

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr S Stokes	Proposed demolition of existing dwelling and erection of 2 No. dwellings.  1 Plymouth Drive, Barnt Green, Birmingham, Worcestershire, B45 8JB	27.02.2019	18/01210/FUL

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

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

### Consultations

**Lickey And Blackwell Parish Council** Consulted 03.01.2019

Lickey and Blackwell Parish Council object to the proposal on the character of the area, garden grabbing development, size of plot not sufficient for two dwellings plus substation and amenity impacts on existing and proposed dwellings.

The Parish also request that the considered views of residents, expressed against this application are taken into consideration.

The Parish would support any conditions that may be requested by the Landscape & Tree Officer and the Drainage Engineer if permission were to be granted (as per the previous application).

**Highways - Bromsgrove** Consulted 03.01.2019

No objection subject to conditions.

**Arboricultural Officer** Consulted 03.01.2019

No objection subject to conditions including an arboricultural impact assessment and method statement to be provided.

**North Worcestershire Water Management** Consulted 03.01.2019

No objection subject to condition.

### Publicity

37 letters were sent to adjoining properties on 3<sup>rd</sup> January 2019 and expired 27<sup>th</sup> January 2019.

One site notice was displayed on 4<sup>th</sup> January 2019 and expired 28<sup>th</sup> January 2019.

Seven letters of representation have been received from third parties following this public consultation. The comments received have been summarised and grouped as follows;

#### **Layout and Character**

- Application follows significant level of development in Barnt Green
- Area has become the most highly densified area of Barnt Green

- Proposal would have adverse impacts on the character of the area
- Although area is built up views are open with soft landscaping in character
- Houses do not reflect local character

### **Design**

- The existing dwelling sits in a large plot and is a house with unique features
- White render out of keeping with Plymouth Drive
- Proposed dwellings are larger than previous scheme approved on site (gone from 4 bed to 5 bed)

### **Amenity**

- Plot 1 would cause overlooking to Cedar House, 22 Plymouth Road
- View and outlook from No. 3 Ashley Court will be ruined
- Disruption during build

### **Trees, Highways and sewage**

- Impact to trees
- Impact on local sewage
- Dangerous on corner of road
- The developers should make proper provision for parking their vehicles as the road is not equip for heavy traffic
- Dirt on pathways during construction

### **C. B. Taylor** Consulted 03.01.2019

Cllr Taylor has requested the application be heard at committee due to the level of public objection to the scheme.

### **Relevant Policies**

This proposal has been assessed against the following documents

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP7 Housing Mix and Density

BDP19 High Quality Design

BDP21 Natural Environment

#### **Others**

NPPF National Planning Policy Framework (2019)

SPG1 Residential Design Guide

Lickey and Blackwell Village Design Statement

### **Relevant Planning History**

16/1150	Proposed demolition of existing dwelling and erection of 2 No. dwellings.	Granted	04.07.2017
16/0412	Proposed dwelling and garage	Refused	22.07.2016
14/1011	Construction of single detached dwelling and alterations and extension of existing dwelling	Refused	20.03.2015

## **Assessment of Proposal**

The application site is located within the residential area and is a corner plot on Plymouth Road and Plymouth Drive. The site currently comprises of one dwelling with an access from Plymouth drive within a substantial garden covered in a number of trees some of which are covered by a Tree Protection Order. This application follows a number of applications on this site including application reference 16/0412 for the construction of 1 dwelling in the garden of No. 1 Plymouth Drive which was refused and dismissed at Appeal, and extant planning permission reference 16/1150 for demolition of existing dwelling and the construction of two dwellings on site. The amendments from the previously approved scheme alter the design of dwellings fenestration and re-orientate the dwellings within the plot and retain an access off Plymouth Drive. Given the siting and orientation of the proposed dwellings it would not be possible to part implement both schemes on site.

### *Character, Density, Form and Layout*

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 and 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 meets the specific criteria within the adopted plan and SPG1.

The proposal results in the demolition of the existing dwelling and construction of two new dwellings. Objections have been raised by local residents on the design and scale of the dwellings and the use of render as the external materials. Barnt Green was traditionally an area of individually designed dwellings on large spacious plots. It is noted that Plymouth Road has been subject to a number of developments in recent years however these have maintained some level of spacious character. Plymouth Road has a variety of style of dwellings including Mock Tudor fenestrations, hanging tile detailing, red and beige brick and a 1920's rendered flat roof dwelling opposite Berry Drive to the west of the site. The proposed dwellings have been individually designed in an arts and crafts style with chimney details and hipped roofs. The dwellings are considered to be of a good design and would sit comfortably in the mix of dwellings locally.

Plot 1 sits on the corner of Plymouth Road and Plymouth Drive and has been designed to address this corner in its fenestration details. Plot 2 is sited in a similar position to the current dwelling No. 1 Plymouth Drive. It is acknowledged that the position of the dwellings are closer to the previously refused application reference 16/0412 and therefore it is important to ensure that the concerns raised at that appeal are overcome and not recreated with this amendment. The area is strongly characterised by substantial houses in large, spacious and verdant plots. The Planning Inspector raised concerns previously 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 dwellings. Due to the demolition of the existing dwelling and the change of position of plot 2 in the

site, a better layout with a large garden is achieved for both dwellings. Furthermore due to the design of the large hipped roof at first floor level on both of the proposed dwellings the scheme has maintained a visual separation between the two dwellings when viewed from Plymouth Drive. The layout achieves a 6m distance between the two dwellings which is the same as the previously approved scheme.

BDP7 of the Bromsgrove District Plan has two aims, firstly for development proposals to focus on delivering 2-3 bed dwellings and for the density of new housing to make the most efficient land use whilst maintaining character and local distinctiveness. Both plot 1 and 2 are large 4-5 bedroom houses and therefore are not delivering the smaller houses required. It is also noted that local concern has been raised in respect of the scale of the dwellings proposed. However, it is noted that there is an extant planning permission on site for two 4 bed dwellings and therefore the determining matter is whether the larger dwellings on site would have an adverse impact on the character and density of the area. Barnt Green is characterised by large detached dwellings and therefore delivering these smaller dwellings would likely result in the development not maintaining local distinctiveness. Furthermore although the proposed dwellings are larger than the previously approved as outlined above sufficient space around the dwellings has been maintained and therefore the proposed dwellings are considered to sit comfortably within the plot. 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

Objections have been raised by No. 22 Plymouth Drive on the grounds of overlooking by the proposal. Plot 1 does face onto this dwelling however achieves a separation distance of 25m to the edge of the neighbours garden and 29m to their side elevation. This distance exceeds the Council's separation distances within the Supplementary Guidance Document and given the nature of the boundaries with substantial vegetation no concerns are raised in respect of neighbour amenity. Given the orientation and distance achieved to the surrounding dwellings 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 trees 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 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.

### Public consultation

The Parish Council have raised concerns that the proposed development does not accord with the Village Design Statement however from the assessment above in this report the spacious verdant character of the area is considered to be reflected with the design of this scheme. Other matters raised such as the support of conditions that may be requested and for officers to take into consideration the public comments are noted. The removal of trees that are not subject to a TPO on site is not development and has not been raised as a concern by the Tree Officer.

Seven letters of objection have been received raising concerns to the principle of this development, the loss of the existing dwelling, the scale and design of the dwellings and overlooking. These matters have been addressed within this report. One letter has also highlighted concerns in respect of the building works and the disruption that this could cause locally. Due to the small scale of the development is not considered necessary to control construction details by condition however building works are subject to other controls under the Environmental Protection Act particularly on hours of operation as to not cause a noise nuisance and any obstruction of the road is a criminal offence for the police to manage. The loss of a view is not a planning consideration however the recommendation includes a landscaping scheme to be submitted which can ensure that any planting does not reduce the neighbours' view of the dwellings. Concerns have further been raised on the impact of the proposal on the local sewage. This matter has been addressed by North Worcestershire Water Management and a condition has been placed on this recommendation to address this matter.

### 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. Members also need to be mindful of the fall-back position in terms of approved scheme 16/1150 that remains extant.

**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:

3242 -SK-01-Proposed Site Plan Rev F  
3242 -SK-02-Proposed Location Plan Rev F  
3242 -SK-010- Plot 1 Plans  
3242 -SK-015- Plot 2 Plans  
3242 -SK-021- Plot 1 Proposed Elevations  
3242 -SK-026- Plot 2 Proposed Elevations

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

- 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) All the trees located within the site and shown to be retained on Drawing No. 3242-SK-01-Proposed Site Plan Rev F are afforded relevant protection in accordance with BS5837:2012 throughout any ground or construction works on site.

Reason: To protect important trees

- 5) Any encroachment into the BS5837:2012 RPA of T5 English Oak, T3 Sycamore and T6 Tulip Tree from the proposed driveway access and patio 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

- 6) Prior to 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.

- 7) Prior to 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.

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

- 8) Prior to installation a plan showing the routing and specification of any utility service lines to be installed on site 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 protect important trees

- 9) 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: Given the proximity of the site to the adjacent ditch to ensure that the site does not result in flooding. This is required to be a pre commencement condition, as often the first phases of a development (ground works) can pose the highest risk.

- 10) 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.

- 11) The Development hereby permitted shall not be first occupied until the proposed dwellings have been fitted with an electric vehicle charging point and thereafter the charging point shall be kept available for the charging of electric vehicles.

REASON: To encourage sustainable travel and healthy communities.

- 12) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 3242/SK/01 Rev F.

Reason: To ensure conformity with submitted details.

- 13) The proposed dwelling Plot 1 shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the new proposed 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 and offset a 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.

- 14) All proposed works shall be carried out in accordance with the recommendations as set out in the Bat Emergence Survey by Dave Fulton dated November 2017 and updated on 25<sup>th</sup> January 2019.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan No. 4 and Paragraph 170 of the NPPF.

- 15) 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

- 16) 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.

**Case Officer:** Emily Farmer Tel: 01527 881657  
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