

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan. Ref Expiry Date
Mr Paul Lane, 27 Hollywood Lane, Hollywood Birmingham Worcestershire B47 5PT	Erection of 5 dwellings (Approval of Reserved Matters)  27 HOLLYWOOD LANE HOLLYWOOD BIRMINGHAM WORCESTERSHIRE B47 5PT	Residential	19/11/2009

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

At the meeting of the Committee held on the 02<sup>nd</sup> November 2009, Members resolved to defer the determination of the application in order to obtain the views of:

- (a) Worcestershire Highways, in respect of the issues relating to the adoption of Hollywood Drive;
- (b) the Crime Risk Manager at West Mercia Constabulary, in respect of the design of the proposals to limit or reduce opportunities for crime and criminal activity; and
- (c) the applicant, in respect of the clarification of issues relating to defensible landscaping and the design of the proposed dwelling referred to as Plot 5, with particular reference to the first floor windows overlooking dwellings in Douglas Road.

Consultations

Wythall PC      Consulted: 14.08, Response received: 24.09. as follows:  
No objection.

WH                Consulted 11.09. No response to date. Response received 02.11, as follows:  
**No objection.**  
The following advisories should be noted:

This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to the Worcestershire County Council's Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site

with the Highway Authority.

HN5 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 following the issue of a license under Section 184 and 278 of the Highways Act, 1980.

The applicant should contact Worcestershire County Council's Highways Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), regarding the issue of the necessary license authorising the access works to be carried out by the County Council's Approved Contractor at the applicant's expense.

Hollywood Drive is not an adopted Highway, but is subject to an agreement to make it maintainable in the future. The application requires a new vehicle access from Hollywood Drive prior to the commencement of development. The applicant attention should be brought to the fact that if they wish to commence work prior to the roads becoming publicly maintainable highway they require the permission of the developer of the road, currently Miller Homes, however if they implement the works after the road is adopted then the applicant will require a license from the highway authority as per note HN5 above.

Re-consulted 04.11. No response to date.

ENG Consulted 11.09. No response to date.

West Mercia Consulted 04.11. Response received: 10.11 as follows:  
Police

**No objection** to the application. The design layout of the application site offers a good deal of security in that cul de sacs increase the opportunities to observe potential trespassers. There is the additional bonus that the new dwellings would provide natural surveillance of the rear of neighbouring properties. The development should be constructed to Secure By Design standards.

EHO Consulted 14.08. Response received: 21.09 summarised as follows:  
In accordance with PPS23, where proposed development is of a type that would be particularly vulnerable to the presence of contamination, i.e. residential housing, contaminated land risk assessment must be carried out.

I am aware that this request was not made at the time of the granting of permission under 03/0397 and as such planning conditions requiring contaminated land risk assessment were not included on the permission.

Given the sensitivity of the proposed development I recommend that contaminated land and human health risk assessment is undertaken prior to the commencement of any development. Any risk assessment

must be undertaken in accordance with current UK guidance and best practice. Following this any required remediation must be carried out in full and its effectiveness validated prior to the occupation of any buildings.

Tree Officer      Consulted 11.09. Response received 28.10 as follows:  
No objection subject to conditions C13 - C17.

Publicity            Site Notice posted 08.10, expires 29.10.

Neighbour Notification:

20 letters sent 16.09, expire 07.10.

2 letters sent 09.10, expire 30.10.

5 letters received. The concerns raised are summarised below:

- Highway issues – there will be a dead end as a result of the new access road.
- Landscaping – it is unclear whether the proposed landscaping will be of sufficient maturity. The existing landscaping on the site has been mismanaged. The proposal would result in loss of trees and hedges which are important foraging areas for wildlife.
- Community consultation – the consultation referred to in the application form did not include all neighbours
- Loss of amenity to No. 9 Douglas Road. The proposal would result in a loss of light particularly in the Spring and Autumn when the sun is at a low angle in the sky.
- Loss of amenity to No. 15 Douglas Road as a result of the insertion of an en-suite window and the proposed fence is not sufficiently high on the eastern (Simon Rd.) side to prevent trespass. Plot 5 is very close to the boundary with No 15. Any lighting may further erode privacy.
- Loss of privacy, amenity and aspect to No. 11 Douglas Road. The site is to be developed at a significantly higher density (25 dwellings per hectare) than the surrounding area. Local Plan policies S7, S8 require such development to be in keeping with the area. The length of the rear gardens of plots 2-5 are not sufficiently long to meet the requirements of paragraph 9.0 of SPG1. Overall, the proposed development is far too close to the boundary of No. 11 Douglas Road (at 1.3m) which reduces light, increases noise and reduces privacy. This is contrary to the advice of SPG1 paragraphs 5.5, 6.3 and 8.5. The dwelling on plot 5 needs to be set back at least 10m from the boundary and the loss of light is not sufficiently covered in the Design and Access Statement.
- Design and Appearance – the material finishes do not appear to be in keeping with those of the surrounding area. The design of plot 5 is dissimilar to other local housing especially in terms of roof pitch.
- Character of area - There has already been too much infill

development in the Hollywood area making it difficult for future generations to buy a property with a large garden.

- Security – the building of the proposed development will result in a loss of security to existing properties notably Nos. 7 and 9 Simon Road. A secure, solid fence is needed along the boundary.

3 additional letters received:

(1) Received 12.10.2009

The lighting should be subdued and the fence raised in height to offset the impact of the proposal on privacy.

(2) Received 16.10.2009

- The residents of Hollywood Drive wish to object to the proposal on the grounds that it will be used for access to the development. Hollywood is not currently an adopted highway, the residents pay an annual service charge.
- The consultation procedures were inadequate in that only two of the properties in the cul de sac were consulted.
- The application will result in inadequate parking facilities to the detriment to the safety and character of Hollywood Drive. Parking in the cul de sac at the moment is inadequate and this situation will be worsened.
- The flow of traffic into the application site will have a negative effect on the safety of children using the play area in Hollywood Lane.

The provision of parking facilities at the proposed development is inadequate. Most of the houses will have at least two cars and there is no provision for visitors.

The letter contained 24 appendices covering matters such as letters and telephone correspondence in respect of parking problems at Hollywood Drive. There were emails in respect of the individual objections of residents. One of the appendices comprised a petition by 17 residents objecting to the use of Hollywood Drive for access to the site. Appendices 22-24 comprised extracts of the Design and Access Statement presented with the application.

(2) Received 27.10.2009

- The previous comments on the planning application had not been received by the Planning Department. The emails sent were not received and the system is inadequate.
- The development will have a detrimental effect on family life. It appears to be acceptable to replace a tree with a house and there is only three minutes allocated for residents to voice their concerns to the Planning Committee.

2 additional emails received:

(1) Received 31.10.2009 as follows:

Scale

- The siting and scale of properties do not meet the requirements of

the Residential Design Guide in that back gardens should have a minimum depth of 10.5m and 70m<sup>2</sup> in area.

- Plot 5 is within 1.5m of the boundary fences of the rear of gardens in Douglas Road and the developer proposes to remove trees close to this boundary.
- Plot 5 contains a bedroom and bathroom window which overlooks private gardens.
- The street lighting for the proposed development will result in light pollution and result in a loss of privacy for residents in Simon Road.

#### Landscape/Appearance

- The two mature Silver Birch trees are TPO'd. It is unclear from the landscape plan that these will be retained when construction commences. The building arrangements will impact negatively on the health of the protected trees.
- The security of residents on Hollywood Drive and Simon Road will be compromised where the gardens back onto the proposed driveway. A brick wall would be better than a fence. The planting should include pyracantha and hawthorn for enhanced security.

(2) Received 02.11.2009 as follows:

The levels of parking proposed are inadequate which will result in indiscriminate parking. The use of Hollywood Drive for access is not adequate and it will be further harmed by additional movements and large delivery vehicles. The access is inadequate to provide a turning area for a refuse vehicle. Emergency vehicles will be obstructed. The drainage may be inadequate. Consideration should be given to limit contractor working schedules.

1 additional letter received since the last Planning Committee 13.11 as follows:

- Issues associated with the adoption of the access road and its design needs further consideration. Security of the surrounding properties needs further consideration.  
The outline planning process was not adequately consulted upon and the proposal considered at outline stage would not meet the District Council Local Plan and planning guidelines. In the outline planning application, the consultation procedures did not enable those affected to understand the implications of what was agreed. It is considered unusual for so much to have been considered at outline stage and these matters should be re-examined.  
The proposal should be amended to re-site plot 5 at least 10m from the boundary, windows in the west elevation removed and healthy trees and hedgerows removed. The scheme should be re-designed to be more in keeping with the character of the neighbourhood.

### The site and its surroundings

The application comprises the existing rear gardens of 25 27 and 29 Hollywood Lane. These are large gardens with No. 25 having the greatest width. The access to the site is from Hollywood Drive to the east which is a small development of new dwellings. The site is bordered to the west by the rear gardens of properties on Douglas Road and to the south by Simon Road. There are some existing mature trees in the gardens, especially in No. 25 and 27. There is substantive tree cover and boundary treatment separating the site on its southern boundary with high boundary fences around the remainder of the application site.

### Proposal

The proposal is a reserved matters application for the erection of five detached dwellings.

### Relevant Planning History

B/2003/0397 Outline application for the erection of five dwellings: Resubmission of B/2002/0062 Granted 05.10.2006

### Relevant Policies

WMSS     QE1, QE2, CF2, CF3, CF4, CF6  
WCSP     CTC.1, CTC. 5, SD.2, SD.3, D3, D4, D9,  
BDLP     DS4, DS13, S7, S8, C4, C17, C19.  
Others    PPS1, PPS3, PPS9, SPG1.

### Notes

The applicant has submitted additional information and amended drawings to address the concerns of Members and residents following the last Committee. In terms of additional information, the Applicant has emphasized that access has been agreed at outline stage. The original objection from WCC (HP) on application (B/2002/0046) was withdrawn provided that access was arranged via Hollywood Drive and not directly off Hollywood Lane.

Members should note that this is an application for the Approval of Reserved Matters and that the principle of the development of five residential units, the siting and the access to the units has been considered at outline stage. Outline planning permission was granted on 05<sup>th</sup> October 2006 (B/2003/0397).

Thereby, the main considerations in the determination of the application are the following:

- (i) The relationship of the current proposal to the outline planning permission
- (ii) The design and material finish of the proposal
- (iii) The appropriateness of the landscaping proposed
- (iv) Residents concerns
- (v) Additional amendments (since Planning Committee 02.11)

In this respect, I consider that, policies DS13, S7 of the BDLP and the guidance of SPG1 are most relevant in determining the proposal.

(i) Relationship to outline application

Having carefully examined the site plan accompanying the proposal, it is evident that the content of the development proposed is the same as that agreed at outline stage. It comprises five residential dwellings with access gained from Hollywood Drive. The current reserved matters application also replicates the original siting of the dwellings agreed at outline stage. It consists of a linear arrangement of dwellings and generally reflects the established pattern of development on Hollywood Drive.

(ii) Design

Outline application B/2003/0397 originally included six houses providing a density of 32 dwellings per hectare. Following further discussion with the Planning Officer it was agreed that in view of the specific site constraints i.e. limitations imposed due to retention of existing trees, a lower density would be accepted. A revised scheme was submitted reducing the number of dwellings to five resulting in a density to 26.7 dwellings per hectare and this was approved

There is variation in the design of Plot 1(closest to Hollywood Drive) and the remaining plots 2-5. Plot 1 will comprise a large detached five bedroom dwelling with an integral double garage. It has a traditional mock vernacular façade to the front and a more modern open appearance to the rear.

In terms of the materials proposed including timber framed windows, timber facing detail to render panels and clay roof tiles, these are satisfactory. The facing brickwork for the main element of the façade will be subject to approval through condition. It would conform with the advice in Section 3 of SPG1. Overall, the style of the proposed dwelling is traditional and would not be out of keeping with the character of the wider neighbourhood. The large detached house is similar in scale and design to the properties on Hollywood Lane.

In terms of the design of plots 2 and 3, these comprise a semi detached arrangement with the central feature of a solar porch. Both of these will be three bedroom properties. This arrangement enables passive heating of the units and accords with the design advice of section 7 of the Residential Design Guide. I consider that the properties would take full advantage of the south facing aspect which is welcome in terms of energy conservation. Members should note that the proposed design also incorporates solar panels for water heating, summer overheating control and rainwater harvesting. Whilst the eaves of the solar porch are larger than expected, I do not consider that the overall design is compromised and the solar heating gains are considerable.

Plots 4 and 5 comprise detached houses of modern design. Plot 4 is a three bedroom and plot 5 is a four bedroom house. These do not incorporate the energy saving features of plots 2 and 3. However, there is symmetry between both of the proposed dwellings with a set forward gable fronted projection on both the first and second floors. There is a set forward garage for both plots located to the front of plot 5.

Whilst there is variation in the overall design of the scheme, the dwellings are all two storey and in proportion with each other. Plot 1 (the large detached house) is set down from the other properties. Whilst there are a mix of designs apparent, these are not out of keeping with the wider neighbourhood which contains a mix of detached (Hollywood Lane) and semi detached properties (Douglas Road). There is no particular unifying design code. There are newer residential properties on Hollywood Drive and the current proposal would not be out of keeping with these. In respect of design, I consider that the proposal accords with the relevant criteria of policy S7 and the guidance of SPG1 and with the key principles of PPS1 (Delivering Sustainable Development). The development uses a mix of facing brickwork and render, which follows through from Hollywood Drive, which is also a mix of these finishes.

Members should note that the density, form and layout of the scheme were considered at outline stage. The proposal would have a density of 32 dwellings per hectare and this accords with policy S7 of the BDLP and the guidance of PPS3. These issues have been considered acceptable at outline stage.

(iii) Landscaping

A detailed landscaping scheme has been submitted by the Applicant which includes details of the trees to be retained on the site and identifies the size, position and species of all new planting. Additional trees (a Sorbus and Willow) are being retained on the boundary with the rear garden of 15 Douglas Road and this is shown on the amended landscape plan. The landscaping details have been supplemented with a boundary of *Pyracantha sp.* proposed to enhance security.

(iv) Residents concerns

I note the comments received from neighbouring residents in respect of the scheme. It was pointed out that there will be a dead end in front of plot 5, where the access road terminates. It is noted that a garage is proposed in this position and that the access arrangements have been accepted at outline stage. I note the comments that the existing landscaping on the site has not been effectively managed, but do not consider that this is material to the content of the application being considered. Community consultation by the applicant is a voluntary not a statutory requirement.

I consider the impact of the proposal on the amenity of Nos. 9, 11 and 15 Douglas Road. Members should note that the siting of the dwellings has already been agreed at outline stage and the approved positions were not considered detrimental to the light or privacy of neighbouring residents. The issue of a loss of privacy to No.15 as a result of the ensuite window can be addressed through condition. Whilst plot No. 5 is close to the boundary with No. 15, it is the side elevation which will face the neighbouring garden and not a main elevation window. It is stated that the rear gardens of plots 2-5 are



insufficiently long for the requirements of SPG1. However, all of the rear gardens in the scheme exceed the 10.5m requirement of paragraph 9.0 of SPG1. Paragraph 5.5 of SPG1 refers to infill development and the scheme has already been considered acceptable as infill. Paragraph 6.3 refers to the loss of light as a result of development. It is noted that the proposal will be to the east of the properties on Douglas Road and the gardens of the neighbouring properties are more than 20m in length. Whilst some morning light will be lost from the rear portion of the gardens of Nos. 11 and 15, there are some exiting mature trees in this direction at present and I consider the loss of light is not significant in the context of length of the neighbouring gardens. It is clear that main windows will not overlook these gardens so the proposal accords with paragraph 8.5 of SPG1. It is evident that a solid fence is proposed along the boundary with the properties on Simon Road. As stated above, it is not considered that the design of the proposal is detrimental to the wider character of the area.

(v) Additional Design and Landscaping Amendments following Planning Committee 02.11

The impact of the gable wall to Plot 5 adjacent to Douglas Road boundary was considered and a hipped roof has been introduced to this elevation to further reduce the impact and break up the massing. It should also be noted that due to the cross fall away from Douglas Road, Plot 5 will be set lower and is also set into the existing ground by an average of 200mm further reducing the apparent height.

The concerns regarding Plot 5 bedroom window have also been addressed. The first floor layout of Plot 5 has been amended so that the bedroom has been switched to the opposite side of the property and the window in the west side wall now serves a bathroom, which will be glazed with obscure glass. Amended plans and elevations have been provided to that effect.

The roofs to Plots 2 to 5 have pitch of 40 degrees in line with the more traditional properties in Hollywood Lane (i.e. nr 25 & 27 have a pitch of 45 degrees). The more modern properties in Douglas Road have a pitch of circa 35 degrees. The proposed roof pitch is in line with properties in the area. The roof pitch maximize orientation for winter solar water heating despite the shading effect from the retained mature Silver Birch trees to the south.

The homes provide a mix of house types and are accessed via a shared private drive, which in turn is off a Cul-de-sac (designed to accommodate the current proposal), as advocated by 'Secure by Design' and BDC Residential Design Guide, promoting security in the area. The principles of Secure by Design have been followed through the design with 2.1m high fences separating new & existing private gardens from shared areas. Security has been further enhanced by the use of deterrent planting along the southern boundaries. Following concerns raised at the last Planning Committee meeting the deterrent *Pyracantha watereri* and *Pyracantha rosaceae* planting has been extended along the west boundary where existing private gardens back onto a shared access area. Members should note that there is no objection from West Mercia Constabulary.

In terms of the additional letter received 13.11, the issues raised relate to the considered inappropriateness of the consultation procedures adopted at outline stage and the lack of consideration of neighbours amenity and adopted policies and guidance. Members should note that the issues of overlooking from the west elevation of plot 5 have been resolved, with one obscure glazed bathroom window proposed and the bedroom window

removed. The boundary of the site is proposed to be planted with *Pyracantha sp.* to assist in the security of the site. The re-siting of plot 5 cannot be considered as the siting has been agreed at outline stage. The issue of the management of the outline planning application is not a relevant consideration in the determination of this application. The applicant has demonstrated that the separation distances from all of the neighbouring properties meet and exceed the requirements of SPG1.

## Conclusions

The principle of development at this site, the access to and the siting the proposed five dwellings has been allowed through outline planning permission. The design of the proposal is considered acceptable. The concerns of local residents mostly relate to matters of the principle of the development and the position of the dwellings which has already been considered acceptable. Any additional concerns in respect of the design have been addressed and the responses of consultees are in favour of the application.

**RECOMMENDATION:** that permission be **GRANTED** sfc:

1. C1
2. C3
3. C5 (amended)
4. C6
5. C7
6. C13
7. C14
8. C15
9. C16
10. C17

## **Reasons:**

1. Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to secure the satisfactory appearance of the development in accordance with policies DS13 and S7 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.
3. In order to secure the amenity of adjoining occupiers in accordance with policy S7 of the Bromsgrove District Local Plan 2004.
4. To ensure the provision of adequate storm water drainage in accordance with policy ES1 of the Bromsgrove District Local Plan 2004.
5. To ensure the provision of adequate foul water drainage in accordance with policy ES1 of the Bromsgrove District Local Plan 2004.
- 6-10 In order to protect the trees and the wider the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.

## Notes

Given the sensitivity of the proposed development, it is recommended that contaminated land and human health risk assessment is undertaken prior to the commencement of any development. Any risk assessment must be undertaken in accordance with current UK guidance and best practice. Following this any required remediation must be carried out in full and its effectiveness validated prior to the occupation of any dwellings.

The applicant should note that the trees on or adjacent to the application site are covered by a TPO. The tree conditions must be adhered to or the applicant may be prosecuted.

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

WMSS	QE1, QE2, CF2, CF3, CF4, CF6
WCSP	CTC.1, CTC. 5, SD.2, SD.3, D3, D4, D9,
BDLP	DS4, DS13, S7, S8, C4, C17, C19.
Others	PPS1, PPS3, PPS9, 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.