

Name of Applicant	Proposal	Expiry Date	Plan Ref.
U.D.C (midlands) Ltd	Proposed demolition of existing dwelling and erection of 2 No. dwellings. 1 Plymouth Drive, Barnt Green, Birmingham, Worcestershire, B45 8JB	27.01.2017	16/1150

RECOMMENDATION: That planning permission be **Granted**

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

Consultations

Lickey and Blackwell Parish Council Consulted 09.12.2016

Lickey and Blackwell Parish Council supports local residents in objecting to this application as they have done on the two previous applications relating to this site. The demolition of the existing property makes this application still less attractive. We would request that the comments made by both statutory and non-statutory consultees are considered and the application refused

Highways - Bromsgrove Consulted 09.12.2016

No objection subject to conditions

Western Power Distribution Consulted 09.12.2016

No Comments Received To Date

Arboricultural Officer Consulted 09.12.2016

No objection subject to conditions

Drainage Engineers Internal Planning Consultation Consulted 09.12.2016

No objection subject to conditions

Parks & Green Space Development Officer Martin Lewis Consulted 09.12.2016

No objection subject to conditions

Publicity:

32 letters sent on the 12th December 2016 (expired 2nd January 2017)

21 letters of re-consultation sent on the 26th May 2017 (expired 9th June 2017)

1 site notice posted on the 16th December 2016 (expired 6th January 2017)

Neighbour Responses:

21 comments have been received. 18 of the comments are objections and the following issues have been raised:

- o Proposals are contrary to the Village Design Statement and Policy S8 of the Bromsgrove District Local Plan;
- o Large garden area would be lost which is contrary to the characteristics of the area;
- o Loss of hedgerow and trees;
- o Does not comply with government policy that prevents development on garden land;
- o Exacerbation of local traffic issues causing highway safety concerns close to junction with Plymouth Drive;
- o Proposal will impact on drainage, public amenities and wildlife;
- o Natural environment would be spoilt;
- o Harmful impact on the setting of the conservation area;
- o Loss of privacy;
- o Loss of light;
- o The form, density and scale of the development is out of character with this low density area;
- o Approval would set an unacceptable precedent;
- o Development over-powers street scene and would lead to a loss of openness;
- o Site could be of historical interest;
- o Electricity substation encroaches onto land proposed for the new build;
- o Proposal is very similar to what was previously refused;
- o Needless demolition of a very fine house;
- o Village is becoming increasingly congested;
- o Proposal amounts to an over-development of the site;
- o The plot has been reduced in size;
- o The trees fronting Plymouth Road should be protected as they are now covered by a TPO;
- o Harmful noise and disturbance during construction process;
- o Increased risk of surface water flooding;
- o Bat survey work is incomplete and further surveys need to be undertaken; and
- o badgers are in the vicinity

Two letters of support has been received highlighting the following matters:

- o The new properties are well proportioned;
- o The development is appealing and nonintrusive;
- o The application addresses the concerns previously raised
- o The layout has been carefully considered to comply with the Residential Design Guide;
- o There is no badger activity on the site; and
- o The current dwelling has no architectural merit;

A representation was received from Councillor Kit Taylor who stated that the application should be called into Planning Committee so Members can consider the impact of the development in the street scene, with particular regard to Plymouth Road.

Relevant Policies

NPPF National Planning Policy Framework

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP7 Housing Mix and Density

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP21 Natural Environment

Others

SPG1 Residential Design Guide

Relevant Planning History

14/1011	Construction of single detached dwelling and alterations and extension of existing dwelling	Refused	20.03.2015
16/0412	Proposed dwelling and garage	Refused & dismissed at appeal	22.07.2016

Assessment of Proposal

Site Description

This application relates to an existing dwelling, no. 1 Plymouth Drive and its extensive residential curtilage. The site is located within the residential area and is bounded by residential dwellings to the north and west with the highways of Plymouth Road and Plymouth Drive located to the south and east of the application site.

Proposed development

This application seeks planning permission for the demolition of the existing detached dwelling and the erection of 2 detached dwellings. The new dwellings would be accessed via a new entrance onto Plymouth Road. The application is a resubmission of application No.'s 16/0412 and 14/1007. Both of these applications sought to retain the existing dwelling and construct one additional dwelling within the curtilage. Both applications were refused on character grounds and an additional refusal reason regarding residential amenity was also included on the latter application.

Planning Judgement

The principal issues for consideration in this case relate to the following:

- The principle of the proposed development;
- Character and Street Scene Impact;
- Impact on Neighbour Amenity;

- Access and parking;
- Landscape and trees; and
- Biodiversity

Each matter will be given consideration under a separate heading below along with any other material considerations.

Principle of development

Paragraph 53 of the NPPF sets out that local planning authorities should consider setting out policies to resist inappropriate development of residential gardens where it would cause harm to a local area. This has been incorporated into the recently adopted Bromsgrove District Plan (BDP). Criterion of Policy BDP19 states that the development of garden land will be resisted unless it fully integrates into the residential area and is in keeping with the character and quality of the environment.

Other key policies in the Plan include BDP1 (Sustainable Development) states under criteria e) that regard will be had to residential amenity. BDP7 (Housing Mix and Density) seeks to achieve the best use of land whilst maintaining character and local distinctiveness.

The application site is located within the residential area of Barnt Green as defined on the Bromsgrove District Plan Proposals Map. There is general presumption in favour of residential development in urban areas however it is necessary to assess whether the proposals meet the specific criteria within the adopted plan and SPG1.

Character, Density, Form and Layout

One reason for the refusal of previous application (16/0412) was as follows:

- 1) *By virtue of the plot size, siting and scale of the proposed dwelling, the proposal would create a cramped and contrived form of a development at odds with the established character and the identified low density of the locality, contrary to policies DS13, S7, S8 and BG4 of the BDLP, policies BDP7 and BDP19 of the BDP, the provisions of SPG1, The Lickey and Blackwell Village Design Statement and the NPPF.*

This decision was appealed by the applicant and the Planning Inspectorate agreed the scheme was harmful to the character and appearance of the area (APP/P1805/W/16/3161757). In particular concerns were raised over the size of plots when viewed from Plymouth Drive and the cramped nature of the development due to the close proximity between the existing and proposed dwelling.

It is therefore important to consider whether the amended scheme overcomes this refusal reason and subsequent appeal decision. There are a number of key differences between the two proposals. The previous scheme retained the existing dwelling and proposed a single dwelling fronting onto Plymouth Road. This amended scheme proposes the demolition of the existing dwelling with 2 new dwellings fronting onto Plymouth Road. The dwellings are served by a single access and set back approximately 20m from

Plymouth Road ensuring that they do not appear unduly prominent. The number of protected trees and remaining hedgerow provide further screening.

Both properties would have substantial rear gardens of between 15 and 20m in length which is not dissimilar to other properties along Plymouth Road and importantly the unconventional side garden proposed on the previous scheme has been removed.

The plots are 20-25m wide which is again similar to some properties along Plymouth Drive. In addition the detached properties do not appear cramped as they retain spacious gaps between each other and the site boundaries.

The dwellings on Plymouth Road vary greatly in design but are generally large detached properties on spacious plots which are of no greater than 2 storeys in height. The proposed dwellings are 2 storeys in height with hipped roofs reducing the overall bulk of the development. It is considered that the individually designed properties would fit comfortably into the character of the Plymouth Road street scene.

On balance it is considered that the proposal would reflect the traditional pattern of development along Plymouth Road in accordance with policies BDP7 and BDP19 of the BDP and SPG1.

Residential Amenity

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 proposed dwelling on plot 1 would extend beyond the rear of the adjacent dwelling, No. 24 Plymouth Road but does not breach the 45 degree guideline ensuring that there would be no significant loss of light. A distance of 5m between the side elevations of plot 1 and No. 24 ensures that the proposal would not appear overbearing for the occupiers of the existing dwelling. The only window located on the side elevation of plot 1 facing No. 24 is at ground floor level. An appropriate boundary treatment would ensure that overlooking would not occur.

Plot 2 is sited a substantial distance from the nearest residential properties. A distance of 32m is retained from Peters Court to the north and 26m to No. 22 Plymouth Road which is to the south east. This level of separation ensures that there can be no significant amenity impact on these properties in accordance with the guidance within SPG1.

It is also necessary to consider the amenity levels that would be experienced for the occupiers of the proposed dwellings. Both are spacious properties with all habitable rooms having windows that provide an acceptable outlook.

SPG1 requires a minimum of 70sqm of private amenity space. The development leads to the sub-division of the existing residential garden of No.1 Plymouth Drive however the proposed private amenity space for each dwelling exceeds 200sqm. It is therefore considered that the areas provided are appropriate for large family sized dwellings.

Overall it is considered that the proposed dwellings would have an acceptable amenity impact in accordance with the guidance within SPG1 and Policy BDP1 of the BDP.

Access and parking

The proposal creates a new access onto Plymouth Road and an area of hardstanding providing sufficient space for parking and the turning of vehicles. The County Highways Officer has been consulted and raises no concerns to the development subject to the imposition of planning conditions. The proposal therefore accords with Policy BDP16 of the BDP.

Landscape and Trees

There are a number of trees on the site, some of which are covered by a Tree Preservation Order (TPO). The submitted layout indicates that the important trees on the site will be retained. Some tree will be removed however these are the trees of lower quality.

The Tree Officer considers that the proposals can take place without any undue impact on the important trees and therefore raises no objection subject to a number of conditions. It is therefore considered that the proposal could be developed without undue impact on existing landscaping in accordance with Policies BDP19 and BDP21 of the BDP.

Biodiversity

In accordance with the relevant legislation the local planning authority has a duty to ensure any proposal will not impact adversely upon protected species. An ecological survey was submitted with the application which indicated that the loft space had at some point been used as a maternity roost by pipistrelle bats. A further emergence survey was then undertaken to understand if the loft was still being used as a maternity roost. The survey did not identify any bats utilising the loft thereby indicating that it is not currently being used as a roost. Subject to the imposition of appropriate conditions there would be no undue harm to protected species in accordance with the NPPF.

Conclusion

The proposal is considered to overcome the previous concerns regarding the impact on the character and appearance of the area and residential amenity. In addition the scheme is considered to be acceptable in terms of its impact on highways, landscape and biodiversity considerations. The proposal therefore accords with policies BDP1, BDP7, BDP19 and BDP21 of the BDP and the guidance contained within SPG1 and the NPPF.

RECOMMENDATION: That planning permission be approved

Conditions:

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

16.10.01
16.10.02
16.10.03 Rev A
16.10.04
16.10.05 Rev A
16.10.06 Rev A
16.10.07 Rev A

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

- 2) 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.

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

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

- 4) The new site access shall not be brought into use until the entrance has been set back 2.0 metres from the rear of the adjoining footway. On each side of the set back entrance splays shall be formed at an angle of 45 degrees with the highway boundary and the whole of the splayed areas shall be graded and cleared so that no part thereof exceeds a height of 0.6m above the relative level of the adjoining carriageway.

Reason: In the interest of highway safety.

- 5) The development hereby permitted shall not occupied until one parking space for each dwelling has been equipped with an electric vehicle rapid charging point and once provided it shall be retained and maintained as such at all times.

Reason: To deliver sustainability benefits in accordance with policy BDP19 of the BDP

- 6) The development hereby permitted shall not be brought into use until the access, turning areas and parking facilities shown on Drawing No. 16.10.03 Rev A have been provided and these areas shall thereafter be retained and kept available for those users at all times.

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

- 7) Prior to the first occupation of the dwellings hereby approved secure parking for 6 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) All the trees located within the site and shown to be retained on Drawing No. 16.10.03 Rev A are afforded relevant protection in accordance with BS5837:2012 throughout any ground or construction works on site.

Reason: To protect important trees

- 9) Any encroachment into the BS5837:2012 RPA of T5 English Oak, T3 Sycamore and T6 Tulip Tree from the proposed driveway access shall be constructed on a Cellular No Dig Construction. This shall be used in conjunction with a porous road surface to allow air/moisture exchange to the rooting systems of these trees.

Reason: To protect important trees

- 10) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, an Arboricultural Method Statement or similar detailed schedule of tree protection works in accordance with British Standard BS5837:2012 shall be submitted to and approved by the Local Planning Authority.

Reason: In order to protect the trees, hedges & landscaping features which form an important part of the amenity of the site and adjacent properties in accordance with policies BDP19 and BDP21 of the Bromsgrove District Plan.

- 11) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the trees or hedgerows which are shown retained on the approved plans both on and adjacent to the application site shall be protected in accordance with the methods detailed in the approved Arboricultural Method Statement. These measures shall be maintained as detailed until all development has been completed.

Reason: In order to protect the trees, hedges & landscape features which form an important part of the amenity of the site and adjacent properties in accordance with policies BDP19 and BDP21 of the Bromsgrove District Plan

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

Reason: To ensure satisfactory drainage

- 13) Prior to occupation of the dwellings, details of the siting of 2 bat boxes suitable for the Pipistrelle species shall be submitted to and approved in writing by the local

planning authority. The boxes shall be erected in accordance with the approved details and maintained thereafter for the lifetime of the development.

Reason: To ensure satisfactory mitigation for bat habitats

- 14) Three bat roost ridge tiles shall be incorporated into the construction of each dwelling and remain in perpetuity for the lifetime of the development.

Reason: To ensure satisfactory mitigation for bat habitats.

- 15) 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 visual amenity of the site in accordance with policies BDP19 and BDP21 of the Bromsgrove District Plan.

Informatives

- 1) Any external lighting shall be PIR activated (as appropriate) or timed, and appropriately designed to prevent light pollution or spill to minimise potential disturbance of potential bat/bird/mammal forage or roosting sites and routes.

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