

APPENDIX

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Bromsgrove District Housing Trust 'A'	Provision of 3no. new build dwellings for affordable rent, with car parking space and private amenity rear gardens (as amended by plans received 31.08.2012). Land adjacent to 47 Breakback Road, Bromsgrove, Worcestershire	RES	12/0600 28.08.2012

Councillor Mallett 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	no objection subject to cycle parking condition.
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	I have no objections to the proposal, but would like to ensure all surface water is contained on site and that flood risk does not increase elsewhere as a result of this development. Should permission be granted, I would like to attach a condition that full surface water drainage plans, including sustainable drainage, are submitted and approved prior to development commencing.
WRS	No comments
CSO	No comments
West Mercia Constabulary	Concerned that vehicles currently kept in garage area will be left on the road. The empty garages in Foxwalks Avenue are approximately 250m which is a great distance for somebody whose movement is restricted. Doubt is raised over the likelihood of these garages being used. Parking on the street could cause obstruction problems, particularly as the road is narrow and the likelihood is that vehicles

will be left on the pavement. This will increase issues in respect of obstruction and disputes over parking. Object to the application on the grounds of parking issues.

Publicity: Neighbour notification
20 letters sent – re-consulted on amended plans. Consultation expires 14.09.2012
Site notice posted 18.07.12 expire 08.08.12

Petition received 13.09.12 signed by 36 residents – objecting to the developments in Breakback Road on the grounds of;

- introducing significant issues for the estate including parking, traffic and loss of privacy.
- Any redevelopment of these areas must provide parking for existing residents and improve the amenities of the Rock Hill area.

14 neighbour objections received –

- Cars will need to be park on the side of roads
- Off street parking may obstruct driveways
- Overlooking and privacy issues
- Already a lack of parking provision in the area
- Increased traffic will make the road more dangerous
- There is significant need for garages by local residents
- NPPF supports the retention of valued facilities and services
- Significant overshadowing and reduction in sunlight to the rear elevation to no. 47
- Loss of outlook and unacceptable sense of enclosure
- Will be no off-street parking if the site is developed
- Issues relating to the parking layout and access to the existing parking space to the rear of 49 Breakback Road
- House design is out of character with existing housing and rear elevation will be unattractive
- Light to the bathroom and office would be poorly lit by roof lights
- Cramped development
- Significant harm to neighbours living conditions
- • view will be obscured by the development

- less space for children to play
- the garages spaces on Foxwalks are boarded up and no longer useable
- cars on the road will be more at risk from vandalism / misdemeanours than if in a garage

The site and its surroundings

The site relates to a plot of land located at the end of a cul-de-sac on Breakback Road, Rockhill. The site is bounded by residential properties from Breakback Road and Rockhill on 3 sides and an access road to the other. The land slopes up from north to south therefore the site is positioned on higher ground than properties 47 and 49 Breakback Road. The land continues to slope up beyond the site towards Breakback Road. The land drops down sharply beyond the south east part of the site at Rockhill. Therefore the properties of 48 and 50a Rockhill are positioned some 4 / 5 metres lower than the application site. The site contains 14 garages located in 2 parallel rows with handstanding in-between. The site is located in a recognised residential area.

Proposal

The application proposes the demolition of all existing garages and associated handstanding area and the erection of a 3 two-storey houses containing 1 bedroom for affordable rent. New 1.8m high close boarded fencing is proposed along the sides and rear of the site with replacement fencing where necessary. Three car parking spaces have been proposed to the frontage with bollard lighting and landscaping. Amenity space has been proposed to the rear of each house with bin storage facilities, rotary dryers and cycle storage.

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 3 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.

Policy S7 states that proposals involving development of new dwellings outside the Green Belt will be considered favourably providing that they meet the following criteria:

- a. the proposal does not lead to development at a density inappropriate for the site;
- b. the form and layout of the development is appropriate to the area;
- c. the proposal minimises the loss of mature hedges, trees and landscaping;
- d. the proposal does not adversely affect the existing amenities of adjoining occupiers;
- e. the proposal does not involve a loss of open space, allotments or other amenity areas which it is desirable to maintain;
- f. the development can be appropriately serviced;
- g. the proposal would not have unacceptable traffic implications or perpetuate a traffic hazard;
- h. it conforms with other relevant policies of the Plan.

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. 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. I will now begin to look at the detailed aspects of the proposal and deal with concerns raised by neighbours.

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.

I am of the view that there is significant identified need for affordable housing in Bromsgrove District and consider that this proposal would contribute towards its delivery. To my mind this is a material consideration that carries significant weight.

Design and Visual amenity

The density of the proposed development is comparable to neighbouring properties in the area. Breakback Road is characterised by two storey rows of terrace housing. I consider the proposal for a row of three houses would reflect the form of surrounding properties. The building has been positioned to reflect the alignment of the terrace row of houses that adjoin the site to the north-east (43 – 47 Breakback Road).

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 14 garages and hardstanding which are in a poor state of repair and appear unsightly; I consider redevelopment of the site will improve the quality of the space and character of the area. The Design and Access Statement explains how the scheme will adopt many of the Lifetime Homes Standards and achieve Code for Sustainable Homes Level 3. As such, I consider the scheme to be high quality and sustainable as set out in the NPPF.

Paragraph 70 of Section 8 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 garaging and car parking. The garage displacement strategy submitted by BDHT indicates that the application site accommodates 14 garages of which six are vacant and eight are in use. The plan accompanying the displacement strategy shows that 8 garages are available at the nearby Fox Walks garage site which means that all 8 occupiers of the garages can be accommodated. Therefore I am satisfied with the alternative arrangements to accommodate the displacement of existing tenants of the remaining

garages. Notwithstanding the use of the site for car parking, I consider the amenity value of the site to be low. Whilst acknowledging that the site is a valued facility for members of the community, on balance of the considerations above I consider the benefits in terms of affordable housing provision and visual amenity outweigh the need for the garaging facility.

Residential amenity

The siting of the development will have limited impact on the amenities of existing neighbours. SPG1 states that “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 windows on the front elevation would be a minimum distance of 9 metres to the garden of 49 Breakback Road. Whilst I recognise the distance is substandard I do not consider it would cause significant issues of overlooking to warrant refusal of the application. It is noteworthy that the later half of the garden to no. 49 has been given over to hardstanding to provide parking provision for a car. SPG1 states that “a minimum separation distance of 21 metres is required to achieve a degree of privacy within conventional two storey dwellings”. To safeguard the privacy of the occupiers of 50a and 48 Rockhill, high fitted rooflights have been proposed on the rear elevation of each house. For these reason I do not consider the proposal would cause significant overlooking and loss of privacy at the detriment of existing residents. I do not consider the proposal would cause any undue loss of light to adjoining occupiers. If permission is approved I consider a condition would be appropriate to secure hours of operation to limit disruption to residents whilst work is being carried out. I consider the garden areas are appropriate to the proposed house types consisting of 1 bedroom.

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 Breakback Road 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 14 garages of which six are vacant and eight are in use. It is not known how many of these garages are used for car parking and how many for storage. The plan accompanying the displacement strategy shows that 8 garages are available at the nearby Fox Walks garage site which means that all 8 occupiers of the garages can be accommodated. BDHT have also confirmed that any occupier with a disability will have first preference for a relocated garage that is nearest to them. I am therefore satisfied that the applicant has provided sufficient alternative arrangements to accommodate the displacement of existing tenants of the remaining garages that currently use the garages.

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.

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 may 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

The arboricultural report accompanying the application confirms that the site has poor arboricultural content and that a replacement scheme would substantially increase its arboricultural amenity.

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 1161 – 10B;

Drawing Number 1161 – 11;

Drawing Number 1161 - 12;

Site Survey Drawing Number 01;

Engineering Strategy Drawing Number 12146 – D1;

Arboricultural Survey Ref: WTS/2012/06/0194AS dated 19th June 2012;

Tetlow King Planning, Supporting Planning Statement dated 10.09.2012;

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 January 2004.

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.

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 January 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

Restrictive conditions

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Classes A, B, C and D shall be carried out without the prior approval of the local planning authority to an application in that behalf.

Reason: To protect the privacy of adjoining occupiers and retain the character of the approved dwellings in accordance with policy S7 of the Bromsgrove District Local Plan January 2004.

11. No works shall take place on the site outside the hours of 08.00 – 18.00 hours Monday to Friday and 08.00 – 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.

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.