

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Enterprise Inns Plc	Building of 7 no terraced houses on rear western car park and opening up of existing driveway on Albert Road to existing car park The Greyhound , 30 Rock Hill, Bromsgrove	22.10.2013	13/0674

Councillor Margaret Buxton has requested that this application is considered by Planning Committee rather than being determined under delegated powers.

RECOMMENDATION: That planning permission be GRANTED

Consultations

Highways Department- Worcestershire County Council Consulted 08.10.2013

No objection subject to conditions addressing access, turning and parking, cycle parking and parking for site operatives.

Community Safety Team Consulted 09.01.2014

No Comments Received To Date

Drainage Engineers Internal Planning Consultation Consulted 09.01.2014

No objections to the proposals subject to the imposition of a condition requesting the submission of full drainage plans.

Worcestershire County Council Education Department Consulted 14.10.2013

The schools which would be affected by the proposed development would include Millfields First School, St John's Foundation Middle School and South Bromsgrove High School. The total education contribution required would be £23,688.

Worcester Regulatory Services- Contaminated Land Consulted 14.10.2013

The site is currently tarmacked which and made ground may be present at the site which both result in contamination. I recommend the full contaminated land conditions be applied should permission be granted.

Landscape & Tree Officer Consulted 14.10.2013

I would have no objection to this application on tree related grounds subject the following conditions.

1. All trees to be retained should be afforded full protection in accordance with BS5837:2012 during any development on the site.

2. A plan showing the tree protection measure should be supplied for the Councils consideration and agreement.

Leisure Services Consulted 14.10.2013

No objection to the proposed development. The total play space contribution required would be £114,464. This contribution would fund improvements to Sanders Park in Bromsgrove.

Strategic Planning- Consulted 14.10.2013

Due to the number of units SPG11 should be applied to this proposal. 8 x 2 bed units generate a requirement for 584m² of play space. A play space of this size generates on-site maintenance costs of £20,557 however as the play space generated is below 1,000sqm an off-site contribution is required. A commuted sum of £156,052 will therefore be required to deliver off-site play space. It is acknowledged that a contribution of this size may impact on viability and therefore it may be appropriate to negotiate a lower contribution.

In conclusion the redevelopment of a brownfield site within Bromsgrove Town is supported. It would help address the need for smaller properties whilst helping to maintain in excess of 5 years supply of housing land in the future. The proposal therefore accords with both adopted and emerging policies.

Drainage Engineers Internal Planning Consultation Consulted 14.10.2013

Whilst I have no objections to the proposals, I would suggest the following condition is attached to a decision notice:

Full drainage plans are to be submitted to and approved in writing by the LPA prior to building work commencing; this is to include ground investigation results. The reason for this is to ensure adequate drainage for the new development and to ensure no increase in flood risk elsewhere.

Publicity

Original Scheme:

5 no. letters of representation, objecting to the proposed development have been received commenting that:

- Car parking is a major problem in the local area, in particular along Albert Road, and the proposed development, including the loss of car parking spaces for the public house and repositioning of the access, will exacerbate this problem causing highway danger;
- The proposed development would materially harm neighbouring amenity and privacy

Councillor Buxton

The Councillor has requested that this application be considered by Planning Committee rather than being considered under delegated powers. The Councillor highlights concerns that the local area is already noted for problems with regard to traffic flow and that the proposal would not only result in the loss of car parking spaces for the public

house but also within the local area which in turn would create further parking and traffic flow issues. With regard to Albert Road, the Councillor has suggested that this road is often difficult to navigate as a result of on-street parking on either side of the road. Whilst the public house was originally accessed from Albert Road, it is presumed that this was closed for highways safety reasons which either still exist or have worsened since its closure.

Amended Scheme:

9 additional letters of representation were received and objections were raised on the following grounds:

- Car parking is a major problem in the local area, in particular along Albert Road and Highfield Road and the proposed development will exacerbate the problem causing highway danger;
- Request that residents only parking scheme is introduced for Albert Road;
- The proposed development would materially harm neighbouring amenity and privacy;
- The proposed development would impact upon the visual appearance of the public house; and
- The proposed development would lead to the overdevelopment of the application site and result in a cramped form of development.

Relevant Policies

National Planning Policy Framework (NPPF)

Bromsgrove District Local Plan 2004 (BDLP):

DS3 Main Locations for Growth
DS11 Planning Obligations
DS13 Sustainable Development
S3 Windfall Policy
S7 New Dwellings Outside the Green Belt
S28 New and Enhanced Community Facilities
TR1 The Road Hierarchy
TR11 Access and Off-Street Parking
ES4 Groundwater Protection
ES7 Sites Suspected of Contamination

Others:

SPG1 Residential Design Guide
SPG11 Outdoor Play Space

Relevant Planning History

No relevant history

Assessment of Proposal

The Site and its Surroundings

The application site comprises the Greyhound Public House (Use Class A4) located to the north western side of Rock Hill/B4094, to the north eastern side of Fox Lane and the south west side of Albert Road, located within the residential area of Bromsgrove as defined on the Bromsgrove District Local Plan Proposals Map. The site is bounded by 2a Fox Lane to the north western boundary and No.'s 1-8 Regent Mews (Albert Road) to the north eastern boundary.

The application site is approximately 0.028ha in extent, and is predominantly an 'L' shaped plot. Currently the site is occupied by a large building which is positioned towards the front of the plot facing onto Rock Hill set within extensive grounds. Towards the front of the plot, to the north east corner of the site is a beer garden with a private courtyard located immediately behind. To the rear of the plot is a large car park/service area which provides parking for approximately 39 vehicles, serviced by an existing access onto Fox Lane.

The proposed development

The application seeks full permission for the consolidation of the existing public house site, and the erection of 7 no. residential units within the curtilage of the public house (to be located to the north west of the site within the existing public house car park) together with associated access and car parking arrangements.

The consolidation of the existing site will include the relocation of the existing public house car park into the private courtyard, to provide 15 parking spaces (one of which will be disabled) and the re-opening of a former vehicular access onto Albert Road to serve this new car park.

The residential development proposed consists of a row 7 no. 2 bed terraced properties sited to the north west of the site within the existing public house car park. Each property will have front and rear gardens and the development will be accessed via the existing access onto Fox Lane. A total of 8 parking spaces are provided, one of which is disabled.

Assessment of the Proposal

The principle issues for consideration in this case relate to the following:

- The principle of the proposed development;
- Whether the proposed development will complement the character of the existing site and surrounding street scene;
- Whether the proposal will impact upon the level of amenity experienced by occupiers of adjacent properties;
- Whether the proposal provides adequate access and parking provision;
- Whether contamination is present on-site;
- Whether the site is at risk of flooding;
- Whether the proposal will impact on existing trees and the landscape; and
- Whether planning contributions are required to mitigate the impact of development

Principle of the proposed development

The National Planning Policy Framework, in paragraphs 47 - 55, sets out the Government's approach to the delivery of residential development.

Paragraph 47 of the National Planning Policy Framework emphasises that local authorities should significantly increase the supply of housing and identify and update a 5-year supply of housing, with an additional buffer of either 5% or 20% depending on local circumstances. The Local Planning Authority currently has a housing land supply of 5.3 years (including a 5% buffer). However, it is important that windfall residential schemes, such as that hereby proposed, continue to come forward as this will help ensure the maintenance of a 5-year housing land supply in the future. N.B. The application site has not been assessed within the most recent Strategic Housing Land Availability Assessment (SHLAA) (May 2014).

Paragraph 49 of the National Planning Policy Framework states that applications for residential development should be considered in the context of presumption in favour of sustainable development.

The application site is brownfield land and is located within the residential area of Bromsgrove Town as defined on the Bromsgrove District Local Plan Proposals Map. The proposed development is for a windfall residential scheme in which case Policies DS3, DS13, S3 and S7 of the Bromsgrove District Local Plan apply.

Policy DS3 of the Bromsgrove District Local Plan advises that Bromsgrove is the most sustainable location in the district and therefore should accommodate the highest proportion of growth.

Policy S7 of the Bromsgrove District Local Plan 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, the proposal would not adversely affect the privacy and amenities of the occupants of neighbouring properties, the proposal would not have unacceptable traffic implications or perpetuate a traffic hazard and that the proposal conforms with other relevant policies of the Bromsgrove District Local Plan.

Notwithstanding the above, consideration is also required in respect of the loss of land associated with the public house (but not the building itself), which represents a community facility.

Paragraph 70 of the NPPF states that in order “to deliver 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” and “ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.”

Policy S28 of the BDLP states that the retention of existing community facilities will be supported providing that there is no conflict with other policies of the Local Plan.

Whilst the proposal would result in the loss of land associated with the existing public house, the proposal would not result in the loss of this community facility. The basic

principle of the proposed development is therefore, considered to be acceptable and would accord with the advice of the NPPF and the provisions of Policy S28 of the BDLP. Worcestershire Highways has raised no objection to the loss of parking for the existing facility.

Layout, Design and Impact on Street Scene

Policy S7 of the BDLP requires development proposals to respect the character and layout of development in the area and be of a density appropriate to the area.

The net site area which covers the proposed dwellings, private amenity space and associated access and turning areas totals 0.15 hectares. The proposal would result in a net density of 50 dwellings per hectare which is higher than the density of the surrounding area. The Local Plan does not specify a minimum or maximum density and neither does the NPPF. These policy documents rely on developments contributing to the character of the area, which in this case will be positively enhanced.

In terms of layout, the immediate locality is characterised by the ad-hoc linear arrangement of Fox Lane with inconsistent building lines, while Albert Road has a more linear arrangement with consistent, established building lines.

The proposed layout of the site is considered commensurate with the immediate locality in that the proposed development will result in a form of development which generally reflects the pattern and form of development surrounding the application site. The residential development proposed consists of 7 residential plots which are all narrow and rectangular with small front gardens and larger rear gardens. The terraced residential block will sit forward of the neighbouring building No. 2a Fox Lane, which adjoins the north west boundary of the site, which is typical of the development pattern to the north eastern side of Fox Lane. Accordingly, it is considered that the proposed layout of the site is acceptable.

With respect to the design of the terraced residential block proposed, it is considered that by virtue of its siting, height, massing and materials, design details and overall appearance that it would be complementary to the character and appearance of neighbouring residential properties within the street scene to Fox Lane and would integrate well with its surroundings.

Accordingly, it is considered that the proposal would make a positive contribution to local character and distinctiveness, in accordance with the advice of the NPPF, the provisions of Policy S7 of the BDLP and the guidance contained within SPG1.

Residential Amenity

In respect of the proposed development, there are no concerns arising with regards to the privacy and amenity of the occupants to neighbouring properties.

With regard to No. 2a Fox Lane adjoining the north west boundary of the application site, the proposed residential block will be located to the south of this neighbouring property. The proposed residential block would sit forward of the adjoining property, by approximately 7m although would not contravene the 45 degree code from habitable room windows located on the front elevation of this neighbouring property. Whilst the proposed block would flank the fenestrated side elevation of No. 2 Fox Lane, sited

approximately 3.6m from the side elevation of the neighbouring property at the closest point and approximately 2.4m from the north-west boundary of the site, given that the fenestration serves a non-habitable room and staircase/landing it is considered that the proposal would not be unduly overbearing in which case would not result in demonstrable harm to the occupants of this neighbouring property in respect of outlook and access to natural day or sun light. With regard to matters of overlooking, and perceived loss of privacy, it is considered that the proposed development would not afford views into the neighbouring property, nor significant views into its rear garden.

In respect to the neighbouring properties located on the south western side of Fox Lane, notably No.'s 14, 16 and 18, the proposed residential block would be located to the northeast, a minimum of 27m away at the nearest point. I consider that this would be an acceptable level of separation, in accordance with the standard minimum separation distance of 21m as per SPG1. It is therefore considered that the proposal would not be overbearing, restrict outlook or levels of access to light or result in direct overlooking of these neighbouring properties.

In respect to the neighbouring properties located to the south western side of Albert Road, adjoining the north east boundary of the application site, the proposed residential block would be located to the south west, a minimum of 25.8m away at the closest point. I consider that this would be an acceptable level of separation that exceeds the minimum standards set out within SPG1.

There are no concerns with respect to the public house and matters of amenity.

In view of the above, I consider that the proposal would not adversely affect the privacy and amenities of the occupants of neighbouring properties in accordance with the provisions of Policy S7 of the BDLP and the guidance contained within SPG1.

In terms of amenity space, the guidance in SPG1 suggests that each dwelling house of 3-bedrooms would require a garden depth of approximately 10.5m together with the provision of at least 70sqm of amenity space, whilst smaller house types would require a garden depth of 10.5m together with the provision of at least 42sqm of amenity space. In this case only 2-bedroom dwellings are proposed. It is proposed that each dwelling would have a garden depth of at least 10.5m and an overall provision of at least 44sqm. This is considered to be satisfactory and be in accordance with the guidance contained within SPG1, and therefore Policy S7 of the BDLP.

Highway and Access Issues

Policy TR11 of the BDLP requires development proposals to incorporate safe means of access and egress and provide sufficient off-street parking in accordance with the Council's adopted standards.

The proposed development includes the consolidation of the existing public house site to include a re-located car park, with a reduction in spaces from 39 to 17 (15 visitor and 2 staff parking spaces) and a re-opened vehicular access onto Albert Road. In addition, the proposed development includes the provision of a parking area to accommodate 8 no. parking spaces (including 1 no. disabled space) and turning facilities to serve the new residential units, with the existing vehicular access onto Fox Lane being retained.

The car parking provision of 1 space per dwelling plus an additional visitor/disabled spaced is in full accordance with the adopted standards of Worcestershire County Council.

The car parking provision associated with the public house is below the threshold required by the County Council parking standards. However, following the submission of suitable evidence by the applicant to justify the reduced parking provision indicated, Worcestershire County Council Highways Department consider this provision to be acceptable.

With regard to cycle parking provision for the residential development, the site plan outlines that provision will be made in the rear gardens in each of the proposed dwellings for a bike store. Whilst details in respect of parking numbers has not been provided , it is suggested that the provision indicated would be likely to comply with the minimum adopted standards of Worcestershire County Council which require to 2 no. cycles spaces for each residential unit, however, it is considered that this provision can be secured by condition. The existing provision of cycle parking for the public house will remain unchanged.

With regard to the re-opening of the vehicular access onto Albert Road to serve the new public house car park, Worcestershire County Council Highways Department consider this access to be acceptable. In addition, there are no concerns with regard to the existing vehicular access onto Fox Lane which wills serve the residential development and deliveries to the public house.

Whilst I note the views of Councillor Buxton, and third parties, on the basis of the above, and subject to condition, Worcestershire County Council Highways Department have raised no objection to the proposed development. It is therefore considered that the proposed development would be in accordance with the provisions of Policies TR1 and TR11 of the BDLP.

Contamination

Worcestershire Regulatory Services have commented that the site could be subject to contamination. As a result they have requested that conditions should be attached to any grant of permission to address potential land contamination. Accordingly, subject to condition, it is suggested that the proposed development would be in accordance with Policy ES7 of the BDLP.

Flood Risk

Policy ES4 of the Bromsgrove District Local Plan states that the Council will not allow development proposals which either individually or cumulatively with other developments, which would result in pollution or derogation of groundwater.

The application site is located entirely within flood zone 1 (low probability of fluvial flooding). While the site does not appear to be susceptible to surface water flooding, surrounding roads including Fox Lane and Rock Hill are susceptible.

North Worcestershire Water Management have been consulted on the application and have raised no objection to the proposed development although have suggested that a condition should be attached to any grant of permission to ensure adequate foul and

surface water drainage for the proposed development and to ensure there is no increased flood risk elsewhere within the local area.

Accordingly, subject to condition, it is suggested that the proposed development would be in accordance with Policy ES4 of the BDLP.

Landscape and Trees

The Council's Landscape and Tree Officer has raised no objection to the proposed development on the basis that all trees within the application that are to be retained are afforded protection in accordance with BS 5387 (2012) and has suggested a condition should be attached to any grant of planning permission to ensure this retention and protection.

Accordingly, subject to condition, it is suggested that the proposed development would be in accordance with Policy C17 of the BDLP.

Planning Obligations

Contributions were initially sought for off-site play space, education and highways improvements. However, on 28th November 2014 the National Planning Practice Guidance (NPPG) was amended to specify when contributions can be sought from developments. In particular, it states:

“Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm” (paragraph 012, Reference ID 23b-012-20141128)

Therefore contributions can no longer be sought for developments such as this which are of 10 units or less and generate a gross floor area of no more than 1000sqm.

Conclusion

In view of the above, it is considered that the proposed development would be in accordance with the advice of the NPPF, the provisions of C17, DS3, DS11, DS13, S7, S28, TR1, TR11, ES4 and ES11 of the BDLP and the guidance within SPG1.

RECOMMENDATION: That planning permission be Granted

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 No. 1160-01
Drawing No. 1106-02
Drawing No. 1106-03

Drawing No. 1160-14B
Drawing No. 1160-15B
Design and Access Statement Rev A 12th November 2013
Design Justification 20th November 2013

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

- 4) 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, floorscape, earth moulding, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when any of the building(s) 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 S7 and C17 of the Bromsgrove District Local Plan January 2004.

- 5) Before any materials or machinery are brought on to the site or any development, demolition, installation of services or site clearance works of any kind are commenced the developer shall erect protective fencing as illustrated by BS 5837:2005 on a line concurrent with the tree protection distances given in BS 5837:2005 and to the specific approval of the local planning authority. The developer shall maintain such fences to the satisfaction of the local planning authority until all development, the subject of this permission, has been completed. No activities on the land within the fenced areas shall be permitted including excavation, changing of levels or disturbance in any way from the passage or storage of vehicles and machinery unless such activity is given the specific prior permission 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.

- 6) No works or development shall take place until a scheme for foul and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first use of the development hereby approved.

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

- 7) 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 E shall be carried out without the prior approval of the local planning authority to an application in that behalf.

Reason: To protect the amenities of adjacent properties and maintain the character and appearance of the street scene in accordance with policy S7 of the BDLP.

- 8) The development hereby permitted shall not be brought into use until the access, turning area and parking facilities 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: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

- 9) Prior to the first occupation of any dwelling hereby approved secure parking for 2 cycles to comply with the Council's standards shall be provided within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To comply with the Council's parking standards

- 10) The development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision be retained and kept available during the construction of the development.

Reason: To prevent indiscriminate parking in the interests of Highways safety.

- 11) 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.

- 12) 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"
- 13) 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".
- 14) 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. 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.
- 15) 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.
- 16) 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 (11-16): 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. The NPPF sets out the requirements for dealing with land contamination through the planning system in paragraphs 9, 11, 111, 120 and 121.

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