

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Bob Skillett	Demolition of existing buildings and erection of 8 two and three storey houses with parking. Access from Truemans Heath Lane  4B Truemans Heath Lane, Truemans Heath, Birmingham, Worcestershire, B47 5QB	25.06.2018	18/00529/FUL

**Councillor Turner has requested that this application be considered by Planning Committee rather than being determined under delegated powers**

**RECOMMENDATION:** That planning permission be granted

### **Consultations**

**Worcestershire County Council Countryside Service** Consulted 11.05.2018  
There are no public rights of way currently recorded that are affected by this development.

**Hereford & Worcester Fire And Rescue** Consulted 04.06.2018  
No Comments Received To Date

**Senior Community Safety Project Officer Community Safety** Consulted 10.05.2018  
No Comments Received To Date

**Wythall Parish Council** Consulted 09.05.2018  
The Parish object to the proposal on the following grounds; access/egress, drainage, density, overlooking, increased traffic, overdevelopment of the site and lack of parking.

**Drainage Engineers Internal Planning Consultation** Consulted 09.05.2018  
I have no objections to the proposed development, subject to a site drainage strategy condition.

**WRS - Contaminated Land** Consulted 09.05.2018  
No objection subject to a preliminary risk assessment condition.

**Highways - Bromsgrove** Consulted 09.05.2018  
No objection subject to conditions

**Arboricultural Officer** Consulted 22.05.2018  
No objection subject to a condition requiring an arboricultural report and root protection on retaining trees.

**WRS - Noise** Consulted 17.05.2018  
No Comments Received To Date

**Waste Management** Consulted 21.05.2018

No objections. Bins requested to be taken to road on collection day.

**Publicity**

18 letters were sent to the adjoining occupiers on 29<sup>th</sup> April and expired on 30<sup>th</sup> May 2018.

17 letters were received from this public consultation. The comments received have been summarised as follows;

- Impact from the construction works
- Noise created from the future occupiers of the site
- No consultation taken place to properties south of Truemans Heath Lane
- Security of the link bridge and parking area to rear
- Security of passageways to rear of plots 1-6
- External Lighting
- Use of shared drive at access
- Drainage and flooding
- Access for waste
- No solar panels proposed
- Overlooking and loss of privacy to properties on Lint Meadow
- Density not in keeping with surrounding development
- Design
- Impact on trees
- Bin collection

For the reference of Members, other issues have been raised however these are not planning considerations

**L. J. Turner** Commented 01.06.2018

I would like the above application to be called in to be discussed at Committee please. Due to the concerns by neighbouring residents in respect of; highways, access, overdevelopment of the site and the principle of such a backland development.

**Relevant Policies**

**Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
BDP7 Housing Mix and Density  
BDP16 Sustainable Transport  
BDP19 High Quality Design

**Others**

NPPF National Planning Policy Framework  
SPG1 Residential Design Guide

**Relevant Planning History**

B/2003/0982	Residential development of 14 apartments with associated car parking.	Refused	04.09.2003
B/2000/1347	Demolition of existing timber built offices. Construction of traditional single storey offices and link block to existing offices.	Approved	12.02.2001

## **Assessment of Proposal**

### Site Proposal and Description

The application site lies within the residential area of Wythall as defined in the Bromsgrove District Plan. The existing site comprise of a large main building with a number of smaller outbuildings and hardstanding. The current site is occupied by Status Heating Ltd. Given the site is within the Residential area, the redevelopment of the site for residential use is acceptable in principle. The proposal comprises of 8 properties in a terrace L-shape formation, using the existing drive. The dwellings predominately consist of two storey, with two three storey properties. Each property has been provided with two parking spaces and the site has two visitors' parking spaces.

### Character of area

Truemans Heath Lane is characterised by a mix of development consisting of bungalows and two storey dwellings with hipped and pitched roofs. The dwellings are set back from the road with large grass verges. There are however a number of more densely populated cul-de-sac developments off Truemans Heath Lane including; Lint Meadow and Berrymound View. In addition, there is a cul-de-sac development to the rear of the site Crophrone Drive. Given the layout and density of development to the rear of the properties on Truemans Heath Lane and Hollywood Lane, the proposed development is considered to reflect the character of the locality. The proposed design of the terrace reflects the surrounding character of the area which comprise of a mix of hip and pitched roof on bungalows and two and three storey dwellings. The terrace design reflects the properties in Lint Meadow and will not be prominent in public views given its back land siting. The design is therefore considered to be acceptable in this location.

Comments have been noted in regards to the link bridge and parking area to the rear of the site. The link bridge, although not a feature found in the wider locality, does not create an incongruous feature and does not create discordance with the character of the locality in addition to the comments as outlined above. The design of the dwellings feature a number of windows which directly overlook the parking area to the rear of the site. This will create some natural surveillance of the area reducing the opportunity for anti-social behaviour. The layout of the development creates a passage along the rear of the dwellings to create access to the rear of all the properties. The applicant has illustrated on the site plan that these passageways will have a secured gate to ensure this does not create anti-social behaviour opportunities.

### Neighbour amenity

A number of objections have been raised by the neighbouring properties in respect of overlooking and loss of privacy. Nos. 14 and 15 Lint Meadow have raised concerns in respect of plot Nos. 7 and 8 facing onto the rear of their property. The Council's SPG Residential Design Guide (SPG1) states that 'a minimum separation of 21m is required to achieve a degree of privacy between dwellings'. In this instance, the separation distance achieved is 21m. Although it is appreciated that the views from the rear of these properties will be altered, given the Council's standards have been achieved and given there is no change in land level the proposal is not considered to adversely overlook or create an issue of overbearing or loss of light to these properties.

Plots 1-6 are sited to the south of No. 10 Cropthorne Drive with the rear elevations of these plots directed north towards this property. There are a number of small windows on this south elevation of No. 10; however these appear to be small secondary windows for the staircase. The Council's SPG1 document states that as a general guide 'new development with windows overlooking existing private spaces should be set back by a distance of 5m per storey'. The proposed development has achieved a separation distance of over 10m for plots 1, 4, 5 and 6 which are all two storey properties and therefore complies with this policy. Having regard to this, the proposed development would not result in an overlooking, overbearing or loss of light impact to this property. Plot 2 and 3 are directed onto the flank wall of this dwelling. The distance achieved is 11.5m. This is 1m below the guidance as outlined in SPG1, however the entire width of these plots do not face directly onto this flank wall providing a relief and view beyond to the front and rear of No. 10 Cropthorne. It is therefore considered the proposal would not result in an overbearing impact on the future occupiers of these plots. Taking all the above into account, and the distances achieved to all other surrounding properties the proposed development taken holistically would not result in an overbearing, overlooking or loss of light impact on any of surrounding dwellings.

### Highways

A number of concerns have been raised in respect of the vehicular movements into the site and amount of parking provided. I note the dispute in regards to the applicant's Transport Statement in respect of the existing opening hours at the site. The existing lawful use of the site is B1 and B2 (office and general industrial). The site does not have any restrictions on opening or operating hours. Although the existing business may be small in scale, the use could intensify without the need for planning permission. Furthermore, it is considered that a residential use on this site would be more compatible with the surrounding area. The Highways Authority has not objected to the scheme and has confirmed that adequate parking has been provided on site. The use of the passing bay on the driveway as shown in plan reference P1301/101 will stop the requirement of vehicles parking or waiting on the drives on either side of the development's vehicular access.

### Drainage

The Council's Drainage engineer has been consulted and does not raise objection to the scheme. The drainage engineer has confirmed that it is likely that replacing the current hard-standing with gardens - and ideally also porous paving driveways and access road - that the rate and volume of runoff from the site will be reduced. To ensure this, a site drainage strategy condition has been recommended.

## Other matters

Concerns have also been raised by the neighbouring properties in respect of the loss of a view and the devaluation of their properties. These are not material planning considerations. Concerns have been raised to the collection of bins on site. The applicants propose a 6sqm bin collection area on the existing driveway. Waste Management have not objected to the scale of bin storage areas, however they have advised that the bins would be required to be placed on the road side on collection day given the width of the drive. Objections have been raised on this matter, however, this approach reflects the adjacent development on Lint Meadow and in any event the bins can be returned to the bin collection point after collection to remove from the road side. The requirement for solar panels on the dwellings has also been raised. Although solar panels would be welcomed on the dwellings, this is not a requirement to make the development any more acceptable on policy grounds. The future occupiers of the dwellings would have the option to erect solar panels utilising their permitted development rights should they so wish.

Additional comments have been received from the neighbouring dwellings in regards to the construction works and levels of noise and disruption associated with this. The construction working hours can be suitably controlled via a Construction Environmental Management Plan imposed as a condition.

Neighbours have highlighted the 2003 application on site; however each application is to be considered on its individual merits. Notwithstanding this, the character and layout of the land has altered in this time along with the introduction of the National Planning Policy Framework in 2011 and the adoption of the Bromsgrove District Plan in 2017.

The Bat Survey Report concludes that at the time of the survey (February 2018), The buildings on site were not identified as a bat roost or hibernation site, and as such no further surveys or mitigation measures are required. I therefore raise no issue.

The site has a number of trees within the adjoining properties, one being a sizeable Oak tree with some merit. Due to the close proximity of these trees adjacent to the development site the root protection areas of these trees are to be afforded full protection. Furthermore the Tree Officer has requested an arboricultural report and method statement to ensure the works do not cause any harm or conflict with the adjoining trees.

The Planning Statement refers to the site being used as a builder's yard "for many years" in Section 2.3. Use as a builder's yard is considered potentially contaminative. Similarly, the site's use for the storage of equipment and materials associated with heating engineering (section 2.2) also has the potential to cause ground contamination. Given that potentially contaminative uses have been identified at the proposed development site, the inclusion of a condition that any risks from contamination are appropriately addressed has been proposed.

Queries have been raised in respect of the requirement for housing within the area given the amount of development in recent years. Currently, the Council cannot demonstrate a 5 year supply of housing land within the district. Paragraph 49 of the National Planning

Policy Framework (NPPF) says that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. Therefore, in this case, the presumption in favour of sustainable development, as set out at paragraph 14 of the NPPF applies. Where relevant policies are out of date paragraph 14 advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. In this instance the site is located within the residential area and as justified within this report material harm has not been identified as a result of the proposal.

**RECOMMENDATION:** That planning permission be granted.

**Conditions:**

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason:- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:

HT\_THRH/03 Proposed Elevations  
HT\_THRH/02 Proposed Floor Plans  
HT\_THRH/04 Location Plan  
HT\_THRH/01 A Site Plan  
P1301/101 Access and Parking space

REASON: To provide certainty to the extent of the development hereby approved 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) Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until Parts 1 to 6 have been complied with:

Part 1.

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.

Part 2.

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"

Part 3.

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".

Part 4.

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.

Part 5.

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.

Part 6.

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.

Part 7.

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. The NPPF sets out the requirements for dealing with land contamination through the planning system in paragraphs 9, 11, 111, 120 and 121.

- 5) The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

REASON: In the interests of highway safety.

- 6) The Development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwelling for the parking of 2 cars per dwelling at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicle only.

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

- 7) The Development hereby permitted shall not be first occupied until one of the proposed car parking spaces per dwelling has been fitted 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.

- 8) The Development hereby approved shall not be occupied until the access, turning area and parking facilities shown on Drawing HT\_THRH/01A has been provided. These areas shall thereafter be retained and kept available 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

- 9) No works or development shall take place until a site drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. If infiltration techniques are used then the plan shall include the details of field percolation tests. The surface water drainage measures



shall provide an appropriate level of runoff treatment. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.

Reason:- To allow proper consideration of the proposed foul and surface water drainage systems and to ensure that the development is provided with a satisfactory means of drainage and in accordance with National Planning Policy Framework.

- 10) No works shall take place on site, including any clearance, demolition or excavation works or any import of machinery or materials, until a BS5837:2012 Method Statement and Tree Protection Plan has been submitted to and approved by the Local Planning Authority.

Reason: This is a pre commencement condition as it is necessary to understand which trees are to be retained in order that they can be suitably protected during construction. In order to protect the trees, hedges and landscape features which form an important part of the amenity of the site and adjacent properties in accordance with BDP19 of the Bromsgrove District Plan.

- 11) All trees to be retained within the site or within influencing distance of the development works on any adjoining land should be given full protection in accordance with BS5837:2012 recommendations. Any section of new hard standing infrastructure that falls within the BS5837:2012 recommended root protection area of any tree either within the site or on any adjoining land should be constructed over the existing ground levels and by use of suitable grade of No Dig Cellular Ground Support construction.

Reason: In order to protect the trees which form an important part of the amenity of the site

- 12) Prior to occupation the proposed security gates on the passageway as illustrated on the Site Plan HT\_THRH/01A shall be constructed and shall remain in place for perpetuity.

Reason: to ensure these passageways do not create anti-social behaviour opportunities.

- 13) A Construction Environmental Management Plan shall be submitted to and approved in writing by the local planning authority prior to commencement of development. This shall include the following:-

- a. Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- b. Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- c. Days and times construction will take place and workers will be on site

The measures set out in the approved Plan shall be carried out in full during the construction of the development hereby approved. Site operatives' parking,

material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To protect the amenities of nearby properties during the construction of the development. The details are required to be agreed prior to development commencing as they are integral to managing the impact on the amenities of occupiers of surrounding dwelling and the natural environment.

### **Informatives**

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.
- 2) This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email [worcestershirevehicle.crossing@ringway.co.uk](mailto:worcestershirevehicle.crossing@ringway.co.uk). The applicant is solely responsible for all costs associated with construction of the access.
- 3) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

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