

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr John Rudge	Demolition of detached dwelling and garage erection of two detached houses.  69 Rock Hill, Bromsgrove, Worcestershire, B61 7LN,	06.06.2016	16/0329

**RECOMMENDATION:** That planning permission be granted

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

### Consultations

#### **Conservation Officer** Consulted

The existing property would appear to date from the second half of the 19<sup>th</sup> century, as it appears on the 1<sup>st</sup> Edition of the OS Map, but according to Aisling is not on the Title Map. It would appear that the property has been partially rebuilt with slightly newer construction to the north west and north east elevations. This is supported by the map evidence; the 2<sup>nd</sup> Edition of the OS map shows a significantly smaller building than the 1884 map. However the core of the building is of some age, and the alterations are relatively early as the 2<sup>nd</sup> Edition OS Map dates from 1903.

The building has been stripped back to bare walls and floors have been removed as part of restoration scheme by the previous owner, however despite all these alterations the building is still of interest and can be considered a non-designated heritage asset. It clearly contributes to the historical development and character of the area. The restoration works could be completed and the property sensitively extended, therefore maintaining its character and historic interest.

Paragraph 135 of the NPPF requires a balanced judgement to be made between the scale of harm and the significance of a non-designated asset. Total demolition obviously amounts to substantial harm in terms of the NPPF, and bearing in mind that this building is of local interest I would have to recommend that this application is refused.

#### **Aisling Nash County Archaeological Officer** Consulted

69 Rock Hill is an unlisted historic building and is part of the 19th century ribbon development along Rock Hill. The exact date of the house is unknown however; while it is not shown on the earlier tithe map, it is shown on the 1st edition OS map and thus a date of the 19th century appears to be likely. While it is possible that the house has been subject to later alterations, it is considered to be a non-designated heritage asset.

The application proposes the complete demolition of 69 Rock Hill and the construction of two replacement dwellings. While it is accepted that many of the surrounding houses are later in date, there are several other 19th century buildings nearby. 69 Rock Hill represents one of the last, remaining vestiges of the post-medieval development of this

area and thus contributes to an understanding of the area's history. Although currently screened by a mature trees and wall, its total loss and its replacement with the proposed dwellings, would nonetheless be detrimental to the character of the area.

Paragraph 135 of the NPPF states that the significance of a non-designated heritage asset should be taken into account in determining the application. It also requires that a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset. In this particular case, a non-designated heritage asset (69 Rock Hill) would be completely lost and as such the scale of harm in this context is considered to be substantial and thus I would recommend refusal.

However, if the local authority is considering granting permission for this development, then I would recommend that a programme of historic building recording is attached to any consent.

**Highways Department- Worcestershire County Council** Consulted 09.05.2016

No objection subject to conditions

**Worcester Regulatory Services- Contaminated Land** Consulted 09.05.2016

No objection

**Worcester Regulatory Services- Noise, Dust, Odour & Burning** Consulted 09.05.2016

No objection

**Landscape & Tree Officer** Consulted 09.05.2016

No objection subject to conditions

**Drainage Engineers Internal Planning Consultation** Consulted 09.05.2016

No objection

**Parks & Green Space Development Officer Martin Lewis** Consulted 12.05.2016

No objection subject to conditions

**Relevant Policies**

NPPF National Planning Policy Framework

**Bromsgrove District Local Plan 2004 (BDLP):**

DS3 Main Locations for Growth  
S7 New Dwellings Outside the Green Belt  
S8 Plot Sub-Division  
DS13 Sustainable Development  
C17 Retention of Existing Trees

TR11 Access and Off-Street Parking

**Others:**

SPG1 Residential Design Guide

**Relevant Planning History**

No relevant history

**Publicity:**

18 letters sent on the 9<sup>th</sup> May 2016 (expired 30<sup>th</sup> May 2016) and re-consultation on the 7<sup>th</sup> June 2016 (expiring 21<sup>st</sup> June 2016)

1 site notice posted on the 17<sup>th</sup> May 2016 (expired 7<sup>th</sup> June 2016)

**Neighbour Responses**

1 objection has been received raising the following issues:

- Loss of light;
- Loss of privacy; and
- Damage to property during construction;

Councillor Thompson: The reason for the objection is as follows:

- The height of the development;
- Potential encroachment on the neighbours land;
- Loss of privacy;
- Potential devaluing of the neighbour's property; and
- The potential damage to the neighbours land during and after building.

**Assessment of Proposal**

**Site Description**

This application site consists of a modest detached property and a detached garage. There are substantial land level changes across the site. The northern corner of the site is set approximately 8m below the southern corner of the site. This results in the detached garage being set below the dwelling with a climb up a number of steps required to access the property. The property dates back to 19th century but is not currently in a habitable state. The site is located within the residential area and is bounded by residential properties on all sides.

**The Proposal**

Planning permission is sought to demolish the existing house and garage and erect 2 x 3 storey detached dwellings.

**Planning Considerations**

The main issues to be considered in assessing the application are the following:

- (i) The Principle of the Development;
- (ii) Residential amenity;
- (iii) Highways and Parking;
- iv) Street Scene Impact;
- v) Ecology; and
- vi) Other Considerations

### Principle of development

The site is located outside of the Green Belt within the residential area of Bromsgrove Town as defined on the Proposals Map. The proposal would add an additional unit to housing supply in Bromsgrove District in a sustainable location.

The basic principle of residential development is, therefore, considered to be acceptable and would accord with the advice of the National Planning Policy Framework and the provisions of Policies DS3, DS13, S7 and S8 of the Bromsgrove District Local Plan. However, it is considered that the proposed development will need to comply with the criteria of Policies S7 and S8, other relevant policies of the Bromsgrove District Local Plan and the detailed guidance contained within SPG1 (The Residential Design Guide).

### Character, Density, Form and Layout

The proposal seeks to demolish the existing cottage. The cottage is visible on the first ordnance survey maps meaning that it dates back to the 19th century. Therefore the building could be considered to be a heritage asset. However, the dwelling has been substantially modified over time and is now in a state of disrepair, to such an extent that it has not been habitable for a number of years. The Conservation Officer has visited the property and on balance feels that the loss of the heritage asset should be resisted. Taking into account the extent of previous alterations and the current condition of the dwelling it is felt that the limited harm arising from the loss of the building is outweighed by the addition of 2 new dwellings to the supply of housing in the district in a sustainable location. The removal of the building does therefore not unduly impact upon the historic environment.

Rock Hill consists of a wide variety of dwelling types including detached 2 storey dwellings, dormer bungalows and terraced properties. The dwellings were built in many different eras with some cottages dating back to the early twentieth century. On this basis it is considered that 2 detached dwellings would be in keeping in terms of their appearance within the street scene. Each dwelling contains 3 storeys but the 3rd storey is provided in the roof space. Due to the substantial change in levels across the site the existing rear gardens are several metres above the ground level at the entrance to the site. With some excavation required on the eastern side of the site the properties will effectively be built into the landscape with the rear garden positioned at the level of the first floor where the main habitable accommodation is provided. The ground floor consists solely of a garage for each property. Whilst 3 storey properties are not common in this locality, the range of property types means that the dwellings would not appear obtrusive. The properties have a gable ends and white render is proposed which is reflective of some properties on Rock Hill. The residential properties along Rock Hill follow a strong building line which the proposed dwellings would follow. Whilst the proposal dwellings are 1.8m higher than the adjacent dwelling the difference is not overly

apparent due to the separation of distance of 9.8m between No. 67 and the nearest of the 2 proposed dwellings. The density of the proposed development equates to 30 dwellings per hectare which is broadly consistent with the wider area.

For the reasons above, the proposed would be an acceptable addition to the street scene on Rock Hill in accordance with Policies S7 and S8 of the BDLP.

### Residential Amenity

Policy S7 states that new housing must not adversely affect the existing amenities of adjoining occupiers. SPG1, Residential Design Guide, provides guidelines with regards to criteria that should be met in order to ensure acceptable implications of designs in terms of residential amenity.

The closest dwelling to the proposed scheme is no. 67 Rock Hill. The elevation facing the proposed scheme contains 2 windows. One is a secondary window to a living room but the other is the only window serving a small study. The side elevation of the nearest proposed dwelling is 9.8m from the side elevation of No. 67. SPG1 recommends a distance of 12.5m between a facing elevation and the blank side elevation of a proposed new dwelling. However, this was written to reflect situations where there were a number of habitable windows at ground floor and first floor facing a nearby blank elevation. This isn't the case here as most of the habitable rooms in No. 67 have windows on the front and rear elevation which remains unaffected by the proposal. Whilst the outlook from the study may be compromised to a certain degree it is not considered that the proposal would be so overbearing for those using to study to warrant the refusal of this application.

The side elevation of the proposed dwellings contain 2 windows however these only provide light to the staircase and can therefore be obscurely glazed to ensure no loss of privacy to the occupiers of No. 67.

The closest proposed dwelling does not breach the 45 degree guideline when measuring from the nearest habitable window on the rear elevation of No. 67 and therefore no significant loss of light would occur to habitable rooms on the rear of the property.

Each dwelling has a private rear garden that is accessed from the first floor of the proposed properties. These gardens are substantially higher than the rear garden of No. 67 but as this area is already garden land at this higher land level there is effectively no change in this regard.

The private amenity space to the rear of the proposed dwellings would exceed the minimum standards of 70sqm set out in SPG1 whilst also achieving the 10.5m garden length required. This ensures that sufficient amenity space is provided for the occupiers of the proposed dwellings.

It is therefore considered that the proposal has no undue impact on residential amenity and fully accords with Policy S7 of the BDLP, SPG1 and the NPPF.

### Highways and servicing issues

In accordance with the County Council's Interim Parking Standards 2 spaces have been provided with each dwelling. The County Highways Officer has been consulted and raises no concerns subject to the imposition of planning conditions. The proposal therefore accords with Policy TR11 of the BDLP.

### Landscape

The majority of landscape features are located around the periphery of the site. The most notable feature is large oak tree which is adjacent to the rear site boundary (within the curtilage of No. 71) which is covered by a Tree Preservation Order. The Tree Officer has confirmed that the dwellings do not substantially incur into the root protection area of this tree. The Council's Tree Officer considered that the development can take place without an undue on trees. He therefore raises no objection subject to conditions. It is therefore considered that the proposal could be developed without undue impact on existing landscaping in accordance with criteria d) of policy S7 and Policy C17 of the BDLP.

### Ecology

In accordance with the relevant legislation the planning authority has a duty to ensure any proposal will not impact adversely upon protected species. A Baseline Ecological Survey and Bat Survey was submitted with the previous planning application. The survey shows that bats were not using the property and there was no other evidence of protected species within the site. Subject to the imposition of appropriate conditions there would be no undue harm to protected species in accordance with the NPPF.

### Other Considerations

Concerns have been raised over the impact of the development during the construction phase. These relate to the potential for landfall due to the level of excavation that is required. The area that requires excavation is furthest from the occupiers of No. 67 and therefore reduces the risk of any impact. It is important to note that no concerns have been raised by Worcestershire Regulatory Services. There is no evidence to suggest that No. 67 is under any serious risk of damage if the build phase is responsibly managed and controlled by the developers.

In terms of the additional comments put forward by Councillor Thompson, I have no evidence to suggest that the scheme is encroaching on land not in the ownership of the applicant. Members will also be aware that property values are not a matter for Members to pay regard to when considering the planning merits of the proposals.

### Conclusion

The proposal is considered to be acceptable in terms of its impact on the character and appearance of the street scene, amenity and highways, landscape and ecology considerations in accordance with Policies S7 and S8 of the BDLP, the guidance contained within SPG1 and the NPPF.

**RECOMMENDATION:** That planning permission be granted

**Conditions:**

- 1) The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:

15-58-01  
15-58-03  
15-58-04A  
15-58-05  
15-58-06

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 3) Details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.

- 4) The windows to be installed on the side elevations of the hereby approved dwellings shall be fitted with obscure glazing and any opening lights shall be at high level and top hinged only. The obscure glass shall be maintained in the said windows in perpetuity.

Reason: To protect the amenities of neighbouring residents in accordance with policy S7 of the Bromsgrove District Local Plan January 2004.

- 5) Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 2015 (or any Order revoking and re-enacting that Order), no additional windows or other openings shall be inserted in the side elevations of the approved dwellings without the prior written approval of the Local Planning Authority.

Reason: To protect the amenities of neighbouring residents in accordance with policy S7 of the Bromsgrove District Local Plan January 2004.

- 6) 2 undercroft car parking spaces per dwelling shall be provided on site and shall be reserved solely for that purpose and such spaces be made available for the use before the development hereby approved is occupied.

Reason: To comply with the Council's parking standards

- 7) Prior to the first occupation of the dwellings hereby approved secure parking for 4 cycles per dwelling to comply with the Council's standards shall be provided within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To comply with the Council's parking standards

- 8) Before the commencement on site of any works which are the subject of this permission, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-

- a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;
- b) full details of all proposed fencing, screen walls, hedges, floorscape, earth moulding, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when the building hereby permitted is first occupied. Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policies S7 and C17 of the Bromsgrove District Local Plan January 2004.

- 9) The Oak tree standing within the ground of 71 Rock Hill and closely adjacent to the South -Western corner of the site must have full protection in accordance with BS5837:2012 throughout any ground or development work on the site.

Reason: To protect important landscape features in accordance with Policy C17 of the BDLP

- 10) An arboricultural Impact Assessment and Method Statement should be submitted to and improved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To ensure that the correct measures are to be taken to protect the Oak tree standing within the ground of 71 Rock Hill and closely adjacent to the South - Western corner of the site.

- 11) No development shall take place until a Programme of Historic Building recording and Interpretation, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording.



- b) The programme for post investigation assessment.
- c) Provision to be made for analysis of the site investigation and recording.
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e) Provision to be made for archive deposition of the analysis and records of the site investigation
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: In accordance with the requirements of paragraph 141 of the National Planning Policy Framework.

- 12) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 141 of the National Planning Policy Framework.

- 13) Any external lighting fitted around the new properties should be muted / cowled / directional to avoid disturbance to wildlife.

Reason: To minimise the ecological impact of the development in accordance with the NPPF.

### **Informatives**

- 1) Please Note: A fee of £175 will be charged to the applicant for the formal provision of archaeological briefs, and for the checking and acceptance of Written Schemes of Investigation and Archaeological reports required by the local planning authority. The applicant or their successor in title must contact the officer below to arrange provision of the brief as soon as possible.

It will be the applicant's (or their successor in title) responsibility to contract an appropriate archaeological organisation to undertake the programme of works as detailed in the brief

- 2) The attention of the applicant is drawn to the need to keep the Highway free from any mud or other material emanating from the application site of any works pertaining thereto.
- 3) This permission does not authorise the applicant to carry out works within the publicly maintained highway.

Dropped kerbs to enable access onto properties for vehicles must only be constructed by Ringway Infrastructure Services, Worcestershire County Councils approved contractor. The applicant is solely responsible for all costs associated

with construction of the access. For further information, please contact Ringway direct on 01905 751651 or email: [worcestershirevehicle.crossing@ringway.co.uk](mailto:worcestershirevehicle.crossing@ringway.co.uk)

- 4) This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor following the issue of a license under Section 184 and 278 of the Highways Act, 1980.

Please contact Ringway Infrastructure Services, Worcestershire County Councils approved contractor. The applicant is solely responsible for all costs associated with construction of the access. For further information, please contact Ringway direct on 01905 761160 or email: [worcestershirevehicle.crossing@ringway.co.uk](mailto:worcestershirevehicle.crossing@ringway.co.uk)

- 5) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or Vehicular turning area does not discharge onto the Public Highway. No drainage or effluent from the proposed development shall be allowed to discharge into any Highway drain or over any part of the Public Highway.
- 6) The developer is recommended to have regard to Worcestershire Regulatory Services "Code of Best Practice for Demolition and Construction Sites" which can be found on the WRS website at <http://www.worcsregservices.gov.uk/media/448881/WRS-contractor-guidance.pdf>

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