

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr Neil Alsop 'A'	Proposed Demolition of Existing Dwelling and Erection of Three New Dwellings - (resubmission of application 10/1011-DK) - 2 Berry Drive, Barnt Green, B45 8XL	Res	11/0610-DK 07.09.2011

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

RECOMMENDATION: that permission be **GRANTED**.

Consultations

Lickey and
Blackwell PC

Consulted: 19.07.2011. Response received: 05.08.2011.

Lickey and Blackwell Parish Council objects to this application, especially when taken into consideration with other recent and current applications.

1. All of the 4 applications we are considering currently in this small area of our parish (10/1189, 11/0610, 11/0621, 11/06260) are subdivisions of already sub-divided original gardens. The density of dwellings in the area is increasing and is in danger of changing the character of the area. In particular we think that applications should be considered in the light of BDC's Strategic Housing Land Availability Assessment where on page 9, under Appropriate Densities for Potential Sites, it states "Some of the smaller settlements in the district such as Barnt Green and Blackwell are characterised by large properties with large gardens. In such settlements densities of 30 dwellings per hectare or above would cause significant harm to the character and appearance of the area." Our Village Design Statement (VDS), adopted by BDC as a SPG, states that the parish should be protected from becoming part of the urban sprawl by preserving "the openness in residential areas by avoiding subdivision of plots and infill development" Therefore we would like these applications to be seen together for their impact, and would urge that they be put before the Planning Committee.

2. New Government guidelines no longer consider gardens as brown field sites, and that they should be valued.

3. The size and density of the proposal also contradicts building guidelines in the VDS which states that "New houses should generally reflect the character, setting and style of the housing in the immediate vicinity." Berry Drive consists of houses in spacious lawned plots.

4. Over the last decade or so BDC has seen a great increase in the building of large 4 and 5 bedroom houses to the point where we have a surfeit of them. So to rebalance the district's housing supply, what is needed now is smaller 2 and 3 bedroom type.

5. We are, also, aware that the properties in Plymouth Road, the cul de sacs off and Brookhouse Road have had a history of problems with flooding, which could be exacerbated by this development. It is reported to us that a watercourse actually runs under this property.

6. We would like to see that the hedge that bounds Plymouth Road is protected as it is the original hedge boundary. Our VDS states that we should "preserve our roadside trees and hedges" and where lost "should be replaced whenever possible. At key locations replacements should be of sufficient size to give instant visual impact. Native species will normally be required."

Finally, we have concerns that the continued destruction of good, well maintained housing stock such as this is contrary to a sustainable housing policy.

WH

Consulted 19.07.2011. Response received 29.07.2011.

No objection subject to the following conditions:

HC4 Single Access New Footway

HC5 Visibility Splays

HC8 Vehicle Access Construction + HC14 Driveway Gradient

Advisories HN1, HN4, HN5, HN9 and HN24.

ENG

Consulted: 19.07.2011. Response received 22.08.2011.

No objection subject to conditions.

EHO

Consulted: 19.07.2011. Response received 02.08.2011

No objection.

Tree Officer

Consulted 22.08.2011. Response received 25.08.2011

No objection subject to conditions.

Worcestershire
Wildlife Trust

Consulted 19.07.2011. No response to date.

Publicity

Neighbour notification:

3 letters sent 19.07.2011, expired 09.08.2011.

Site Notice posted 12.08.2011, expires 02.09.2011.

Objection letter with 221 signatories and 4 additional letters of objection received. The principal issues raised are summarised as follows:

- The form and layout of the development is out of keeping with the surroundings and would have a harmful effect on the special character of the area
- The density of the proposal is the equivalent of 6 houses per acre(or 15 per hectare) which is out of keeping with other local properties
- The demolition of the existing property poses risks
- The revised Design and Access Statement is misleading
- Existing trees and hedges will be lost
- The proposal is contrary to policies DS13, BG4, S7, and S8 of the BDLP
- The proposal will cause traffic congestion and there are also complications in respect of access because of the position of a lamppost on Plymouth Road
- Berry Drive is an unadopted private road. There are also legal, title and party wall issues
- The information on the application form is misleading

- There would be a loss of residential amenity due to light, noise and overlooking and a loss of amenity for the residents of No. 4 Berry Drive arising from the position of the windows of the proposed plot 3.
- The unjustifiable demolition of a distinctive home is an unnecessary act of vandalism and would destroy the distinctive and distinctive character of the estate and its environs
- An unacceptable precedent would be set
- The proposal would directly cause the loss of amenity, privacy and environmental quality for local and adjoining residents
- The area cannot support any further density of housing
- There would be an adverse impact on the biodiversity of local flora and wildlife species and the extensive loss of mature natural hedgerow and trees.
- There is a government intent to stop garden grabbing and plot sub-division for speculative gain
- The development conflicts with the Council's sustainability/green objectives
- The proposal is contrary to local plan policies
- The proposal does not maintain the open aspect of the area
- It will exacerbate the difficulties which residents already face with traffic, public amenities, drainage and flooding, etc.
- The area is frequented by muncjacs, fallow deer, foxes and badgers, toads and bats and recently a smooth newt

Members are encouraged to read the Third Party representations, which are summarised above, in full on the planning file.

The site and its surroundings

The application site is a large detached house on the corner of Berry Drive and Plymouth Road. There are good levels of screening on all boundaries. The site is bordered to the east by Blakes Field Drive and faces Plymouth Road to the south. It is bordered by 4 Berry Drive to the north and 34 Plymouth Road to the east. The existing house is a two storey detached property with a link detached garage to the north. There is an open plan arrangement to the front of the properties facing onto Berry Drive. The properties on the opposite side of Plymouth are slightly set down in respect of the site.

Proposal

The proposal is a full planning application for the demolition of an existing dwelling and the erection of three dwellings. Plots 1 and 2 are proposed in the position of the existing property and plot 3 is proposed in the rear garden of this property and will face Plymouth Road. Members should note that the previous application was withdrawn as there was insufficient information in respect of the impact of the proposals on protected species. The current application is accompanied by a Bat Survey. The application is also supported by a Design and Access Statement and Water Management Statement.

Relevant Planning History

B1634	Erection of six dwellings on part of the grounds of 'Woodbury', Plymouth Road/Mearse Lane Granted 06.10.1975.
B/2010/1011	Proposed Demolition of Existing Dwelling and Erection of Three New Dwellings. Withdrawn 07.01.2011.

Relevant Policies

WMSS	QE1, QE2, QE3
WCSP	CTC.1, D.5, SD.2, SD.3, SD.4, SD.5, T.1
BDLP	DS4, DS13, S7, S8, C4, C17, BG4, TR1, TR11
Others	PPS1, PPS3, PPS9, PPG13, SPG1
DCS2	CP18

Notes

Members should note the large number of representations received in respect of the application. These issues will be considered in detail in the report below. The key test in assessing the application is whether the objections are well founded in planning policy terms such that there would be an identified harm to the character and amenity of the area.

I consider that the key issues in the determination of this application are:

- (i) The principle of development on this site;
- (ii) The impact of the plot sub-division and the resulting density and layout in respect of the character of the area;
- (iii) The impact of the proposal on the amenity of neighbouring residents.

In this respect, policies BG4, S7 and S8 of the Bromsgrove District Local Plan and the advice of PPS3 (Housing) and SPG1 (Residential Design Guide) are most relevant in determining the application.

Principle

Members should be aware of the amendments to PPS3 in respect of the exclusion of gardens from the definition of previously developed land. This does not mean that all proposals for residential development on gardens is unacceptable and each application must be considered on its own merit.

I consider that the principle of the development is acceptable provided that the proposal fulfils the requirements of the development plan.

I note that the representations appear to challenge the principle of development at this location. However, the site is located within the defined urban area and as such, I do not consider that current national and local planning policy establishes a presumption against development at this location. I examine the proposal on the basis of policies S7, S8 and BG4 of the BDLP and the advice of SPG1. Members should note that the application is

identical to the previous proposal apart from the reduction of the proposed garage on plot 2.

Design Density and Layout

The site forms part of an identified area for low density housing in respect of policy BG4. Policy BG4 states that the special character of the area should be maintained. The area consists of low density housing in a semi rural setting. The erection of the dwellings in the current proposal on a site of 0.32Ha would result in a site density of 9 dwellings per hectare. I note that the explanatory text of policy BG4 provides for an indicative density of 1 - 4 units per acre (approximately 3 - 10 units per hectare). Members should note the representations received in terms of increased density. I note that the site density would be higher than adjoining plots but there are areas of higher density along Plymouth Road and in the wider area. I consider that the proposal falls within the parameters of policy BG4 and is therefore acceptable in policy terms.

There have been many comments received in opposition to plot sub-division. Policy S8 seeks to prohibit plot sub-division and housing on backland sites where such development would be detrimental to the character of the wider area. I do not consider that the proposal amounts to backland development since it follows the street pattern of Plymouth Road and Berry Drive as a result of its corner plot position. I do not consider that the plot sub-division is of particular detriment such that permission can be refused on that basis. I note that permission was granted in B/1993/0142 for the erection of five dwellings at 27 Plymouth Road referred to as 'The Hollies' which similarly amounts to plot sub-division. I note that the application is a spacious corner plot but this is not the case for all of the dwellings on Plymouth Road and the retention of the set back from Berry Drive will enable the retention of the uniquely open aspect to this street.

In terms of the layout of the proposal, plots 1 and 2 are positioned on the footprint of the existing dwelling, allowing the retention of the open plan arrangement to the front of the properties on Berry Drive. There is no established building line along this section of Plymouth Road with No.34 set back, No. 40 set forward and the site adjoins the corner plot of 1 Blakes Field Drive. Members should note the level of screening on the Plymouth Road frontage which is largely being retained along with the trees to the front of proposed plot 3.

The design of the proposal would consist of three large detached houses with design similarities between plots 1 and 2 which are both hip roofed with similar elevation details. Plot 3 is a narrower profile and more elongated structure with a two storey set forward central range. I note the mix of designs in the area and I do not consider that the proposed designs are inappropriate. In terms of the revised scheme, plot 2 now contains a single garage set forward by approximately 2.5m which is a considerable reduction from the previous scheme. In the overall context of the scheme, I consider this acceptable.

I note the concerns of residents in respect of the character of the existing property. The house is not listed or in a conservation area, so therefore I do not consider that its removal breaches fundamental planning principles. I note the comments about the sustainability of demolition but this is a matter for the government and would require legislative changes. I have examined the original consent for the site (B1634) and there are no conditions which would preclude this proposal. I do not consider that the original

property, whilst an attractive house, is architecturally unique such that it warrants retention and protection. Overall, I consider that the proposal is acceptable in terms of its design, density and layout.

Residential Amenity

In terms of the amenity and privacy of adjoining occupiers, the advice of paragraphs 8.0 - 8.4 of SPG1 are most relevant. A minimum separation distance of 21m is required to achieve a degree of privacy between conventional two storey dwellings. The orientation of the plots is such that there is no conflict in terms of the requirements of Figure 14 of SPG1 between the proposed units. There is 25m separation distance to No. 25c Plymouth Road opposite Plot 2 and at least 50m to No 25 at a more oblique angle. Plot 3 is positioned to the front of a long driveway leading to No. 25b. In any event, the retention of the hedge on Plymouth Road mitigates any impact.

Members should note the comments received from the residents of 4 Berry Drive. However, any windows on Plot 3 are located between 46m and 52m from windows on No.4. This is twice the standard distance of SPG1 and the angle is oblique. I note that there are no windows main living room windows facing in the direction of No. 4 and in any event, there is screening and only oblique views would be afforded.

There is a separation distance of 35m between plots 1 and 2 and the property 34 Plymouth Road opposite. This property is oriented towards Plymouth Road and there is significant screening.

In terms of amenity space for the dwellings, the proposal would exceed the requirements of paragraph 9.0 of SPG1 for all of the plots.

Overall, the proposal conforms with the advice of SPG1 and or with the requirements of policy S7 (e).

Ecological Issues

The issue of harm to biodiversity has been raised in the representations received. The previous application was accompanied by a Baseline Ecological Survey and evidence of a small number of Pipistrelle bats was uncovered. Additional survey work was required. Daylight and dusk emergence surveys have been conducted and common pipistrelle bats have been discovered. Therefore, a European Protected Species License must be obtained. I consider that the survey has been conducted appropriately by a consultant ecologist and the species uncovered can be adequately catered for through the licensing process and appropriate conditions.

Members should note the representations received in respect of trees and hedges. I note that most of the trees on the site are being retained and the part of the hedge removed on Plymouth Road amounts to 2m out of a total length of 63m.

Other Issues

The site is below the threshold for the provision of an open space contribution in the context of SPG11. The history of the site indicates little likelihood of contamination and there is no objection from Environmental Health. The representations raised concerns

about drainage. Members should note that a Water Management Statement has been presented with the application which recommends a Sustainable Urban Drainage System (SUDS). The Drainage Engineer has commented that this arrangement can only be beneficial to the finished site. The objections in respect of increased traffic and the impact of construction traffic are noted. There is no objection from Worcestershire Highways. The issue of private ownership of Berry Drive has been raised and any rights and covenants are a legal matter and not a material planning consideration.

Conclusion

Members should note the number of representations received opposed to the application. However on the basis of the characteristics of the area and on the prevailing policies of the development plan, the proposal is acceptable. I do not consider that there is any harm which would impact negatively on the character of the area, the amenity of residents or on any environmental assets of acknowledged importance. Members should note the Draft National Planning Framework. Paragraph 110 states:

'The presumption in favour of sustainable development means that Local Plans should be prepared on the basis that objectively assessed development needs should be met, unless the impacts of doing so *would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.* Applications should be considered in accordance with the presumption'

Taking all matters into consideration and the emerging guidance of the National Planning Framework which requires a more responsive approach to the delivery of development, permission should be granted.

RECOMMENDATION: that permission be **GRANTED** subject to the following conditions:

1. C1
2. C1A
3. C3
4. C5 (modified)
5. C7
6. C10
7. C13
8. C14
9. C15
10. C16
11. C17
12. C18
13. C19
14. HC4
15. HC5
16. HC8
17. Ecological conditions.