

| Name of Applicant Type of Certificate | Proposal | Map/Plan Policy | Plan Ref. Expiry Date |
|------------------------------------------|-------------------------------------------------------------------------------------------------------|------------------------|---------------------------------|
| Mr. P. Redman 'A' | Proposed House (as amended by plans received 22.09.2010) - Land at 18 Brook Road, Bromsgrove, B61 7DE | RES Flood Zone 3 | 10/0745-MT 29.09.2010 |

Councillor Tibby has requested that this application be considered by the Committee, rather than being determined under delegated powers.

RECOMMENDATION: that permission is **GRANTED** subject to the receipt of satisfactory comments from the Highways Authority.

Consultations

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| WH | Consulted 16.08.2010; no comments received to date. |
| ENG | Comments received 10.09.2010: No objections <i>sfc</i> |
| EA | Comments received 16.09.2010: No objections <i>sfc</i> |
| Publicity | 1 Neighbour notification letter posted 16.08.2010; expired 06.09.2010. 3 representations and a 31 signature petition received. Concerns raised over flood risk, parking, highway safety and disruption during construction works. |

The site and its surroundings

The application site relates to a double garage building and an area of hardstanding on the eastern side of Brook Road. The site is adjoined by an existing dwelling (number 16 Brook Road) to its southern boundary and an identical arrangement of garaging and hardstanding to its northern boundary. The Spadesbourne Brook runs along the eastern boundary of the site.

Brook Road has a rather uneven development pattern with the western side predominately involving a dense arrangement of Victorian terraced housing, and the eastern side involving a more irregular arrangement of detached and semi detached houses and garages. The majority of the dwellings on the eastern side are located in the southern half of the road. The northern half of the road, in which the proposed dwelling would be located, is predominately comprised of garages and parking areas. The plot adjacent to the application site (occupied by no. 16 Brook Road) is an exception to this norm).

The site is located in a Residential Area as defined in the BDLP. The site is located in Flood Zone 3 as defined in the Environment Agency's indicative flood zone map.

Proposal

The application proposes to demolish the existing garage building on the site and erect a detached two bedroom dwelling in its place. The dwelling would be for sale on the general market.

Members will note that this application is a resubmission of 10/0353 which was withdrawn following officer concerns over parking and access and loss of residential amenity. The scheme has been amended in an attempt to address those concerns.

Relevant Policies

WCSP CTC.1, CTC.8, T.1, T.4
BDLP DS13, S7, ES1, ES2, TR11
Others PPS1, PPS3, PPS25, PPG13, SPG1

Relevant Planning History

10/0353 Proposed House - Withdrawn

Notes

I consider that the main issues to address in the determination of this application are those relating to Policy S7 of the BDLP. This provides that, within Residential Areas, new dwellings will be considered favourably where 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.

For ease of assessment I consider that these criteria can be grouped together under three main headings:

- Density, form and layout
- Residential amenity
- Highways and servicing issues

I will deal with each of these matters under a separate heading below. Further to this I am mindful of the site's location in Flood Zone 3. This indicates that there is a high probability of flooding and the site. I will therefore have regard to the advice received from the Environment Agency and the Council's Drainage Engineer in relation to this matter and the government's planning policy advice for Development and Flood Risk set out PPS25.

I note the objections to this proposal by local residents. These relate to flood risk, parking and highway safety. Such concerns relate to the issues for assessment identified above thus I will not give them separate treatment in this report. Concerns are also raised over the potential disruption to surrounding properties during the construction of the proposed

dwelling. This is an unfortunate but inevitable consequence of development. Any disruption would only be temporary and Members are reminded that such a matter is not a material planning consideration.

Density, form and layout

Policy S7 requires that the density of the development is appropriate for the site. The proposal would be at a fairly high density at around 52 dwellings per hectare. I am of the view that this represents an efficient use of land as advocated in PPS3. It is however important to ensure that achieving this higher density does not jeopardise the quality of the local environment and the living conditions of the site's future occupants.

In this case it is noted that sufficient spacing is provided around the proposed dwelling and I am of the view that it would sit comfortably within its plot. I would not therefore have any aesthetic or environmental concerns in relation to density.

The Council's Residential Design Guide (SPG1) advises that small house types should provide a minimum private amenity area of 42m². An area in excess of this requirement (45m²) would be provided to the rear of dwelling and I am satisfied in this respect.

The street scene along this side of Brook Road is of a mixed character. The dwelling immediately adjacent to the site is of a very simple form and appearance and the properties further down the road are more distinctive involving gable walls fronting the road. It is considered that the proposal displays elements of all of the different dwellings in the street scene. Its simple general form and roof pitch would reflect that of the adjacent dwelling and its dormer and gable features would be in keeping with the other properties further down the road. On this basis I am of the view that the form of the development is acceptable.

The development would be located in line with the adjacent dwelling and I would not have any concerns in relation to its layout.

Residential Amenity

To prevent overlooking SPG1 advises that a distance of 21 metres is provided between windows in new development and opposing windows in existing development. The windows in the front of the proposed dwelling would be approximately 16.5 metres away from the windows in the front of numbers 25 and 27 Brook Road. This would be contrary to the guideline set out in SPG1. With regard to the new ground floor windows, any overlooking from there would be no different to views gained by passers-by along Brook Road. I would not therefore have any concerns in relation to these windows. The new first floor windows would serve the bathrooms and stairway to the dwelling. In the case of the bathroom windows it is highly likely that these will be fitted with obscure glazing and I consider that this would prevent any views being gained of the opposing property. I recommend that a condition is placed on any planning permission granted to secure this. In the case of the stairway windows, these would not serve a habitable room and it is considered that views of the opposing properties would only be gained in passing. This would not in my view result in an unacceptable loss of privacy to the occupiers of the opposing properties. I recommend that a condition is placed on any planning permission granted to secure this internal arrangement and the resulting use of the windows.

Highways and Servicing Issues

I am aware of the objections to the scheme from local residents in relation to parking and highway safety. Concerns are raised over the loss of the existing parking spaces on the site and the lack of parking space associated with the new dwelling. The views of the County Council Highways Authority have been sought on these matters but no comments have been received to date. I will update Members on this matter at their meeting.

The Council's Drainage Engineer has raised no objection to the proposal in relation to foul and storm drainage.

Flood Risk

In accordance with the advice contained within PPS25 the applicant has submitted a Flood Risk Assessment (FRA) with the application. This determines that the development satisfies the requirements of the Sequential and Exception Tests set out in PPS25. The site is shown to lie outside of the high risk floodplain and the development to not increase flood risk elsewhere. The FRA recommends that finished floor levels are set above surrounding ground levels.

The Environment Agency (EA) and the Council's Drainage Engineer have been consulted on the FRA. The EA raise no objection to the proposed development based on the findings on the FRA. The EA recommend that a condition is placed on any planning permission granted to ensure that the finished floor levels are set no lower than 80.44 metres above Ordnance Datum (mean sea level). The FRA indicates that the existing ground level is 79.84 metres above Ordnance Datum requiring the finished floor levels to be set at least 600mm above ground level. The Proposed Site Plan submitted with the application indicates compliance with this requirement.

The Council's Drainage Engineer has advised that the floor levels and flood plain for the development would comply with the recommendations of the FRA. In any event, the property is unlikely to be affected by flooding as the site is protected by Ford Road Bridge immediately up stream.

Taking the above matters into consideration it is not considered that the development will be at risk from flooding or increase flood risk elsewhere.

Conclusion

The density, form and layout of the development would be acceptable and the proposal is found to have no adverse impact on Residential Amenity. However, without the views of the Highways Engineer a full assessment of the proposal in relation to Policy S7 of the BDLP cannot be made. The proposal is considered to be acceptable in terms of Flood Risk and it is considered to comply with the advice within PPS25.

The proposal would largely be in compliance with the relevant policies of the adopted Development Plan and national planning policy guidance thus I am minded to recommend its approval. This recommendation is however contingent on the receipt of satisfactory comments from the Highways Authority.

RECOMMENDATION: that permission is **GRANTED** subject to the receipt of satisfactory comments from the Highways Authority.

Conditions:

1. C001 (time limit for implementation)
2. C003 (materials to be submitted)
3. C007 (storm and foul drainage details)
4. C010 (landscaping scheme)
5. C022 (removal of permitted development rights)
6. The internal layout of the development hereby approved shall be as specified on approved drawing number 09:33:03 (received 04.08.2010) unless otherwise agreed in writing with the local planning authority.
7. The first floor windows in the front elevation of the dwelling serving the bathroom and ensuite (as featured on approved drawing number 09:33:03 received 04.08.2010) shall be fitted with obscure glazing and fixed shut. The said windows shall remain as such in perpetuity.
8. The finished floor levels of the development hereby approved shall be set no lower than 79.93 metres above Ordnance Datum unless otherwise agreed in writing by the local planning authority.

Reasons:

1. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004
2. To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004 and Policy CTC.1 of the Worcestershire County Structure Plan 2001.
3. In order to secure satisfactory drainage conditions in accordance with Policy CTC.8 of the Worcestershire County Structure Plan 2001 and Policy ES1 of the Bromsgrove District Local Plan 2004.
4. In order to secure a visually pleasing development in accordance with Policy CTC.1 of the Worcestershire County Structure Plan 2001 and Policy DS13 of the Bromsgrove District Local Plan 2004.
5. To protect the site against flooding and to prevent the development contributing to flooding elsewhere in accordance with CTC.8 of the Worcestershire County Structure Plan 2001, policies ES1 and ES2 of the Bromsgrove District Local Plan 2004 and the advice contained within PPS225: Development and Flood Risk.

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 January 2004 (BDLP) and other material considerations as summarised below:

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| WCSP | CTC.1, CTC.8, T.1, T.4 |
| BDLP | DS13, S7, ES1, ES2, TR11 |
| Others | PPS1, PPS3, PPS25, PPG13, 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.