

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. R. Phipps 'A'	Re-siting of plots 6-18 inc. and the removal of the communal refuse storage area. (Previously granted Planning Permission for the erection of 23 houses under Reference 03/1034) - Former Regal Garage Site, Worcester Road, Bromsgrove, B61 7BA	RES	<b>10/0517-SG</b> 06.09.2010

**RECOMMENDATION:** that, subject to the satisfactory views of the Tree Officer and the Environment Agency, permission be **GRANTED**.

### Consultations

WH	Consulted - view received 21.06.2010. No objection.
EA	Consulted - no comments received to date (expires 04.08.2010).
ENG	Consulted - view received 30.02.2010. No objection subject to conditions.
Environmental Health Policy	Consulted - view received 06.07.2010. No objection subject to conditions.
Open Space	Consulted - view received 29.06.2010. No objection.
Trees and Landscape	Consulted - No comments.
WMC	Consulted - Verbal comments received 19.07.2010. A more detailed plan is required to show the re-siting of plot 11-18 in relation to the existing trees on the north-west boundary.
Publicity	Consulted - view received 20.07.2010. No objection.
	7 letters sent 21.06.2010 and 2 sent 24.06.2010 (expired 12.07.2010 and 15.07.2010).
	1 site notice posted 07.07.2010 (expired 28.07.2010).
	1 press notice published 07.07.2010.
	No objections received.

### The site and its surroundings

This application relates to plots 6 - 18 on the former Regal Garage site, located on the north-west side of Worcester Road, Bromsgrove. The site has planning permission for the erection of 23 houses under reference B/2003/1034. The site is currently under construction and the houses fronting the Worcester Road (plots 1 - 4, 21 and 22) are nearing completion.

### Proposal

This application relates to plots 6 - 18 located along the north and west boundaries of the site. The application seeks to reposition the arrangement and layout of plots 6 - 18 so that each house has its own rear access. This would remove the need for the communal refuse storage area, as previously approved under B/2003/1034.

## Relevant Policies

WCSP	SD.2, SD.3, SD.4, CTC.5, CTC8, CTC9, D.5, T.1
BDLP	DS3, DS13, S3, S7, S15, TR11, ES1, ES2, ES4, ES6, ES7
Others	PPS1, PPS3, SPG1

## Relevant Planning History

B/2003/1034	Erection of 23 houses (as amended by application forms received 20.02.2004 and plans received 12.11.2003 and 17.03.2004). Approved 12.01.2007.
B/2007/1237	Variation of planning condition 17 (timing of play area). Approved 11.02.2008.
B/2009/0887	House type substitution of Plot 23 of previously approved development ref B/2003/1034. Approved 18.01.2010.
B/2010/0325	Non material amendment for insertion of obscure glazed windows on first floor to plot 5, 10, 11 and 20. Approved 10.05.2010.

## Notes

The main issues with this application are whether the plot positions are appropriate in terms of design and layout.

The existing scheme comprises a terrace block of 10 no. dwellings of 2 and 3 storeys in height, on the north-west section of the site. These properties, comprising plots 11 - 20, have a communal refuse area located in the centre of the site. The existing layout does not provide a dedicated rear access for plots 12 - 15 inc. Therefore there is no means of accessing the rear garden without passing through the property. The approved scheme also contains a terrace block of 6no. dwellings of 2 and 3 storeys in height, on the south-west part of the site. These properties comprise of plots 5 - 10 inc.

The proposed scheme proposes to separate the terrace block of 10 dwellings into 3 separate buildings. The buildings will have a separation distance of 1 metre to facilitate the provision of a rear access for each house. Separation of the block will result in the re-siting of plots 11 - 18, and in effect will shift the location of the plots a further three metres south west. The staggered form of the buildings will be retained as per the 2003 approval.

The application proposes to retain the plot sizes for plots 11 -18 as approved under planning application B/2003/1034, with the only change being to plots 13 and 15. In order to create a rear passageway for each house, the garden length to plots 13 and 15 have been shortened by 1m each. The private amenity space to plot 13 would be less than the 10.5 metres in length as recommended in Supplementary Planning Guidance Note 1 (SPG1). However, I consider the benefit of having a dedicated rear access outweighs the small loss of amenity space in this instance. I note that the resultant amenity space to plot 15 would accord with the advice provided in SPG1.

Paragraph 8.5 of SPG1 states that 'as a general guide 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 space'. The rear garden boundary to plots 16 (part) to 18 would run along the side boundary of the garden to No. 17 Shrubby Road. I note that the 5 metres per storey can be achieved for the 2 storey unit on plot 18. Whilst plots 16 and 17 propose three storey units, I note that 12.5 metres can be achieved at its shallowest point, and this I consider is acceptable. Plots 11 to 16 (part) adjoin the existing garage court, which lies to the rear of Dovecote Road, and as such they do not adjoin private amenity space. I note that plots 11, 12 and 13 are two storey and that these meet the recommended distances where properties overlook private amenity spaces. Plots 14, 15 and 16 (part) are 3 storey house types and whilst the garden length would be less than 15 metres, the fact that it overlooks a garage court leads me to the conclusion that no undue loss of residential amenity would ensue.

The proposal will substitute the approved house type at plot 17 from F1 (2 storey) to house type N (3 storey), whilst plot 13 will substitute house type N (3 storey) for house type F1 (2 storey). The application therefore retains the proposed number of dwellings and equivalent mix of housing. I consider the swap in house types to be appropriate as it will allow the three buildings to be separated according to house type, and will retain symmetry in the street scene.

Plots 6 to 10 have been repositioned closer to the south west boundary where they adjoin the garden to No. 10 Highfields Road. I note that the 3 storey houses can achieve a minimum distance of 13 metres at the shallowest point and in this instance I consider it acceptable.

### Trees

I acknowledge the comments of the Tree Officer in relation to the trees to the rear of plots 11 - 18. In response to these comments I have requested a more detailed drawing from the agent to show the location of the plots in relation to the existing trees. The views of the Tree Officer on this issue are currently awaited. I will update Members on this matter at the meeting of the Committee.

### Contaminated land

The site was previously used as a petrol station and on the grounds of possible contamination; the Environment Agency (EA) has been re-consulted as per the original B/2003/1034 application. No comments have been received to date and I will update Members on this matter at the meeting of the Committee.

### Conclusion

I am of the opinion that the re-positioning of the plots is beneficial to the overall design of the scheme as it provides each house with an individual rear access and removes the need for a communal refuse area. Whilst the shortfall is a smaller area of amenity space for some plots, I consider the design benefits outweigh any harm and therefore recommend approval of the application on this basis.

**RECOMMENDATION:** that permission be **GRANTED**.

1. C001
2. C003
3. The disposal of storm water shall be by means approved by the LPA. The approved system shall be operational before building works commence. There is no public surface water sewer available and no surface water will be allowed to discharge to the foul water sewer.
4. The disposal of foul sewage shall be by means submitted to and approved in writing by the Local Planning Authority.
5. Prior to the commencement of the development hereby permitted, details of all new surfacing shall be submitted to and approved by the Local Planning Authority. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995 (as amended), no new surfacing other than that approved by the Local Planning Authority shall be provided on the application site.
6. Prior to the commencement of the development hereby permitted, details of all boundary treatments shall be submitted to and approved by the Local Planning Authority. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995, no new boundary treatments other than that approved by the Local Planning Authority shall be provided on the application site.
7. The development of the site shall be carried in accordance with the approved Method Statement (of condition 18 from permission B/2003/1034)
8. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.
9. Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

### Reasons

2. To protect the privacy of adjoining occupiers in accordance with policy DS13 of the Bromsgrove District Local Plan 2004.
3. In order to secure the satisfactory drainage conditions in accordance with policy S7/ES3/ES4; of the Bromsgrove District Local Plan 2004.
4. In order to secure the satisfactory drainage conditions in accordance with policy S7/ES3/ES4; of the Bromsgrove District Local Plan 2004.
5. In order to protect the amenities of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.
6. In order to protect the amenities of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.
7. To ensure that risks from land contamination to the future 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 adopted Local Plan (January 2004)]
8. To ensure that risks from land contamination to the future 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 adopted Local Plan (January 2004)]
  9. To ensure that risks from land contamination to the future 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 adopted Local Plan (January 2004)]

### Notes

This decision has been taken having regard to the policies within the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan (BDLP) January 2004 and other material considerations as summarised below:

WCSP	SD.2, SD.3, SD.4, CTC.5, CTC8, CTC9, D.5, T.1
BDLP	DS3, DS13, S3, S7, S15, TR11, ES1, ES2, ES4, ES6, ES7
Others	PPS1, PPS3, 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.