordable housing as being a material consideration in the assessment of the application. I am mindful that Part 6 of the NPPF promotes the delivery of a wide choice of high quality homes and provides that housing applications should be considered in the context of the presumption in favour of sustainable development.

The agents also refer to the SHMA as evidencing Bromsgrove as having the lowest level of affordable housing tenures within the existing stock in Worcestershire, leading to a net annual affordable housing need of 219 units per year, especially in relation to one and two bedroom properties, such as on this site. They also refer to housing waiting lists figures and housing land supply issues.

There is clearly a significant need for affordable housing in Bromsgrove District and appreciate that this proposal would contribute towards its delivery. This therefore, is a material consideration that carries significant weight.

Design and Visual Amenity

I am aware that this proposed development is of high density in comparison to the surrounding properties, these being predominately semi detached dwellings with generous garden areas. Whilst the development has been designed to reflect the traditional two storey semi-detached form of surrounding properties, gardens of these proposed dwellings are only 6 metres in length which is very much at odds with the generous garden arrangements of the existing surrounding dwellings. However, there is also the need generally to provide higher density development in schemes in order to maximize the potential of the site and to ensure that schemes are economical, efficient and sustainable

Section 7 of the NPPF attaches great importance to the design of the built environment and how this can make a positive impact to improve places for people. Given that the existing site contains 10 garages and hardstanding which are in a poor state of repair; the redevelopment of the site will improve the quality of the space and character of the area, but it will also set precedence for the site opposite, which is also a garage court. Whilst I accept the density is not directly comparable to the immediate locality, in my view such factors weigh in favour of the scheme.

Section 8 of the NPPF (Promoting healthy communities) is also relevant in that paragraph 69 refers to decisions aiming to promote safe and accessible environments where crime and disorder and fear of crime do not undermine quality of life and safe accessible developments with clear and legible pedestrian routes. This application however has raised the concerns of the Community Safety Officer in terms of the lack of surveillance on access road serving the houses and the future lack of surveillance on cars which could potentially be parked out on the surrounding roads.

Paragraph 70 of Section 8 of the NPPF states that “To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day to day needs”. I understand from the concerns raised by neighbours that the site is a valued facility for the purposes of car parking and garaging. The garage displacement strategy submitted by BDHT indicates that the application site accommodates 10 garages of which 2 are vacant. Therefore I am satisfied that the applicant has provided sufficient alternative arrangements to accommodate the displacement of existing tenants of the remaining garages. Whilst acknowledging that the site is a valued facility for members of the community, on balance of the considerations, the benefits in terms of affordable housing provision, visual improvements to the character of the area and opportunities to improve community safety outweigh this matter.

Residential amenity

The siting of the development will have limited impact on the amenities of existing neighbours. SPG1 states that a “new development with main windows overlooking existing private spaces should be set back by a distance of 5 metres per storey from the site boundary where it adjoins a private garden area”. The proposal meets these requirements. In relation to No 43 George Road, where the owner has raised concerns about the impact of the gable wall of the proposal on their visual and residential amenity, the rear windows of No 43 are 19 metres away from the gable wall of one of the proposed dwellings and there are no windows proposed in this elevation. SPG1 states that “a minimum separation distance of 21 metres is required to achieve a degree of privacy within conventional two storey dwellings”. There would be a distance of 29 metres between the windows proposed on the rear elevation of the dwellings and the windows on the rear elevations of 59 and 61 Latimer Road. For these reason I do not consider the proposal would cause undue overlooking and loss of privacy at the detriment of existing residents.

Highways and Servicing issues

Criterion h of Policy S7 relates to highway issues and specifies that the proposal should not have unacceptable traffic implications or perpetuate a traffic hazard.

Concerns have been raised by residents regarding the displacement of vehicles onto surrounding roads where there is deemed to be an existing lack of parking provision. I note these concerns and recognise that the proposal will cause the displacement of some additional vehicles onto the highway. However, I am mindful that the existing garages are not currently used to their full capacity. The garage displacement strategy submitted by BDHT indicates that the application site accommodates 10 garages of which 2 are vacant and 8 are in use. It is not known how many of these garages are used for car parking and how many for storage.

I recognise that the area of hardstanding at the application site is used for the parking of some resident’s vehicles and that its removal will contribute towards the displacement of vehicles. However, I do not consider the number of displaced vehicles would be so significant to have unacceptable traffic and highway implications that warrants refusal of the application on this basis.

Members will be aware that WCC Highways have raised no objection to the scheme and therefore there is no technical reason by which to warrant refusal of the application on highway grounds.

I am also mindful that BDHT own the site and therefore access to the garages and associated hardstanding could be restricted at any time without the need for planning permission.

Overall, whilst I recognise that the scheme will cause some vehicle displacement, I consider the benefits of the scheme in terms of providing much needed affordable housing and improving the visual amenity of the area outweigh this consideration.

Trees and Landscaping

There is a mature, approximately 90 year old Oak tree which sits half way, to the left of the access drive. This is a very prominent tree, and is of high public and visual amenity value. Concerns have been raised by the Local Authority's Arboriculture Officer in terms of the nature of the upgrading of the access. The developers have submitted an amended plan showing the upgrade to the access and the Arboricultural report submitted with the application addresses the significance of the tree and advises that it should be retained and specialist construction techniques should be used when development begins.

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 the 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 Approved Plans/ Drawings listed in this notice:

Drawing Number 1157 – 10A;

Drawing Number 1157 – 12;

Drawing Number 1157 – 11;

Site Survey Drawing Number 01;

Engineering Strategy Drawing Number 12143 – D1;

Arboricultural Survey Ref: WTS/2012/06/0193AS dated 19th June 2012;

Tetlow King Planning, Supporting Planning Statement dated June 2012;

Walker Troup Architects Planning Statement and Design & Access Statement dated June 2012;

Evolution Ecology Extended Phase 1 Habitat Survey Report dated June 2012.

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

Pre commencement conditions

3. Prior to the commencement of the development full details of the occupancy criteria which are to be used to select occupants of the dwellings 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 criteria, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the affordable housing is available for residents in the area in the long term in order to address the needs of the District in accordance with policy S14 of the Bromsgrove District Local Plan.

4. Before any work on site begins you must provide drawings, details or written details of:
 - a. The proposed cycle storage structure.
 - b. The proposed lighting bollards.
 - c. The proposed gate to the rear of 5 York Close to restrict access through the footpath.

The Council will agree these details with you in writing and you must implement the agreed scheme before the development is first brought into use or occupied

Reason: To make sure that the development preserves the distinctiveness of the building and the appearance of the area in which it is sited, so as to comply with policies S7 and DS13 of the Bromsgrove District Local Plan January 2004

5. 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

6. The disposal of storm water shall be by means submitted to and approved in writing by the Local Planning Authority and be operational before building works commence.

Reason: In order to secure the satisfactory drainage conditions in accordance with policy ES4 of the Bromsgrove District Local Plan 2004.

7. 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 the proposed planting including the position, species and size of all new tree and shrub planting.

- b) Appropriate biodiversity enhancements (bat boxes, bird nesting boxes and appropriate native species planting) to enhance the biodiversity opportunities presented by the site.

The approved scheme shall be implemented within 12 months from the date when any of the building hereby permitted are first occupied. Any planting 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 ensure the habitat potential of the site is enhanced and the appearance of the site is protected in accordance with policies DS13 and S7 of the Bromsgrove District Local Plan January 2004

8. The existing building(s) shall be demolished and all the resultant materials removed from the site before development in pursuance of this permission is commenced.

Reason: In order to secure a well-planned development in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004

9. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme commencing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of the approved remediation scheme

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, in accordance with policy ES7 of the Local Plan January 2004

10. Where it is necessary to carry out excavations beneath the canopy of any tree to be retained on the site or on adjoining land, the excavation shall be hand dug and backfilled with good quality top soil. All works will be in accordance with National Joint Utilities Group Publication 10 + British Standard 5837:2005 and subject to the approval of the Local Planning Authority.

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

11. Where trees to be retained are subject to tree surgery, damage by machinery or damage which results in a part of the bark of the tree being cut away, remedial work shall be undertaken as set out in BS 3998:1989 to the satisfaction of the Local Planning Authority.

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

Restrictive conditions

12. No works shall take place on the site outside the hours of 08.00 – 18.00 hours Monday to Friday and 09.00 – 12.30 hours on Saturday. No works shall take place on any Sunday, Bank Holiday or Public Holiday.

Reason: To protect the amenities of neighbouring residents in accordance with policy S7 and policy DS13 of the Bromsgrove District Local Plan January 2004.

13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows, other than those expressly authorised by this permission, shall be constructed without the prior written consent of the Local Planning Authority.

Reason:- In the interests of neighbours' privacy and amenity and in accordance with policy S7 of the Bromsgrove District Local Plan January 2004.

Notes

- Your attention is drawn to the need to dispose of the materials resulting from the demolition on the site in an appropriate manner as it is believed that they may include asbestos.
- The design and access statement submitted with this application commits this development to undergo Secure by Design status as part of the objective to deliver development achieving Code for Sustainable Homes, level 3.
- The Planning Permission hereby granted, does not imply that approvals for either Temporary or Permanent Works or Discharge Consents for drainage, whether there are any specific conditions attached or not, have also been approved. It is necessary for all works associated with Land Drainage to be formally approved by the Environment Agency for statutory main rivers, or Lead Local Flood Authority (North Worcestershire Water Management) for ordinary watercourses. Piped drainage systems may also require the approval of the necessary sewerage manager, whether a Water and Sewerage Company (WaSC) or other persons or

bodies. Applicants/agents should be aware that enforcement of these matters may be taken under other appropriate legislation in addition to any Planning processes.

- 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 other material considerations as summarised below:

WMSS	QE1, QE3
WCSP	SD.3, SD.4, D.5, D.6, D.43, T.1
BDLP	DS2, DS13, S7, S14, TR11, ES4, ES5
DCS2	CP3
Others	NPPF, 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.