

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Eamon Thompson	Construction of 2 no. 2 bedroom 4 person and 3 no. 1 bedroom 2 person affordable houses together with external works, car parking and landscaping Land To The Rear Of No.15 York Avenue, Bromsgrove, Worcestershire, B61 8SA,	14.06.2018	18/00463/FUL

RECOMMENDATION: That planning permission be **Granted**

Consultations

Highways - Bromsgrove Consulted 17.05.2018
No objection subject to conditions.

Hereford & Worcester Fire and Rescue Consulted 17.05.2018
No comments received

Mr Dave Rieschmiller - Designing Out Crime Officer Consulted 17.05.2018
I am broadly supportive of the application given it provides smaller social housing units on a problematic open site where existing lock-up garages have been subject of Anti-Social Behaviour. The site is small and as such I understand that it presents challenges around its layout.

As a minimum I would recommend that the fencing of units 1, 3, 4 and 5 where it borders the alleyway is increased by trellising to at least 2.1 metres.

Crime Risk Manager- West Mercia Police Consulted 17.05.2018
No objections to the above application.

Bromsgrove Strategic Planning and Conservation Consulted 17.05.2018
No comments received

Leisure Services Manager Consulted 17.05.2018
Although there is a loss of a small parcel of Public Open Space, there is limited value to the space given its size. Therefore we would not seek off site sums.

WRS - Contaminated Land Consulted 17.05.2018
No objections subject to conditions.

The ground investigation identified a marginal exceedance of lead and gas monitoring has also identified some elevated levels of carbon dioxide. The site has been classified as Characteristic Situation 2 and therefore requires appropriate gas protection measures to be incorporated within the properties to protect against the identified risk.

A scheme for remediation should be prepared to deal with the issues identified above in line with the recommendations of the report.

Drainage Engineers Internal Planning Consultation Consulted 17.05.2018

No objection subject to securing on-site attenuation system.

Arboricultural Officer Consulted 31.05.2018

I would have no objection to the loss of the hedges H1 or H2 as long as they are removed with the appropriate consents and permissions in place.

If it was agreed with all relevant parties that the hedges can go then there would be no need for any tree conditions on this site.

Housing Strategy Consulted 25.07.2018

No objections

Public notifications

Two site notices were posted 01.06.2018 and expired 25.06.2018

41 neighbour letters sent 17.05.2018 and expired 07.06.2018

One representation has been received raising the following concerns:

- Overlooking into the rear garden and kitchen/dining area of house from the windows of plot numbers 1 and 2.
- Noise and dust created during the construction of the development.
- Obstruction of access road and access to garage whilst work is taking place.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP7 Housing Mix and Density

BDP19 High Quality Design

BDP21 Natural Environment

BDP23 Water Management

BDP25 Health and Well Being

Others

NPPF National Planning Policy Framework (July 2018)

NPPG National Planning Practice Guidance

SPG1 Residential Design Guide

Relevant Planning History

No planning history

Assessment of Proposal

Principle of Development

The application site lies to the south of York Avenue and is accessed off a private road. The site is currently occupied by six lock up garages, and to the rear of the garages, the

area of open space. The garages are reportedly unused and generally appear in poor condition.

The site lies within the residential area as defined in Policy BDP2 of the Bromsgrove District Plan (BDP) and therefore has been considered having regard to the presumption in favour of sustainable development, as outlined in Policy BDP1 of the BDP and paragraph 11 of the National Planning Policy Framework July 2018 (NPPF 2018).

The proposal would provide two two-bedroom and three one-bedroom affordable dwellings, which would make a valuable contribution to the local housing stock whilst making efficient use of the land available, in line with Policy BDP7 of the Bromsgrove District Plan.

Loss of Open Space

The majority of the site is currently non designated public open space. Policy BDP25.3 resists the loss of open space unless it can be demonstrated that there is: a) a surplus provision and it is no longer required b) the benefit of the development to the community outweighs the loss of the facility or; c) an alternative facility of equal quality, quantity and convenience can be provided.

In this case the site lies within a reasonable walking distance to two other existing areas of open space. The Open Space statement provided with the application identifies these to be Laurel Grove amenity greenspace and King George V Playing Field, which are both assessed as being of high quality. These two facilities are within a 5 minute walking distance and so provide a high quality, convenient alternative, meeting point c) of the above.

In addition to this, the statement contends that the provision of affordable housing is required within the district and this should carry significant weight. Given there are other suitable facilities in the area, the benefit of affordable houses to the community would outweigh the loss of this small area of open space, and therefore point b) of the above would also be satisfied.

Leisure Services have been consulted on the application and, in view of the size and quality of the existing open space, they do not object to its loss. Furthermore, although Policy BDP25.4 would usually require compensatory measures where there is a loss, given the limited value of the open space, it is not considered reasonable.

Design/Layout

Policy BDP19 requires development to be of a high quality design that will enhance the character and distinctiveness of the local area.

In view of the proposed development, it is considered that it would not conflict with the established pattern of development in the area, in terms of density or layout.

The property types in the immediate area consist of two storey semi-detached dwellings and two storey maisonettes; either with hipped or gabled roofs. The houses also vary in terms of their materials and finish. The maisonettes are constructed of buff brick with brown roof tiles and the dwellings are constructed of red brick, some with render panelling, and either red, brown or grey interlocking roof tiles.

The proposed dwellings consist of a pair of two bedroom semi-detached properties and three one-bedroom terraces. All properties would be of the same design and finish, comprising forward projecting gables, and would be finished in red brick and render, with grey roof tiles and grey windows and doors. This would result in an attractive and contemporary appearance which, given the mixture of property types within the area, would complement the existing housing stock. In view of the poor state of the existing garages that would be demolished for the new houses, it is considered that the scheme would lead to an enhancement of the local area, in line with the requirements of Policy BDP19.

Crime/Safety

Although broadly in support of the scheme, the Designing out Crime Officer has raised concerns with the alleyway that would be situated behind plot 3-5. It is noted that the scheme would result in the extension of the existing alleyway which would create blind dogleg corners.

In view of these comments, a number of alternatives have been considered to try and resolve this issue. Unfortunately because of the legal status of the pathway, on which several properties have a right of way over, the pathway cannot be closed off or incorporated into the development site. However following the comments from the Crime Officer, the proposal has been amended to include a 300mm trellis on top of the fence of plots 3-5, which is in line with the minimum requirements of the Crime Officer.

Residential Amenity

In accordance with Policy BDP1.4(e) and the provisions of Supplementary Planning Guidance "Residential Design Guide" (SPG1), consideration is given to the impact of the proposal on residential amenity. SPG1 advises that there should be a minimum separation distance of 21 metres between the main windows of two storey dwellings and that main windows overlooking existing private amenity space should maintain a distance of 5 metres per storey. In view of this it is noted that the proposal achieves the minimum standards for separation distances between main windows; however the first floor rear windows of the three terraced properties would be a distance of 9 metres from the rear gardens of 2-8 Lincoln Road. Although this would slightly fall short of the minimum standards, it is noted that the dwellings along Lincoln Road benefit from long gardens and therefore there would not be an unacceptable impact to privacy. There would be a small first floor window on the side elevation on the dwelling of plot one which would be positioned closely to the boundary of 13 and 15 York Avenue, however this would serve a bathroom and therefore can be conditioned to be obscure glazed.

SPG1 states that it is usual to have a minimum garden depth of 10.5 metres and a minimum garden area of 70 metres for family dwellings. The two bedroom dwellings on plots one and two would have a garden length of 10.5 metres, however would have an area of approximately 50 square metres. The one bedroom dwellings on plots 3-5 would have garden length of 7.5 metres and would have a garden area of between 48 and 68 square metres. Although this would fall slightly short of the minimum standards contained within SPG1, the document recognises that small house types do not have the same functional need for private amenity space, and thus amenity space provision is considered to be sufficient in this instance.

Highways

It is recognised that the site lies within a sustainable location, close to the local centre in Sidemoor, with good access to public transport. The development would utilise the existing access off York Avenue. The scheme includes 7 parking spaces, 2 each for the two-bedroom dwellings and 1 each for the one-bedroom dwellings.

Worcestershire County Council have raised no objection to the proposal subject to conditions, and it is acknowledged that parking provision would meet current standards.

Trees/Boundary Treatment

A Tree survey has been provided with the application, which identified a number of trees and hedges on site, all of which were considered to be of low quality and value. The survey concludes that the impact of the development would result in the removal of a Leyland Cypress and Privet Hedge which lie on the northern and eastern boundaries, respectively. Given the separation distances and proposed boundary treatments between the proposed dwellings and the existing dwellings surrounding the site, there would be no detrimental impact to the privacy of neighbouring occupiers.

The Tree Officer has not objected to the removal of the trees on the basis that they provide limited value beyond screening.

Ecology

An Extended Phase 1 Ecology Survey has been carried out on the site and found that the area to be developed is of low ecological value, and the development would unlikely to create a loss of significant habitat. However in line with the requirements of the Framework, proposals should demonstrate a net gain in biodiversity. On the basis of this a condition has been attached to the permission to provide enhancement measures in line with those recommended within the report.

Drainage

The Drainage Officer has commented on the proposal and has not objected on the basis that the site falls within flood zone 1 and is not at risk for surface water flooding. The Officer has further supported the proposed drainage strategy which incorporates the use of on-site attenuation in order to reduce runoff rate from the site. As Building Regulations require adequate provision to be made for rainwater to be carried from the roof of the building, no further conditions, other than the implementation of the submitted drainage strategy, have been recommended.

Contaminated Land

A Phase 1 and 2 Ground Investigation Report has been provided in relation to the site which identified a marginal exceedance of lead, and elevated levels of carbon dioxide. Worcestershire Regulatory Services have no objected to the scheme, however to ensure that the site is suitable for its proposed use, a condition has been recommended to provide adequate remediation or mitigation of the contamination that has been detected.

Representations

One neighbour letter has been received from number 77 King George Close, which raised concerns in relation to overlooking of their rear garden and kitchen and dining area. Plot 1 would be positioned closest to their dwelling, and the main windows of this dwelling would be a distance of 9.5m from the rear portion of their garden. Although

advisory standards contained in SPG 1 would suggest first floor windows to be 10 metres from private amenity space, in this case number 77 benefits from a long garden and only a small part of this would be affected. In terms of distances between plot 1 and the rear kitchen/diner windows of number 77, there would be a distance of 23 metres, which would exceed the standard of 21 metres set out in SPG1.

The representation also raised concerns with the potential noise and dust that would be created during the construction process. It is noted however that separate legislation exists relating to environmental protection to control noise and dust nuisances.

Matters raised in relation to the obstruction of property access during the construction process are a civil matter rather than a planning consideration.

Conditions

Worcestershire County Highways recommended a number of conditions if the application were to be approved. Having regard to paragraph 55 of the NPPF (2018), it was considered that it was not necessary to include all recommended conditions as a number of these relating to the access and parking could be consolidated.

RECOMMENDATION: That planning permission be **Granted**

Conditions:

- 1) The proposal must be started within 3 years from the date of this notice.

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:

Site Location Plan - Drawing no. 06A

Site Plan - Drawing no. 07D

1B2P Single Aspect House - Drawing no. 08

1B2P House Elevations - Drawing no. 09

2B4P House Plans - Drawing no. 10

2B4P House Elevations - Drawing no. 11

Landscaping - Drawing no. ADL217 rev A

Drainage Strategy - Drawing no. 700 rev P0

Pre-development Tree Survey BS5837:2012 for Land at York Avenue, Bromsgrove - dated March 2018

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

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

- 4) The first floor window to be installed on the north side elevation of plot 1 as shown on the approved Site Plan no. 07D and Floor Plan no. 10 shall be fitted with obscure glazing and any opening lights shall be at high level and top hinged only. The obscure glass shall be maintained in the said window in perpetuity.

Reason: To protect the privacy of the occupiers of neighbouring properties 13-15 York Avenue.

- 5) The proposed drainage strategy as detailed on drawing no. 700 rev P0D shall be installed in its entirety prior to first occupation and shall remain in situ in perpetuity and maintained thereafter.

Reason: To ensure that the development is provided with a satisfactory means of drainage

- 6) The Development hereby approved shall not be occupied until pedestrian visibility splay of 2m x 2m measured perpendicularly back from the edge of carriageway of the access road and shall be provided on the right hand side of the new access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

Reason: In the interests of highway safety.

- 7) Development shall not begin until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.0 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 12 metres to the right measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

- 8) The Development hereby approved shall not be occupied until the access, turning area and parking for 7 cars has been provided in accordance with drawing no. 07D. The first 5 metres of the access, measured from the edge of the carriageway shall be surfaced in a bound material, and the gradient of the parking area shall not exceed 1 in 8. These areas shall thereafter be retained for their respective approved uses at all times.

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 9) The Development hereby permitted shall not be first occupied until one of the proposed car parking spaces per dwelling has been provided with an electric

vehicle charging point. The charging point shall be kept available for the charging of electric vehicles thereafter.

Reason: To encourage sustainable travel and healthy communities.

- 10) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking for 2 cycles has been provided as shown on drawing no. 07D. The cycle parking facility shall be kept available thereafter for the parking of bicycles only.

Reason: To comply with the Council's parking standards.

- 11) Development, other than that to be carried out as part of the approved scheme, shall not commence until the following have been complied with:

1. 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.

2. 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.

3. 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.

4. 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.

- 12) Prior to occupation of the development hereby approved, full details of the ecological enhancements to be provided on site, in line with the recommendations

Plan reference

set out within paragraph 5.3.1 of the Extended Phase 1 Habitat Survey dated: March 2018, shall be submitted to and approved in writing by the Local Planning Authority. The details approved shall be implemented prior to first occupation and retained in perpetuity.

Reason: To ensure there is a net gain to biodiversity in accordance with paragraphs 9 and 109 of the NPPF.

Case Officer: Charlotte Wood Tel: 01527 64252 Ext 3412
Email: Charlotte.Wood@bromsgroveandredditch.gov.uk