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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

TUESDAY 21ST MAY 2024
AT 6.00 P.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE,
WORCESTERSHIRE, B61 8DA

MEMBERS: All Members.

Membership to be determined at the date of publication.

AGENDA

1. Election of Chairman
2. Election of Vice-Chairman
3. To receive apologies for absence and notification of substitutes
4. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
5. To confirm the accuracy of the minutes of the meeting of the Planning Committee held on 8th April and 29th April 2024 (TO FOLLOW) (Pages 7 - 20)
6. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting)
7. 23/01400/FUL - Demolition of existing garages and erection of new build dwelling including associated access and landscaping. Land Rear Of 17-19 Willow Gardens, Willow Gardens, Bromsgrove. BDHT (Pages 21 - 30)

8. 23/01401/FUL - Demolition of existing garages and erection of new build dwelling including associated access, landscaping & garage. Land Rear Of 8 - 14 (evens) Willow Gardens, Bromsgrove. BDHT (Pages 31 - 52)
9. 24/00191/FUL - Detached garage and dropped kerb. 60 East Road, Bromsgrove, Worcestershire, B60 2NS. Mr. T. Nicholls (Pages 53 - 62)
10. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman considers to be of so urgent a nature that it cannot wait until the next meeting.

SUE HANLEY
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

10th May 2024

If you have any queries on this Agenda please contact
Gavin Day
Democratic Services Officer

Parkside, Market Street, Bromsgrove, B61 8DA

Tel: 01527 64252 ext 3304

Email: gavin.day@bromsgroveandredditch.gov.uk

If you have any questions regarding the agenda or attached papers, please do not hesitate to contact the officer named above.

PUBLIC SPEAKING

The usual process for public speaking at meetings of the Planning Committee will continue to be followed subject to some adjustments. For further details a copy of the amended Planning Committee Procedure Rules can be found on the Council's website.

The process approved by the Council for public speaking at meetings of the Planning Committee is (subject to the discretion and control of the Chair), as summarised below:-

- 1) Introduction of application by Chair
- 2) Officer presentation of the report
- 3) Public Speaking - in the following order: -
 - a. objector (or agent/spokesperson on behalf of objectors);
 - b. applicant, or their agent (or supporter);
 - c. Parish Council representative (if applicable);
 - d. Ward Councillor

Each party will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair.

Speakers will be called in the order they have notified their interest in speaking to the Democratic Services Officer and will be invited to unmute their microphone and address the Committee face-to-face or via Microsoft Teams.

- 4) Members' questions to the Officers and formal debate / determination.

Notes:

- 1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Officer on 01527 64252 ext 3304 or by email to gavin.day@bromsgroveandredditch.gov.uk by 12 noon on Friday 17th May 2023.**
- 2) Advice and assistance will be provided to public speakers as to how to access the meeting and those registered to speak will be invited to participate face-to-face or via a Microsoft Teams invitation.**

Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting via Microsoft Teams, and those speakers will be given the opportunity to submit their speech in writing to be read out by an officer at the meeting.

Please take care when preparing written comments to ensure that the reading time will not exceed three minutes. Any speakers wishing to submit written comments must do so by 12 noon on Friday 17th May 2024.

- 3) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues, the case officer's presentation and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the Council's website www.bromsgrove.gov.uk**
- 4) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Bromsgrove District Plan (the Development Plan) and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the Development Plan and the "environmental factors" (in the broad sense) which affect the site.**
- 5) Although this is a public meeting, there are circumstances when the Committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt the public are excluded.**



INFORMATION FOR THE PUBLIC

Access to Information

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- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

at www.bromsgrove.gov.uk

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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 8TH APRIL 2024, AT 6.00 P.M.

PRESENT: Councillors M. Marshall (Vice-Chairman), S. J. Baxter (in the Chair for Minute No's 60/23 and 61/23), D. J. A. Forsythe, E. M. S. Gray, C.A. Hotham (substituting for Councillor A. Bailes), R. Lambert, B. McEldowney, J. Robinson, J. D. Stanley and D. G. Stewart

Officers: Mr. D. M. Birch, Mr. A. Hussain, Mr. P. Lester, Ms. R. Paget and Mrs. P. Ross

Prior to the commencement of the meeting, the Vice-Chairman informed all those present that he would be standing down as Vice-Chairman in order to address the Committee under the Council's public speaking rules, as Ward Councillor for Agenda Item Numbers 6 and 7 (Minute No's 60/23 and 61/23). Therefore, another Member of the Planning Committee would be required to Chair the meeting for these two agenda items. It was also noted that the running order of the agenda had been changed and would be presented in the following order - Agenda Item Numbers 9, 5, 8, 6 and 7.

A nomination for Chairman for Agenda Item Numbers 6 and 7, was received and seconded.

It was **RESOLVED** that Councillor S. J. Baxter would preside as Chairman of the meeting for Agenda Item Numbers 6 and 7 (Minute No's 60/23 and 61/23).

53/23

TO RECEIVE APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies were received from Councillors H. J. Jones and A. Bailes, with Councillor C. A. Hotham in attendance as the substitute Member for Councillor A. Bailes.

54/23

DECLARATIONS OF INTEREST

Councillor M. Marshall declared in relation to Agenda Item No. 6 – 23/01400/FUL - Land Rear of 17-19 Willow Gardens, Bromsgrove, B61 8QD and Agenda Item No. 7 – 23/01401/FUL – Land Rear of 8-14 (evens) Willow Gardens, Bromsgrove, B61 8QD; in that he would be addressing the Committee for these items as Ward Councillor under the

Agenda Item 5

Planning Committee
8th April 2024

Council's public speaking rules. Following the conclusion of the public speaking, Councillor M. Marshall left the meeting room.

Councillor D. J. A. Forsythe declared in relation to Agenda Item No. 8 – 24/00025/FUL – 135 Shawhurst Lane, Hollywood; in that he would be addressing the Committee for this item as Ward Councillor under the Council's public speaking rules. Following the conclusion of the public speaking, Councillor D. J. A. Forsythe left the meeting room.

Councillor S. J. Baxter declared in relation to Agenda Item No. 8 – 24/00025/FUL - 135 Shawhurst Lane, Hollywood; in that she was a member of Wythall Parish Council, who had been consulted on the Application and had been spoken to by a local resident about the Application. Having advised that, she had not attended any meetings or any discussions when the application was considered by the Parish Council; and did not express a view when spoken to by a local resident, Councillor Baxter participated and voted on the matter.

Councillor C. A. Hotham declared in relation to Agenda Item No. 9 - 24/00079/FUL – Land to the rear of 1-6 Smedley Croke Place, Redditch Road, Hopwood; in that he would be addressing the Committee for this item as Ward Councillor under the Council's public speaking rules. Following the conclusion of the public speaking, Councillor C. A. Hotham left the meeting room.

Councillor J. Robinson declared in relation to Agenda Item No.9 – 24/00079/FUL – Land to the rear of 1-6 Smedley Croke Place, Redditch Road, Hopwood; in that he was employed by National Highways who were one of the consultees on planning applications. Councillor J. Robinson explained that he had been granted a Dispensation and remained on the Committee for the consideration of this item.

55/23

MINUTES

The minutes of the Planning Committee meeting held on 19th February 2024, were received.

Councillor B. McEldowney asked for an amendment to be noted as follows, page 2, paragraph 5, should read:

'to assist with accessibility for a disabled adult living at the site'.

RESOLVED that, subject to the amendment, as detailed in the preamble above that the minutes of the Planning Committee meeting held on 19th February 2024, be approved as a correct record.

56/23

UPDATES TO PLANNING APPLICATIONS REPORTED AT THE MEETING

The Vice-Chairman announced that there was a Committee Update which had been circulated to Members prior to the meeting commencing, with a paper copy also made available to Members at the meeting.

Members indicated that they had had sufficient time to read the contents of the Committee Update and were happy to proceed.

57/23

24/00079/FUL - DEVELOPMENT OF 34 AFFORDABLE DWELLINGS, ASSOCIATED LANDSCAPING, SITEWORKS AND CONSTRUCTION OF NEW ACCESS FROM EXISTING HIGHWAY ROUNDABOUT. LAND TO REAR OF 1-6 SMEDLEY CROOKE PLACE, REDDITCH ROAD, HOPWOOD, WORCESTERSHIRE. CAWDOR CAPITAL (HOPWOOD) LIMITED

It was noted that further comments had been received from Dr Peter King with regard to an affordable housing development in Hopwood, as detailed on page 3 of the Committee Update. A copy of the Committee Update was provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and in doing so highlighted that the application was for the development of 34 affordable dwellings, associated landscaping, siteworks and construction of a new access from the existing highway roundabout.

Members were informed that the application was a resubmission of planning application 22/01419/FUL for the erection of 34 affordable dwellings. The application was refused by Planning Committee Members (contrary to the officer's recommendation) in November 2023 due to Green Belt matters and concerns regarding the sustainability of the site.

Officers presented the presentation slides, as detailed on pages 120 to 138 of the main agenda pack.

Officers drew Members' attention to the Relevant Planning History, as detailed on pages 92 and 93 of the main agenda report.

Officers explained that as part of the resubmission, that the applicant had provided further justification in relation to the reasons for refusal, which including a report regarding the sustainability of the site.

Officers highlighted that at the time of drafting the Committee report, that a planning appeal against the refusal of the 22/01419/FUL application had been received by the Planning Inspectorate. However, whilst the appeal had been accepted by the Planning Inspectorate there was no current start date.

Agenda Item 5

Planning Committee
8th April 2024

The application site related to a 0.8ha parcel of land located to the east side of the A441 Redditch Road adjacent to the roundabout junction with the B4120. The site was in the Green Belt as defined in the Bromsgrove District Plan (BDP); and was within the Alvechurch Parish Neighbourhood Plan area and was located adjacent to but outside of the defined Village Envelope of Hopwood.

The application proposed that all of the dwellings would be social rented. This met the definition of Affordable housing as found in Annex 2 of the National Planning Policy Framework (NPPF). Bromford Housing Association had been identified as the proposed operator.

The proposed housing mix was detailed on page 94 of the main agenda pack.

Officers referred to pages 101 to 103, which detailed Alvechurch Neighbourhood Plan.

The comments received and proposed enhancements from Worcestershire County Council (WCC) Highways, were detailed on pages 105 to 106 of the main agenda report.

Officers further referred to sustainability and in doing so referenced the Applicant's transport consultants' Technical Note and the key points made, as detailed on page 106 of the main agenda report.

The 2019 planning appeal on this site did not consider sustainability matter. In terms of local precedents, it was considered that the most relevant was a nearby site on Ash Lane which proposed 15 dwellings, Appeal reference APP/P1805/W/22/3294824) which did examine this matter. The Inspector in this case considered the site on Ash Lane to be sustainable.

Officers reiterated that neither WCC Highways nor officers considered the site to be in an unsustainable location. On this basis, it was concluded that the site was accessible and complied with policies BDP1 and BDP16, as well as the NPPF.

With regards to the Green Belt, as detailed in the Conclusion section on page 110 of the main agenda report. A judgement as to the balance between harm and whether the harm was clearly outweighed by other considerations, including the benefits of the development, must be reached.

In this case, it was considered that the contribution towards housing land supply and that the proposals would provide 100% affordable housing were material considerations that weigh very strongly in favour of the proposals; and that the benefits of the proposals now clearly outweighed the harm to the Green Belt, and that consequently, Very Special Circumstances (VSC) did apply.

Agenda Item 5

Planning Committee
8th April 2024

At the invitation of the Chairman, Mr. C. Robinson, the Applicant's representative and Councillor C. A. Hotham, Ward Councillor addressed the Committee.

Members then considered the application which officers had recommended be granted.

Members queried if it was appropriate to consider the resubmission application before the Planning Inspectorate had made a decision and would their decision be made taking into account the NPF prior to the changes made in December 2023?

In response, officers explained that the Planning Inspectorate would refer to the recently updated NPPF. With regards to determining the resubmitted application with an appeal outstanding; an applicant could resubmit an application at any time for Members consideration. Therefore, Members would need to make a decision on the resubmitted application before them.

Members further commented that there had, in their opinion, been no real changes in the resubmitted application, the only changes were with the recently updated NPPF. BDP stated that up to 40% affordable housing should be provided, which was reasonable and enabled the Council to supply a balanced mixture of housing and developments that were commercially viable. Members were therefore struggling with this proposal being commercially viable and queried whether the applicant should submit a viability test.

Officers commented that no viability information had been submitted by the applicant. The applicant had accepted all of the required contributions being sought, and if the application was approved, this would be subject to Conditions and all socially rented units would be secured with a S106 legal agreement as to the use of those dwellings in perpetuity. Therefore, any future amendments to the proposal with regards to altering the mix of dwellings (not all dwellings being affordable), would result in a further planning application being submitted.

Officers further clarified that the application site would still remain within the Green Belt, so would still need to meet any requirements of the Green Belt, should the application be granted.

Some Members recalled similar concerns being raised when the initial application was considered, with concerns being raised with regards to having a site that was all affordable housing development, would potential residents feel isolated. There were no services, buses, GP's and schools. Members reiterated that they still had the same concerns.

In response referred to their earlier comment with regard to a S106 legal agreement and in doing so stated that Bromford Housing Association had submitted a letter in support of the application and to operate the

Agenda Item 5

Planning Committee
8th April 2024

socially rented units if the application was granted. The proposed site would meet a wide range of community due to the size of the units being offered. The Council's housing team were also in support of the proposal.

Members repeated that since the previous application not much had changed, would approving this application then possibly open up the Council to receiving a lot of Green Belt applications. Also, was this area sustainable?

Officers stated that they understood Members concerns with regard to sustainability. However, the assessment of the proposal was based on the Ash Lane appeal and the application being supported by WCC Highways. Furthermore, as detailed in the report, on page 106 of the main agenda report; the 2019 planning appeal on this site did not consider sustainability matter. Officers further stated that, should Members be minded to grant planning permission, in their opinion this would not set a precedence for other Green Belt applications, as each application was considered on its own merits. The Ash Green appeal was referenced, in the report, due to its relevance with being in a very similar location in Hopwood, both applications would have access to the same facilities in Hopwood. The Planning Inspectorate had assessed the Ash Lane appeal on sustainability and had considered it to be acceptable.

Some Members stated that sustainability was key and that they struggled with the required financial contribution for necessary School Transport Services in a sustainable area.

With no Members proposing the Recommendation, an alternative Recommendation was proposed and seconded.

On being put to the vote, it was

RESOLVED that planning permission be refused for the following reasons:-

- a) inappropriate development in the Green Belt, there were no Very Special Circumstances to outweigh the harm identified to the Green Belt; and
- b) the proposed development would be in an unsustainable location.

58/23

23/01232/FUL - SUBDIVISION OF DWELLING INTO 6NO. SELF-CONTAINED APARTMENTS, AROSA, THE HOLLOWAY, ALVECHURCH, B48 7QA. MR. K. CROSS-WATSON

The Application had been brought to the Planning Committee for consideration at the request of Councillor A. Bailes, Ward Councillor.

Agenda Item 5

Planning Committee
8th April 2024

It was noted that further comments had been received from Rowney Green Residents Association with regard to further planning matters and the officer's response to those matters, as detailed on page 3 of the Committee Update. A copy of the Committee Update was provided to Members and published on the Council's website prior to the commencement of the meeting.

Officers presented the report and in doing so highlighted that the application was for the subdivision of dwellings into 6 self-contained apartments.

Officers presented the presentation slides, as detailed on pages 28 to 37 of the main agenda report.

At the invitation of the Chairman, Ms. L. Casey, the Applicant's Planning Agent addressed the Committee.

Members then considered the application which officers had recommended be granted.

In response to Members, officers clarified that Planning Application 19/01359/FUL which was granted in 2019, had now expired. Therefore, the applicant had had to resubmit an application. Since Planning Application 19/01359/FUL paragraph numbers had changed in the updated NPPF, but the relevant paragraphs remained the same for this new application.

Members questioned the cumulative traffic impact that these dwellings would add, along with the 60 plus housing units in Bordesley Hall, which would generate significant traffic to the T-junction that was on a slope. The cumulative impact of the development had been considered with the previous application and by those who had raised representations in objection to this application. However, WCC Highways had not picked up on this.

Officers stated that WCC Highways had not raised any concerns with the proposed development or any cumulative impact with other developments in the area.

Some Members suggested deferring the application until a cumulative impact response was received from WCC Highways.

Officers explained that the application needed to be determined by Friday 12th April 2024, the applicant may not agree to any further time for a decision to be made and could appeal on non-determination.

Members further queried that statement on page 24 of the main agenda report as follows

"... two of the dwellings falling below Technical Housing Standards..."

Agenda Item 5

Planning Committee
8th April 2024

In response officers explained that whilst there was a shortfall with two of the dwellings falling below Technical Housing Standards, on the whole and on balance the scheme was acceptable.

On being put to the vote, it was

RESOLVED that Planning Permission be granted, subject to the Conditions as detailed on pages 24 to 25 of the main agenda report.

59/23

24/00025/FUL - CHANGE OF USE FROM A DWELLINGHOUSE (USE CLASS C3) TO A CHILDREN'S HOME (USE CLASS C2, 135 SHAWHURST LANE, HOLLYWOOD. MR. M. SHABAN

The Application had been brought to the Planning Committee for consideration at the request of Councillor D. J. A. Forsythe, Ward Councillor.

Officers presented the report and in doing so highlighted that the application was for the change of use from a dwelling house (Use Class C3) to a children's home (Use Class C2).

Officers presented the presentation slides, as detailed on pages 84 to 88 of the main agenda report.

Members were informed that throughout the determination process, additional clarification and information was sought and received in respect of how the home would operate. This information was detailed on pages 77 and 78 of the main agenda report.

At the invitation of the Chairman, Mr. S. Ahmed, the Applicant's Representative and Councillor D. J. A. Forsythe, Ward Councillor addressed the Committee.

The Committee then considered the change of use application, which officers had recommended be granted.

Councillor E. M. S Gray informed the Committee that she was a Member of WCC Corporate Parenting Board and that in effect all Members were corporate parents as such, with a duty to look after children. There were currently issues with WCC finding suitable spaces for children across Worcestershire.

In response to questions from Members with regards to the size of the property to accommodate both staff and children and the number of bedrooms, officers drew Members' attention to the Existing and Proposed Floor Plan presentation slide, as detailed on page 87 of the main agenda report. How the accommodation and bedrooms were utilised for staff and children was an operational matter and not a planning consideration. WCC Highways had raised no concerns with the number of staff attending and leaving the property; or children being picked up / dropped off.

Members commented that whilst they had taken into consideration the concerns raised by local residents, there was never any control as to who our neighbours could be. This operation would have more control, giving nearby residents a more peaceful life.

In response to a further query, the Vice-Chairman took the opportunity to explain that this was not a traditional planning application, it was a change of use.

On being put to the vote, it was

RESOLVED that Planning Permission for Change of Use be granted, subject to the Conditions as detailed on page 82 of the main agenda report.

60/23

23/01400/FUL - DEMOLITION OF EXISTING GARAGES AND ERECTION OF NEW BUILD DWELLING INCLUDING ASSOCIATED ACCESS AND LANDSCAPING. LAND REAR OF 17-19 WILLOW GARDENS, WILLOW GARDENS, BROMSGROVE, B61 8QD. BDHT

At this stage in the meeting the Vice-Chairman withdrew to the Public Gallery; with Councillor S. J. Baxter taking the Chair.

The Application had been brought to the Planning Committee for consideration at the request of Councillor M. Marshall, Ward Councillor.

Officers presented the report and in doing so highlighted that the application was for the demolition of existing garages and the erection of new build dwelling including associated access and landscaping.

Officers presented the presentation slides, as detailed on pages 50 to 56 of the main agenda report.

The site was located in a residential and sustainable location off an unclassified road, the site has an existing vehicular access with good visibility in both directions. Willow Gardens had footways and street lighting on both sides of the road and no parking restrictions were in force in the vicinity. The site was located within walking distance of amenities, bus route and bus stops. It was noted there would be a loss of 13 garages, the applicant had provided a justification and reasoning as to why the loss of these garages should be accepted by highways. There was no legal right for the applicant to provide the 13 garages to accommodate local residential car parking. The applicant had provided a car parking survey which confirmed that the streets in the vicinity (within 300m) had the capacity to provide parking for the 9 garages which were occupied.

At the invitation of the Chairman (in the Chair), Mr. K. Lawrence (via Microsoft Teams), the Applicant's Representative and Councillor M. Marshall, Ward Councillor addressed the Committee.

Agenda Item 5

Planning Committee
8th April 2024

The Committee then considered the application, which officers had recommended be granted.

Members expressed their concerns with regards to known parking issues on Willow Road and Crabtree Lane, making it difficult for buses to pass. Whilst it was good to see a development on a Brown Field site, the proposed development would increase parking issues, which Members were concerned about.

Members commented that the garages were in a state of disrepair so could not be used by existing tenants of Bromsgrove District Housing Trust (BDHT). Were BDHT tenants happy with the garages being demolished?

BDHT proposed to build one new one bedroom dwelling with garage on quite a large site. It appeared that BDHT had not done anything to sort out the parking problems for the residents in Willow Gardens. Some residents drove across the grass verges and also parked on the grass verges. The garages being in a state of disrepair added to the parking problems.

Officers highlighted that the scheme did not include a garage, it would include two parking spaces. The applicant's representative was not here to address parking issues.

Members referred to the parking survey that was carried out by the applicant which confirmed that the streets in the vicinity (within 300m) had the capacity to provide parking for the 9 garages which were occupied. Members questioned what were the parking numbers of the road, 20 cars? Members referred to BDHT's similar Planning Application 23/01400/FUL which detailed that the parking survey carried out by the applicant confirmed that the streets in the vicinity (within 300m) had the capacity to provide parking for the 3 garages which were occupied. This would take up another 3 parking spaces.

Councillor D. G. Stewart stated that he knew this part of the town and had joined BDHT on a walkabout. The garages were in a state of disrepair but there were 12 cars parked and ad hoc parking taking place on the road; it would deprive the residents of car park spaces and shift the larger vehicles using the space onto the roads.

With the agreement of the Chairman (in the Chair), the Applicant's representative clarified that there were two separate Technical Notes.

Members continued and agreed that parking needs and parking displacement needed to be considered and that due to this, both Planning Applications 23/01400/FUL and 23/01401/FUL, should be looked at together.

Agenda Item 5

Planning Committee
8th April 2024

Members also considered deferring both applications to a future meeting of the Planning Committee whereby an officer from WCC Highways would be asked to attend.

Officers explained that the applicant could put up a gate to stop any parking taking place at the garages. Whilst officers accepted that there was not a WCC Highways officer in attendance at tonight's meeting, WCC Highway had looked at both applications individually and cumulatively and had looked at a one bed unit and not potential parking displacement. Officers were of the opinion that the scheme was acceptable.

Members further questioned if cumulative impact was not a matter to be considered could visual impact be considered

Officers stated that WCC Highways had assessed visibility, and drew Members' attention to the comments received from WCC Highways, as detailed page 39 of the main agenda report.

At the request of the Committee, officers displayed (on the overhead screen) a street view of the area using Google Maps.

Officers further explained that Members could look at both applications collectively, but Members would need to make a decision individually for each application.

Members agreed that this made sense, there was a need to look at both applications together in order to fully understand the full cumulative impact.

An Alternative Recommendation was proposed and seconded, and on being put to the vote; it was

RESOLVED that further consideration of the Application be deferred to a future meeting of the Planning Committee; whereby an officer from Worcestershire County Council Highways will be in attendance.

61/23

23/01401/FUL - DEMOLITION OF EXISTING GARAGES AND ERECTION OF NEW BUILD DWELLING INCLUDING ASSOCIATED ACCESS, LANDSCAPING & GARAGE. LAND REAR OF 8 - 14 (EVENS) WILLOW GARDENS, BROMSGROVE, B61 8QD. BDHT

The Application had been brought to the Planning Committee for consideration at the request of Councillor M. Marshall, Ward Councillor.

Taking into account the Member discussions and debate on Planning Application 23/01400/FUL (Agenda Item Number 6); officers presented the presentation slides, as detailed on pages 68 to 74 of the main agenda report.

Agenda Item 5

Planning Committee
8th April 2024

The application sought the demolition of the existing garages and the erection of a new build dwelling including associated access, landscaping and garage.

At the invitation of the Chairman (in the Chair), Mr. K. Lawrence (via Microsoft Teams), the Applicant's Representative and Councillor M. Marshall, Ward Councillor addressed the Committee.

Councillor C. A. Hotham stated that Members had been told that 47 parking spaces had been assessed and that 32 were in use. 44 of the 47 spaces would be used, 47 spaces were assessed on perfect parking and that the cumulative impact had been assessed.

Members further referred to the Relevant Planning History and the following statement: -

"The adjacent site, land to the rear of Willow Road and New Road (Ref: 21/01343/PIP), has been granted permission in principle for a minimum of 1 dwelling and a maximum of 2 dwellings. A technical details application has not been submitted. Therefore, no details of layout are available".

Officers displayed (on the overhead screen) a street view of the area referred to using Google Maps. Officers explained that the application site, with permission in principle, was not a garage site, as shown as Google Maps.

Members noted that BDHT had offered to put in dropped kerbs for residents and commented that by doing this there would be an environmental aspect with ripping out front gardens for parking spaces; with no real net gain.

Officers highlighted that the dropped kerbs did not form part of the application.

Members still expressed their concerns with the impact of additional parked cars, whilst also acknowledging that BDHT could close off access to the garages at any given time.

Members were of the opinion that the cumulative impact of displaced parking due to both planning applications submitted by BDHT, should be looked at. With this in mind, Members felt strongly that WCC Highways should have been in attendance to respond to the concerns raised.

An Alternative Recommendation was proposed and seconded, and on being put to the vote; it was

RESOLVED that further consideration of the Application be deferred to a future meeting of the Planning Committee; whereby an officer from Worcestershire County Council Highways will be in attendance.

Agenda Item 5

Planning Committee
8th April 2024

At this stage in the meeting, the Vice-Chairman returned to the meeting room to officially close the meeting.

The meeting closed at 8.16 p.m.

Chairman

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
BDHT	Demolition of existing garages and erection of new build dwelling including associated access and landscaping. Land Rear Of 17-19 Willow Gardens, Willow Gardens, Bromsgrove	24.05.2024	23/01400/FUL

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

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

This application was **DEFERRED** at the meeting of Planning Committee held on 8 April 2024 at the request of Members to allow the application to be considered at a future meeting of the Planning Committee with an Officer from Worcestershire County Council Highways in attendance.

Consultations

Worcestershire Highways - Bromsgrove

Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Transport Planning and Development Management Team Leader on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 has no objection subject to conditions.

Site observations:

The site is located in a residential and sustainable location off an unclassified road, the site as an existing vehicular access with good visibility in both directions. Willow Gardens has footways and street lighting on both sides of the road and no parking restrictions are in force in the vicinity. The site is located within walking distance of amenities, bus route and bus stops. It is noted there will be a loss of 13 garages, the applicant has provided a justification and reasoning why the loss of these garages should be accepted by highways. There is no legal right for the applicant to provide the 13 garages to accommodate local residential car parking. The applicant has provided a car parking survey which confirms the streets in the vicinity (within 300m) have the capacity to provide parking for the 9 garages which are occupied.

Notwithstanding the evidence submitted by the residents regarding on-street parking pressures, I have reconsidered my stance and agree with the applicant / agent that the site could be closed at any point by the owners to prevent parking occurring on-site, irrespective of the two planning applications coming forward. If the applicant is willing to provide parking away from the site then this would be welcomed but not a requirement. It is noted local residents, ward members have concerns regarding the displacement of parking, however,

as highlighted above there is no legal requirement for the applicant to provide alternative parking for that is being lost.

It should be noted garages are not counted as car parking spaces in line with the Streetscape Design Guide Page 43.

Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained.

Following receipt of amended plans County Highways were re-consulted and provided the below in summary comments:

Site layout:

- The proposed dwelling has been reduced from a two-bedroom property to a one[1]bedroom property. A study has also been provided to the dwelling.
- Visibility from the existing vehicular access is deemed to be acceptable.
- The width of the drive is in excess of 3.1m - acceptable.
- Car and cycle parking has been provided in accordance with WCC Streetscape Design Guide.
- Swept path analysis has been provided for the vehicular access and the turning area within the site - acceptable.

Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained.

North Worcestershire Water Management

The site falls within flood zone 1 (low risk of fluvial flooding from a watercourse) but does have a low-medium risk of surface water flooding which could exceed 300mm depth; this information can be viewed here: <https://www.gov.uk/check-long-term-flood-risk>.

I acknowledge that the proposals result in an overall reduction in impermeable area and therefore there should be no increase in flood risk as a result of the development, provided appropriate drainage arrangements are incorporated. This should include attenuation to comply with the current climate change allowances. Where possible infiltration should be utilised, and ground investigation surveys will be required to confirm feasibility. Where ground conditions do not allow for infiltration, the storm water sewer may be utilised subject to confirmation from STW Ltd. No storm water may enter the foul sewer network.

Should you be minded to grant permission, please include the following condition on your decision notice:

No works in connection with site drainage shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the

site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

WRS - Contaminated Land

Due to the required demolition of garages, which may pose potential contaminated land issues (including the presence of Asbestos Containing Materials, for which a survey should be undertaken), WRS recommend a condition is applied to the application should permission be granted for the development, to ensure potential contaminated land issues are appropriately addressed.

Public Consultation

12 letters sent 09.01.2024 (expired 02.02.2024)

Site notice posted 12.01.2024 (expired on 05.02.2024).

A total of 13 objections which raise the following in summary matters:

- Right of access to No.4, 6, 8, 12 New Road, and 14, 19 Willow Gardens
- Loss of privacy, outlook, peaceful enjoyment under Human Rights Act, fear of crime
- The access is narrow
- Parking, safety and congestion on Willow Gardens and surrounding roads and visual impact of parking
- Boundary treatments and security
- Pavement access for those with mobility impairments
- Noise and pollution from the demolition, timings of construction

Following a consultation of the amended plans a further 8 objections were received raising the following additional matter:

- Overdevelopment

A number of other issues have been raised which are not material planning considerations and therefore have not been reported to Members.

A petition with 17 signatures has also been received with the following heading: 'Objections to planning for 2 private bungalows on garage sites'...Due to impacting over spill onto New Road from Willow Gardens'.

Councillor Marshall

Councillor Marshall has requested that this application be determined by the Planning Committee due to his concerns regarding the cumulative residual impact of displaced parking on the neighbouring area.

Relevant Policies

Bromsgrove District Plan (BDP) 2017

BDP1 - Sustainable Development Principles

BDP2 - Settlement Hierarchy

BDP7 - Housing Mix and Density

Plan reference

BDP16 - Sustainable Transport
BDP19 - High Quality Design
BDP21 Natural Environment
BDP22 Climate Change
BDP23 - Water Management

Others

National Planning Policy Framework (2023)
Bromsgrove High Quality Design SPD

Relevant Planning History

There is no relevant planning history for the site.

The Site

The application site is located on the eastern side of Willow Gardens. The site is bound to the north by the garden of No.12 Church Road, to the east by the gardens of No.s 14-18 Church Road, to the south by the gardens of No.s 4-12 New Road and to the west by the gardens of No.s 17-19 Willow Gardens.

An existing access drive approximately 28 metres long and 3.1 metres wide serves the site and proposed dwelling. The site includes 13 garages which are proposed to be demolished. The garages are in various states of repair but on the whole have fallen into a state of disrepair.

The proposed dwelling is located within the east of the plot with parking and access to the west of the plot. The proposed garden area is 143sqm, located to the side of the dwelling. The proposed dwelling would have one bedroom. The proposed compliance plan identifies a 1.8m boundary fence around the dwelling; however, the boundary at the access remains unchanged. A short access point has been shown on plan to No.12 Church Road. Any accesses that are located along the access road may be unaffected; however, this would be a civil matter.

Amended plans have been received and consulted upon and it is those plans which are now considered as part of this application.

Assessment of Proposal

The Council cannot currently demonstrate a 5-year supply of housing land. Paragraph 11(d) of the National Planning Policy Framework (NPPF) states that where policies that are most important for determining the application are out-of-date, planning permission for new housing should be granted unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; (ii) any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The Council therefore falls short of a 5-year supply of land for housing and paragraph 11(d) as set out above is engaged. The consideration of the proposal under this element of the NPPF is drawn together in the conclusions section below.

Principle of Development

Policy BDP2 (Settlement Hierarchy) supports development of previously developed land/buildings within existing settlements. The application site is within the residential area and is previously developed land in a sustainable area. The principle of re-developing the site for residential development is therefore acceptable.

Highways

Worcestershire County Council Highway Authority (WCCHA) confirm that the site is within a residential and sustainable location. The existing access from Willow Gardens, an unclassified road, would continue to provide access to the site and WCCHA confirm that the access has good visibility in both directions. WCCHA confirm the width of the access drive at 3.1m is acceptable. WCCHA have deemed the proposed two car parking spaces and proposed cycle parking according with the WCCHA Streetscape Design Guide. WCCHA have reviewed the submitted swept path analysis for the access and turning area and has deemed this acceptable.

There are no technical objections from WCCHA for the proposed development. The state of repair of the garages and the termination of the leases/closure of the site by BDHT is an operational decision and does not require planning permission.

WCCHA have requested planning conditions for cycle parking and a prior to occupation condition requiring the parking and turning facilities to be provided. EV charging would be required as part of Building Regulations and there is no proposed planning condition.

Whilst concerns have been raised by residents in respect of the existing car parking situation in Willow Gardens and the surrounding area; this is not something which the planning system can control. Planning permission is not required to cease the operation of the garages and whilst it was acknowledged on the Officer's site visit that indiscriminate parking is evident, this would be a County Council or Police matter to enforce as required.

Flood Risk and Drainage

North Worcestershire Water Management (NWWM) confirm that the site is located in flood zone 1 (low risk of fluvial flooding from a watercourse) but does have a low-medium risk of surface water flooding. NWWM confirm that there would be an overall reduction in impermeable area and that there is no increase in flood risk as a result of the proposed development. NWWM have requested a planning condition for surface water drainage.

Design, Layout and Appearance

The proposed layout of the bungalow, its garden area, and car parking is considered acceptable. The proposed dwelling would be single storey at c.5.14m to its apex with a hipped roof construction.

The proposed one-bedroom dwelling would comprise a gross internal floor area of 88sqm; which exceeds the technical housing standards. The internal arrangements provide suitable space for the future occupiers.

The proposed materials include brick, brown roof tiles, brick header and cills, grey windows and doors and black eaves, verge, fascia and rainwater goods. A suitable planning condition could be imposed for materials.

The proposed dwelling is shown to include solar panels on its southern and western elevations, which is supported by Policy BDP22.

Residential Amenity

The proposed dwelling would be single storey including only ground floor accommodation. There would also be boundary treatments surrounding the plot which would prevent harmful overlooking from its ground floor windows into neighbouring gardens.

The submitted site sections show the side elevation of the proposed bungalow c.12.5m from the rear of 14-18 Church Road and c.19.4m from the rear of 19 Willow Gardens. The Council's High Quality Design SPD provides separation distances for two storey dwellings only and therefore the site's layout and separation is considered in the context of the proposal being a single storey bungalow.

The siting and scale of the proposed dwelling would not cause an adverse loss of privacy or overlooking to nearby residential properties. The proposed garden area is located to the side of the dwelling and is appropriate in area and overall depth. The hipped roof construction means that the roof slopes away from the neighbouring properties reducing its impact.

The proposed boundary details are considered appropriate and a 1.8m close boarded fence is a common boundary between residential properties. During construction, when the garages are demolished, there may be temporary fencing erected and this would be a matter for those residents affected to discuss with the Applicant and/or their appointed contractors.

Ecology

A Preliminary Ecological Assessment and Biodiversity Impact Assessment was submitted to support the application. The site comprises a sealed surface including buildings. The report states that the only notable species which could be affected are hedgehogs and a methodology for site works has been provided. The Biodiversity Impact Assessment gives a baseline of zero and provides for a net gain in biodiversity of 0.038 units through the proposed garden. A planning condition to secure bat/bird boxes can be attached and also boundary treatments which considered hedgehog access gaps.

Other Matters

Noise and disturbance during construction has been raised by an objection, this is a likely and inevitable consequence of most development but is generally short-term and is not a reason to withhold planning permission.

Conclusions

The Council cannot currently demonstrate a five year housing land supply and therefore paragraph 11 of the NPPF states that for applications for housing, planning permission should be granted unless:-

- (i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or
- (ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Limb i) does not apply.

In view of limb (ii) the proposal would make a small contribution to the Council's housing supply, offering some employment opportunities during construction. The site is located within a sustainable residential area and the principle of development is acceptable. The overall site layout, design and appearance are considered acceptable and deliver a high-quality home. There are no technical concerns with the proposal that would significantly and demonstrably outweigh the benefits of the proposal as a whole.

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:

- Location Plan and Block Plan PL-S1-1B
- Proposed Site Plan PL-S1-10B
- Proposed Compliance Plan PL-S1-11B
- Proposed Site Floor Plan PL-S1-12B
- Proposed Site Plan Calcs PL-S1-13B
- Proposed Site Sections PL-S1-14B
- Proposed Elevations PL-S1-20C

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

3. No works in connection with site drainage shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. If a

connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

4. 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.

5. The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking as shown on Approved Plan 11B has been provided and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

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

6. The Development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on drawing PL-S1-11B.

Reason: To ensure conformity with submitted details.

7. The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatment to serve the development shall include integral hedgehog access gaps where appropriate. The boundary treatments shall be completed in accordance with the approved details.

Reason: In order to secure a well-planned development

8. Prior to first occupation in order to provide a net gain in biodiversity, the amenity area, and two schwegler bat and/or bird boxes or equivalent shall be placed on site in suitable locations at least 3 metres above ground level facing to the south or east and kept thereafter in perpetuity.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan and Paragraph 180 of the NPPF.

9. 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 immediately to the Local Planning Authority. The applicant is advised to immediately seek the

advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.
2. 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.
3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
4. Following completion of measures identified in the approved remediation scheme a verification 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 on site.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Case Officer: Rosie Paget Tel: 01527 881184
Email: rosie.paget@bromsgroveandredditch.gov.uk

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
BDHT	Demolition of existing garages and erection of new build dwelling including associated access, landscaping & garage. Land Rear Of 8 - 14 (evens) Willow Gardens, Bromsgrove	21.05.2024	23/01401/FUL

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

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

This application was **DEFERRED** at the meeting of Planning Committee held on 8 April 2024 at the request of Members to allow the application to be considered at a future meeting of the Planning Committee with an Officer from Worcestershire County Council Highways in attendance.

Consultations

Worcestershire Highways - Bromsgrove

Worcestershire Highways have no objection subject to planning conditions.

The site is located in a residential and sustainable location off an unclassified road, the site has a block of 17 garages and has an existing vehicular access with good visibility in both directions.

Willow Gardens has footways and street lighting on both sides of the road and no parking restrictions are in force in the vicinity. The site is located within walking distance of amenities, bus route and bus stops.

It is noted there will be a loss of 16 garages, the applicant has provided a justification and reasoning why the loss of these garages should be accepted by highways. There is no legal right for the applicant to provide the 13 garages (unoccupied) to accommodate local residential car parking.

The applicant has provided a car parking survey which confirms the streets in the vicinity (within 300m) have the capacity to provide parking for the 3 garages which are occupied. As part of the development proposals, a single garage is to be retained to serve a neighbouring property, whilst a new garage is proposed to be provided on-site for storage purposes associated with the new dwelling, garages are not counted towards the car parking allocation. It is noted there will be an overall reduction in vehicular use of the existing site access with the development proposals in place, and therefore the existing junction visibility and access is considered to be acceptable.

Further comments:

Notwithstanding the evidence submitted by the residents regarding on-street parking pressures, I have reconsidered my stance and agree with the applicant / agent that the

site could be closed at any point by the owners to prevent parking occurring on-site, irrespective of the two planning applications coming forward. If the applicant is willing to provide parking away from the site then this would be welcomed but not a requirement. It is noted local residents, ward members have concerns regarding the displacement of parking, however, as highlighted above there is no legal requirement for the applicant to provide alternative parking for that is being lost.

It should be noted garages are not counted as car parking spaces in line with the Streetscape Design Guide Page 43).

North Worcestershire Water Management (NWWW)

The site falls within flood zone 1 (low risk of fluvial flooding from a watercourse) but does have a high risk of surface water flooding which could exceed 300mm depth; this information can be viewed here: <https://www.gov.uk/check-long-term-flood-risk>. We hold no reports of flooding in the vicinity.

I acknowledge that the proposals result in an overall reduction in impermeable area and therefore there should be no increase in flood risk as a result of the development, provided appropriate drainage arrangements are incorporated. This should include attenuation to comply with the current climate change allowances and pathways for surface water to pass through the site without increasing risk elsewhere. Where possible infiltration should be utilised, and ground investigation surveys will be required to confirm feasibility. Where ground conditions do not allow for infiltration, the storm water sewer may be utilised subject to confirmation from STW Ltd. No storm water may enter the foul sewer network.

Should you be minded to grant permission, please include the following conditions on your decision notice:

No works in connection with site drainage shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

Finished floor levels within the development shall be set a minimum of 300mm above the surrounding ground levels or no lower than the nearest adjacent dwelling (whichever is the highest).

WRS - Contaminated Land

Due to the required demolition of the garages which may post potential contaminated land (including asbestos containing materials, for which a survey should be undertaken) WRS recommend a condition for reporting of unexpected contamination.

Public Consultation

9 letters sent 11.01.2024 (expired 04.02.2024)

Site notice posted 11.01.2024 (expired on 04.02.2024).

A total of 15 representations have been received including 14 objections which raise the following in summary matters:

- Parking, safety and congestion in Willow Gardens
- Construction traffic, parking and storage of plant and machinery
- Loss of access to the rear of garden or garage
- Noise pollution, dust and debris during the construction
- Security when the garages are removed and gardens are exposed during construction
- Proximity of the new dwelling to 3A Willow Road, imposing, obstruct light and reduce privacy and cause disturbance
- Garages are in disrepair
- Mud on the road

A number of other issues have been raised which are not material planning considerations and therefore have not been reported to Members.

A petition with 17 signatures has also been received with the following heading: 'Objections to planning for 2 private bungalows on garage sites' ...Due to impacting over spill onto New Road from Willow Gardens'.

Councillor Marshall

Councillor Marshall has requested that this application be determination by the Planning Committee due to his concerns regarding the cumulative residual impact of displaced parking on the neighbouring area.

Relevant Policies

Bromsgrove District Plan (BDP) 2017

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP7 Housing Mix and Density

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP21 Natural Environment

BDP22 Climate Change

BDP23 Water Management

Others

National Planning Policy Framework (2023)

Bromsgrove High Quality Design SPD

Relevant Planning History

There is no relevant planning history for the site.

The adjacent site, land to the rear of Willow Road and New Road (Ref: 21/01343/PIP), has been granted permission in principle for a minimum of 1 dwelling and a maximum of 2 dwellings. A technical details application has not been submitted. Therefore, no details of layout are available.

The Site

The application site is located on the western side of Willow Gardens. The site is bound to the north by 3A Willow Road, gardens of residential properties on New Road to the west and gardens of residential properties on Willow Gardens on the south and east.

An existing access drive approximately 30 metres long and 3.3 metres wide serves the site and proposed dwelling. The site includes 17 garages; 16 garages are to be demolished and 1 garage is to remain. 3 garages are currently occupied. The garages are in various states of repair but on the whole have fallen into a state of disrepair.

The proposed dwelling is to be sited at the northern end of the plot, adjacent to No.3A Willow Road, with parking and turning to the south. The proposed garden at 105sqm is located to the side of the dwelling. The proposed dwelling would have two bedrooms. The proposed compliance plan shows a 1.8m high fence as the boundary treatment, the boundary along the access road is not proposed to be changed.

Assessment of Proposal

The Council cannot currently demonstrate a 5-year supply of housing land. Paragraph 11(d) of the National Planning Policy Framework (NPPF) states that where policies that are most important for determining the application are out-of-date, planning permission for new housing should be granted unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; (ii) any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The Council therefore falls short of a 5-year supply of land for housing and paragraph 11(d) as set out above is engaged. The consideration of the proposal under this element of the NPPF is drawn together in the conclusions section below.

Principle of Development

Policy BDP2 (Settlement Hierarchy) supports development on previously development land/buildings within existing settlements. The application site is within the residential area and is previously developed land in a sustainable area. The principle of re-developing the site for residential development is therefore acceptable.

Highways

Worcestershire Highways confirm that the site is within a residential and sustainable location.

The site has an existing access which would be re-used to facilitate access for the proposed dwelling. Worcestershire Highways confirms that there is good visibility in both directions and raises no technical concerns or matters of highway safety.

The termination of the leases/site by BDHT is an operational decision and does not require planning permission.

The proposed site plan identifies two car parking spaces and a garage for the proposed dwelling. The Worcestershire Highways Streetscape Design Guide requires two car parking spaces as a minimum and does not include garages within this calculation. The parking and turning area shown on the proposed site plan would be suitable for manoeuvring.

Worcestershire Highways have requested planning conditions for cycling and conformity of submitted plans for layout. EV charging would be required as part of Building Regulations and there is no proposed planning condition.

The garage which serves No.12 Willow Gardens is to be retained.

Whilst concerns have been raised by residents in respect of the existing car parking situation in Willow Gardens and the surrounding area; this is not something which the planning system can control. Planning permission is not required to cease the operation of the garages and whilst it was acknowledged on the Officer's site visit that indiscriminate parking is evident, this would be a County Council or Police matter to enforce as required.

Flood Risk and Drainage

The site falls within flood zone 1 (low risk of fluvial flooding from a watercourse) and is identified as having a high risk of surface water flooding. NWWM acknowledge that the proposals result in an overall reduction in impermeable area and therefore there should be no increase in flood risk as a result of the development, provided appropriate drainage arrangements are incorporated.

NWWM have requested a planning condition for surface water drainage details and finished floor levels.

Design, Layout and Appearance

The proposed layout of the bungalow, its garden area, garage and car parking is considered acceptable. The proposed dwelling would be single storey at c.6.4m to its apex with a hipped roof construction to respond to similar located bungalow. On the proposed site section, the proposed dwelling is shown as being slightly higher than No.3A Willow Road; however, this is annotated as ground level/finished floor level not being surveyed.

The proposed two-bedroom dwelling would comprise a gross internal floor area of 105sqm; which exceeds the technical housing standards. The internal arrangements provide suitable space for the future occupiers.

The proposed materials include brick, brown roof tiles, brick header and cills, grey windows and doors and black eaves, verge, fascia and rainwater goods. A suitable planning condition could be imposed for materials.

The proposed dwelling is shown to include solar panels on its southern and western elevations, which is supported by Policy BDP22.

The proposed garage has been designed of brick construction with a flat roof to reflect the surrounding existing outbuildings and adjacent retained garage.

Residential Amenity

The proposed site plan has included separation distances to nearby residential properties. The proposed dwelling would be single storey including only ground floor accommodation. There would also be boundary treatments surrounding the plot which would prevent harmful overlooking from its ground floor windows into neighbouring gardens.

The closest residential property is 3A Willow Gardens to the north which is annotated as 2m from the northern elevation. The proposed dwelling includes for a utility door and bathroom. There are no roof lights proposed.

The rear of No.8 Willow Gardens is c.17m from the ground floor window of the proposed dwelling.

The siting and scale of the proposed dwelling would not cause an adverse loss of privacy or overlooking to nearby residential properties. The proposed garden area is located to the side of the dwelling and is appropriate in area and overall depth.

The proposed boundary details are considered appropriate and a 1.8m close boarded fence is a common boundary between residential properties. During construction, when the garages are demolished there may be temporary fencing erected and this would be a matter for those residents affected to discuss with the Applicant and/or their appointed contractors.

Ecology

A Preliminary Ecological Assessment and Biodiversity Impact Assessment was submitted to support the application. The site comprises a mostly sealed surface including buildings. The report states that the only notable species which could be affected are hedgehogs and a methodology for site works has been provided. The Biodiversity Impact Assessment gives a baseline of 0.0140 units and provides for a net gain in biodiversity of 0.0312 units through the proposed garden. A planning condition to secure bat/bird boxes can be attached and also boundary treatments which considered hedgehog access gaps.

Other Matters

Noise and disturbance during construction has been raised by in an objection, this is a likely and inevitable consequence of most development but is generally short-term and is not a reason to withhold planning permission.

Conclusions

The Council cannot currently demonstrate a five year housing land supply and therefore paragraph 11 of the NPPF states that for applications for housing, planning permission should be granted unless:-

(i) The application of policies in the NPPF that protect areas or assets of particular important provides a clear reason for refusing the development; or

(ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Limb i) does not apply.

In view of limb (ii) the proposal would make a small contribution to the Council's housing supply, offering some employment opportunities during construction. The site is located within a sustainable residential area and the principle of development is acceptable. The overall site layout, design and appearance are considered acceptable and deliver a high-quality home. There are no technical concerns with the proposal that would significantly and demonstrably outweigh the benefits of the proposal as a whole.

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:

- 279_PL-S2-01_LOCATION PLAN
- 279_PL-S2-10_PROPOSED SITE PLAN
- 279_PL-S2-11_PROPOSED COMPLIANCE PLAN
- 279_PL-S2-12_PROPOSED SITE FLOOR PLAN
- 279_PL-S2-13_PROPOSED SITE PLAN CALCS
- 279_PL-S2-14_PROPOSED SITE SECTIONS
- 279_PL-S2-20_PROPOSED DWELLING ELEVATIONS
- 279_PL-S2-21_PROPOSED GARAGE

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

3. No works in connection with site drainage shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate

change. If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

4. Finished floor levels within the development shall be set a minimum of 300mm above the surrounding ground levels or no lower than the nearest adjacent dwelling (whichever is the highest).

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

5. 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.

6. The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking to comply with the Council's adopted highway design guide has been provided and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

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

7. The Development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on drawing PL-S2-11.

Reason: To ensure conformity with submitted details.

8. The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatment to serve the development shall include integral hedgehog access gaps where appropriate. The boundary treatments shall be completed in accordance with the approved details.

Reason: In order to secure a well-planned development

9. Prior to first occupation in order to provide a net gain in biodiversity two schwegler bat and/or bird boxes or equivalent shall be placed on site in suitable locations at least 3 metres above ground level facing to the south or east and kept thereafter in perpetuity.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan and Paragraph 180 of the NPPF.

10. 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 immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with

1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.
2. 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.
3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
4. Following completion of measures identified in the approved remediation scheme a verification 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 on site.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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23/01400/FUL

Land Rear Of 17-19
Willow Gardens,
Bromsgrove,
Worcestershire, B61 8QD

Demolition of existing
garages and erection of
new build dwelling
including associated
access and landscaping.

Recommendation: Grant

23/01401/FUL

Land Rear Of 8 - 14 (evens)
Willow Gardens,
Bromsgrove,
Worcestershire, B61 8QD

Demolition of existing
garages and erection of new
build dwelling including
associated access,
landscaping & garage.

Recommendation: Grant

Site Location Plans

23/01400/FUL



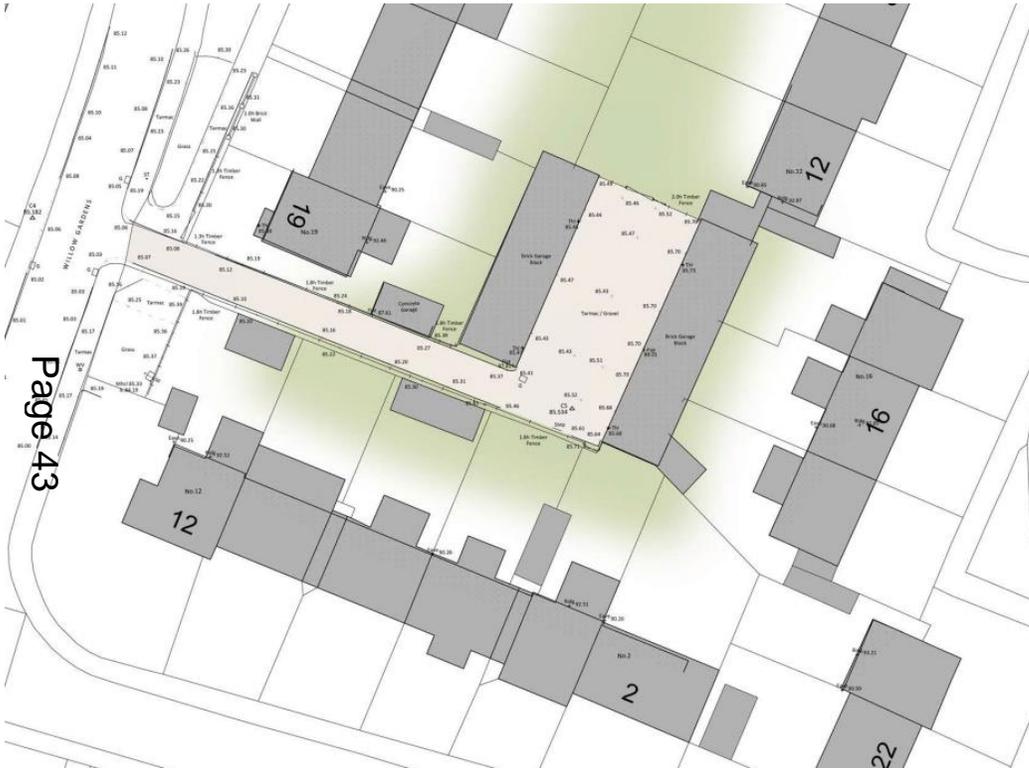
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Existing Site Plans

23/01400/FUL

23/01401/FUL



Existing



Proposed

Proposed Site Plans

23/01400/FUL

23/01401/FUL



Page 44



Agenda Item 8

Proposed Floor Plans

23/01400/FUL



Page 45

23/01401/FUL



Agenda Item 8

Proposed Elevations

23/01400/FUL

23/01401/FUL

Page 40



Front Elevation (south)



Front Elevation



Rear Elevation (north)



Rear Elevation (towards 3A Willow Road)

Agenda Item 8

Proposed Elevations

23/01400/FUL



East Elevation towards 14-18 Church Road



West Elevation towards proposed garden

23/01401/FUL



East Elevation



West Elevation towards proposed garden

Site Photos

23/01400/FUL



Site Access

23/01401/FUL



Site Access

Site Photos

23/01400/FUL

23/01401/FUL



View looking north towards No.12 Church Road garden



View looking west of existing garages

Site Photos

23/01400/FUL



View looking east towards rear of 14-18 Church Road

23/01401/FUL



View looking north towards 3A Willow Road

Site Photos

23/01400/FUL



View looking west towards rear of 17-19 Willow Gardens

23/01401/FUL



View looking east towards 8 Willow Gardens

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Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Tony Nicholls	Detached garage and dropped kerb. 60 East Road, Bromsgrove, Worcestershire, B60 2NS	22.05.2024	24/00191/FUL

This planning application is considered by Planning Committee rather than being determined under delegated powers as the applicant is related to a Council employee.

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

Consultations

Worcestershire Highways

No objection subject to conditions relating to:

- Pedestrian visibility splays
- Vehicular visibility splays
- Vehicular access arrangements
- Vehicular access surfacing

Publicity

Five letters sent 27 February 2024 (expired 22 March 2024)

Re-consultation letters sent 17 April 2024 (expired 27 April 2024)

No representations received.

Relevant Policies

Bromsgrove District Plan (BDP) 2017

BDP1 Sustainable Development Principles

BDP19 High Quality Design

Others

National Planning Policy Framework (NPPF) 2023

Bromsgrove High Quality Design SPD 2019

Relevant Planning History

23/00952/FUL	Demolition of garage and sun-lounge; erection of one and a half storey side extension with dormers to front and back and single storey rear extension.	Approved	12.12.2023
B/12876/1985	New double garage and convert ex-garage to family room.	Approved	15.05.1985

Assessment of Proposal

60 East Road is located on the corner of East Road and Slideslow Avenue, in the residential area of Bromsgrove. To the north of the site is No.62 East Road, to the east of the site is No.1 Slideslow Avenue, to the south is Slideslow Avenue with No.58 East Road beyond and to the west of the site is East Road with the garden area of No.15 North Road beyond.

The site comprises a two-storey red brick dwelling c.1950s, with projecting gable, cat slide roof with flat roof dormer and single storey side garage extension. The dwelling is set back from East Road with access, driveway and front garden. The existing rear garden is enclosed by dwarf wall, close boarded fence and landscaping to Slideslow Avenue.

A planning application (23/00952/FUL) was approved by Members on 11 December 2023 for the demolition of the garage and sun-lounge; erection of one and a half storey side extension with dormers to front and back and single storey rear extension. The ground floor extension included a replacement garage. The Applicant has confirmed that construction works have not yet commenced following the grant of planning permission.

The proposal includes a detached double garage measuring approximately 8m wide, 8.6m deep, approximately 3m high to the eaves and approximately 5m high to the ridge. The garage would be located at the end of the garden, adjacent to, and broadly in line with, the garage which serves No.1 Slideslow Avenue. Part of the dwarf wall that forms the boundary has already been removed to allow for the proposed access. A dropped kerb is proposed, and vehicular and pedestrian visibility splays have been shown on plan, alongside a 2m boundary fence.

The site is located in the residential area and therefore the principle of a garage is acceptable. The overall size, layout and design is considered acceptable. The proposed materials include facing brick and concrete tile and a planning condition can be secured to require matching materials with the main dwelling of 60 East Road.

The garage is located within 2m of the boundary and therefore would not benefit from permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 Class E; however, it is acknowledged that there would be a permitted development fallback if the garage was located 2m from the boundary.

County Highways have no objections subject to planning conditions for pedestrian and vehicular visibility splays, and vehicular access. A pre-commencement condition for vehicular visibility splays has been agreed with the Applicant in accordance with Section 100ZA(5) of the Town and Country Planning Act 1990.

Overall, the proposals are considered acceptable and accord with the Development Plan.

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:

- Location Plan received 22/02/2024
- Proposed Site Plan 092/01A received 08/03/2024
- Proposed Plans 092/02 received 16/04/2024

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

3. Development shall not begin until visibility splays are provided from a point of 1.05m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway, to a vertical offset 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.

4. All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the main dwelling of 60 East Road.

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

5. The Development hereby approved shall not be brought into use until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the 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.

6. The Development hereby approved shall not be brought into use until the access, parking facilities have been provided as shown on drawing 092/01A.

Reason: To ensure conformity with submitted details.

7. The Development hereby approved shall not be brought into use 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.

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24/00191/FUL

60 East Road, Bromsgrove, Worcestershire, B60 2NS

Detached garage and dropped kerb

Recommendation: Grant

Location Plan



Google Street View

Garden of 60 East Road

1 Slideslow Avenue



Site Photos



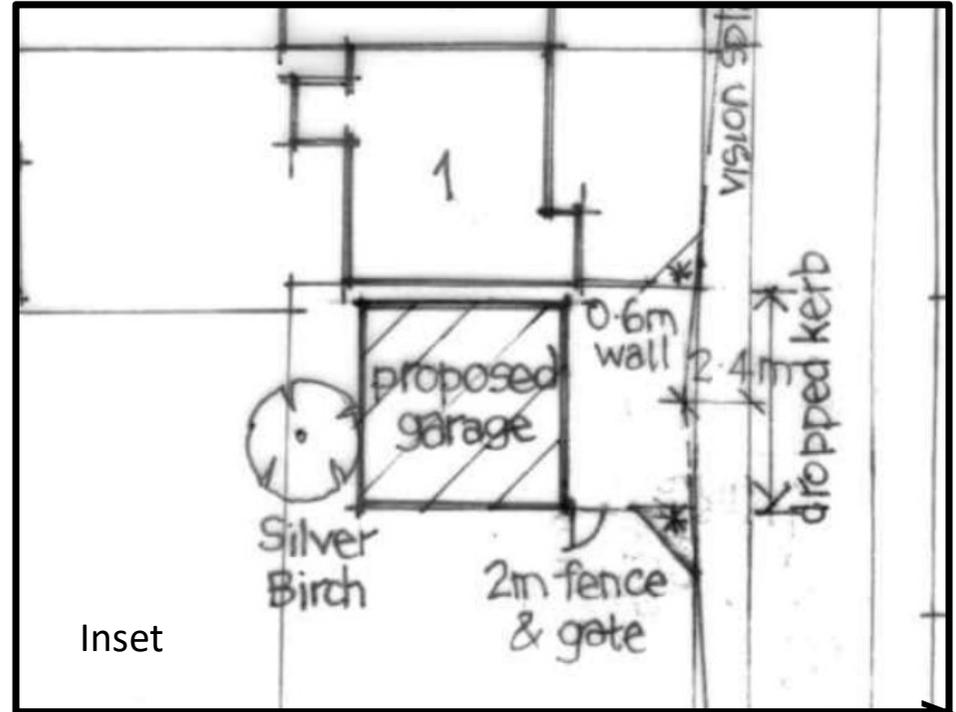
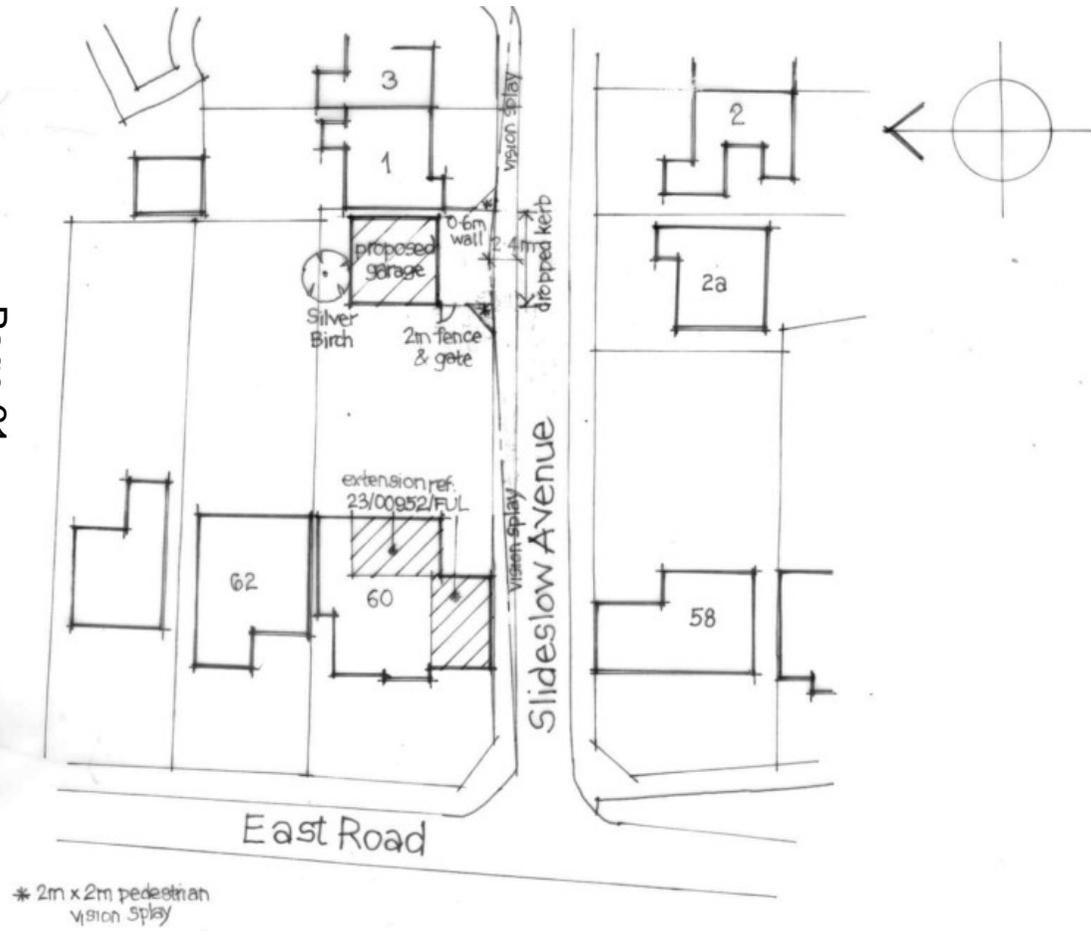
Photo from East Road – front elevation of 60 East Road



Photo of site following part removal of dwarf wall and fence

Proposed Site Plan

Page 61

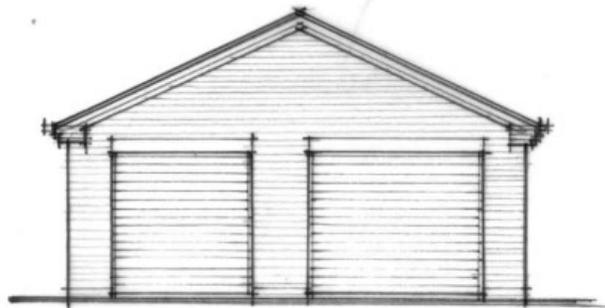


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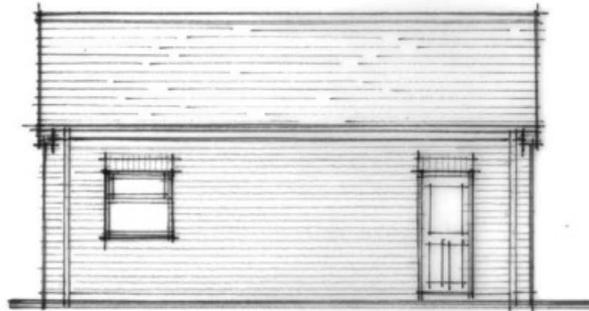
Agenda Item 9

Proposed Elevations and Floor Plan

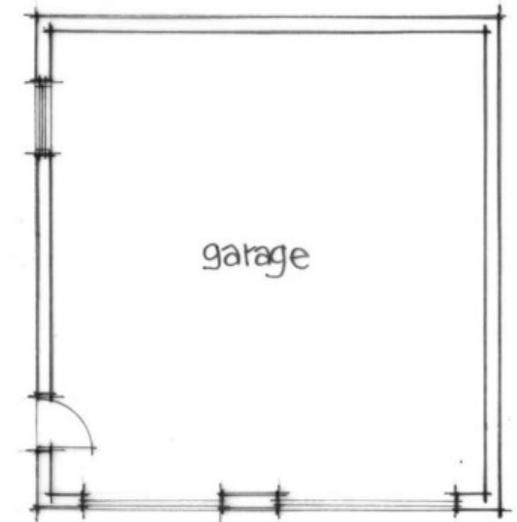
Page 62



front elevation



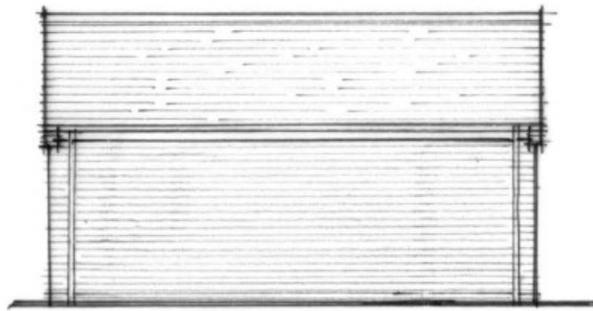
side elevation



floor plan



rear elevation



side elevation

Agenda Item 9