

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Jeremy Kimberley	Conversion and extension of two existing dwellings houses to create 10 x 2 bed apartments 77 Lyttleton Avenue, Bromsgrove, Worcestershire, B60 3LH,	11.10.2017	17/00786/FUL

RECOMMENDATION:

- (1) Minded to **APPROVE FULL PLANNING PERMISSION**
- (2) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration Services to determine the planning application following:
 - (b) The receipt of a suitable and satisfactory legal mechanism in relation to financial contributions for:
 - (i) Improvements to Charford Recreation Ground: £19,520
 - (ii) Provision of bins: £614

Consultations

Drainage Engineers Internal Planning Consultation Consulted 26.07.2017
No objection

Highways - Bromsgrove Consulted 26.07.2017
No objection subject to conditions

Waste Management Consulted 26.07.2017
The bin store will need to accommodate 20x 240ltr wheeled bins or 4 x 1100ltr Euro bins.

Leisure Services Manager Consulted 26.07.2017
With regard to the attached planning application Leisure Services would seek an off site contribution for any under provision of play and open space within the development.

Off site contributions calculated should be used within the Charford Recreation Ground to improve qualitative provision for appropriate under provision of open space and / or play provided on site.

Ecology Officer Consulted 26.07.2017
No objection subject to conditions

Arboricultural Officer Consulted 26.07.2017
No objection

Publicity:

18 letters sent on the 26th July 2017 (expired 16th August 2017)
18 letters of re-consultation sent on the 3rd October 2017 (expired 17th October 2017)
1 site notice posted on the 28th July 2017 (expired 18th August 2017)

Neighbour Responses:

3 objections have been received and the following issues have been raised:

- Over-intensive development;
- Insufficient parking;
- Already too much on-street parking; and
- Over-looking of rear gardens

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP7 Housing Mix and Density
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP21 Natural Environment

Others

NPPF National Planning Policy Framework
SPG1 Residential Design Guide

Relevant Planning History

11/0056	Demolition of part of No77 and No 79 Lyttleton Avenue and erection of 4 dwellings (As augmented by plan received 02.03.2011).	Approved	09.03.2011
11/0439	Demolition of part 77 Lyttleton Avenue and creation of one additional dwelling (plans as amended 12/09/2011)	Approved	16.09.2011

Assessment of Proposal

Site Description

This application relates to two dwellings, both of which are semi-detached and have extensive residential curtilages. The site is located within a residential area and is bounded by residential dwellings on three sides with Lyttleton Avenue providing the boundary to the south west of the site.

Proposed development

This application seeks planning permission for the extension and conversion of the dwellings to create an apartment block. This would consist of 6 x 2bed properties and 4 x 1 bed properties. The existing accesses off Lyttleton Avenue would be retained.

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;
- Biodiversity; and
- S106 Contributions

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). Criteria n 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 Council cannot currently demonstrate a 5 year supply of housing land. Paragraph 49 of the National Planning Policy Framework (NPPF) says that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. Therefore, in this case, the presumption in favour of sustainable development, as set out at paragraph 14 of the NPPF applies. Where relevant policies are out of date paragraph 14 advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. The policies which set out the restrictions are listed at footnote 9 of the NPPF, none of which apply in this case. The NPPF at paragraph 7 defines sustainable development as having three dimensions: economic, social and environmental. Following the consideration of all the relevant planning merits of the scheme a balancing exercise will be undertaken whether there are any adverse impacts in this case that significantly outweigh the presumption in favour of sustainable development.

The application site is located within the residential area of Bromsgrove Town 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 meets the specific criteria within the adopted plan and SPG1.

Character and Street Scene Impact

The area is characterised by traditional 2 storey dwellings which are a mix of terraced, semi-detached and detached properties. It is also noted that some apartment developments have been introduced on corner plots in the last 10 years.

In this case, the substantial gap between the two semi-detached property would be infilled to create the appearance of terraced dwellings. This is helped by the inclusion of 3 front doors and a projecting gable feature that matches that of the existing dwellings. The infilled section does not exceed the height of the existing dwellings ensuring the 2 storey appearance is retained. An access is provided through the development to a parking court yard at the rear ensuring that views of the large area of hardstanding are minimised. Hardstanding is also required at the front of the site for 6 spaces, although much of this is already in existence.

It is noted that in mathematical terms the density is high for this residential area however due to the careful design of the scheme, the scale and appearance give the impression of a series of terraced dwellings which retain the character and appearance of the street scene 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 infilling taking place is sited away from the boundary of neighbouring properties, Hannily Place (apartment building on corner of Flavel Road) and 36 Hewell Avenue. This ensures that there is no breach of the 45 degree guideline and the development would not appear over-bearing when viewed from the neighbouring properties. A minimum distance of 12m is retained between the rear elevation of the proposed building and the shared boundary fence with No. 34 Hewell Avenue. This exceeds the minimum standards within SPG1 ensuring that no substantial loss of privacy would occur.

It is also necessary to consider the amenity levels that would be experienced for the occupiers of the proposed dwellings. All apartments are of a sufficient size with habitable rooms having windows that provide an acceptable outlook.

The guidance within SPG1 suggests 30sqm of amenity space per flat should be provided. In this case approximately 110sqm has been provided in total whilst provides only 36% of the requirement. However it is important to note that those purchasing flats generally do not require a garden and it is unlikely many children would be present due to the size of the units. Some useable private space has been provided which can be used to provide space for the drying of washing and the general enjoyment of occupiers.

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 scheme provides a total of 16 parking spaces with 6 located at the front with the remaining 10 located in a rear courtyard. This level of provision accords with the County Council's parking standards. The scheme utilises 2 existing accesses the County Highways Officer raises no concerns to the development subject to the imposition of planning conditions. The proposal therefore accords with Policy BDP16 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. A bat survey was submitted with the application which shows no signs of bats and limited potential for bats in the future. Subject to the imposition of appropriate conditions there would be no undue harm to protected species in accordance with the NPPF.

Planning Contributions

In accordance with paragraph 204 of the NPPF and section 122 of the CIL planning obligations have been sought to mitigate the impact of this major development, if the application were to be approved. The obligations would cover open space improvements to Charford recreation ground and the provision of bin storage. Financial contributions on these matters have been informally agreed with the applicant and work on the legal agreement is underway. Subject to the signing of the S106 agreement the proposal would have no adverse impact on infrastructure in the local area.

Conclusion

As stated previously there are 3 strands to sustainable development. In relation to the economic dimension the development would provide some benefit to the local economy in terms of providing employment for construction trades and increasing demand for building materials. With reference to the social dimension the proposal would make a positive contribution towards the supply of housing in the locality in a location defined as being appropriate for residential development. In terms of environmental considerations the proposal would respect the character of the local area and not result in any harm to protected species. As such the proposal represents a sustainable form of development that in accordance with paragraph 14 of the NPPF should be granted permission.

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Conditions:

- 1) The development hereby approved shall be carried out in accordance with the following plans and drawings:

3174_001
3174_002 Rev D

REASON: To provide certainty to the extent of the development hereby approved 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) All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing building, or if a near match cannot be found, the written approval of the Local Planning Authority should be obtained for materials prior to development commencing. 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 and in accordance with Policies in the Local Plan.

- 4) Before any other works hereby approved on the application site are commenced, the new entrance shall be set back 2 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) Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6m above ground 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 along the nearside edge of the adjoining 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

- 6) For its first 5m measured back from the footway edge the access shall be constructed in a bound material.

Reason: In the interests of highway safety.

- 7) The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with the approved plans 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.

- 8) 16 car parking spaces 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 parking standards

- 9) Prior to the first occupation of the dwelling hereby approved secure parking for 16 cycles to comply with the Council's standards shall be provided within the curtilage of the dwelling and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To comply with the Council's parking standards

- 10) The development hereby permitted shall not be brought into use until one of the new parking spaces has been equipped with an electric vehicle rapid charging point (32 Amp, 7 KW) and once provided it shall be retained and maintained as such at all times.

Reason: To comply with parking standards

- 11) Prior to occupation details of the siting and specification of 1 bat box shall be submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall be installed in accordance with the approved details and shall remain for the lifetime of the development.

Reason: To secure biodiversity enhancements in accordance with the NPPF and Policy BDP21 of the Bromsgrove District Plan.

Informatives

- 1) Your attention is drawn to the provisions of the Section 106 Agreement which accompanies this permission.
- 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

- 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

- 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.

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