

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Peter Head	Outline application for demolition of garage and dwelling and erection of 5 detached dwellings and 1 bungalow. Access and layout to be considered. All other matters reserved. Hagley Specialist Cars, 5 Worcester Road, West Hagley, Stourbridge, Worcestershire DY9 0LF		18/00860/OUT

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

RECOMMENDATION: That outline planning permission be **GRANTED**

Consultations

Hagley Parish Council

We maintain the view that access to this land through Milestone Drive is unacceptable, because this is already too large an estate to have such limited access.

Parts of A456 are the busiest A-class road in Worcestershire. The section between the Cross Keys Garage (at its SW end) and the junctions with Western and Summervale Roads (at its NW end) is particularly congested. The only side roads joining are Newfield Road and Millpool Close on the opposite side to this. Any increase in the need for vehicles to turn across the flow of traffic into or out of this site will be dangerous. We nevertheless consider that the reinstatement (or rebuilding) of the abandoned house adjoining the garage and the replacement of the garage with two houses fronting to the main road would be acceptable, as mirroring the density and plot depth of adjacent properties. We are thus objecting to the development of plots 4-7.

Furthermore, the drive leading to plots 4-7 is a much used public footpath, but too narrow to have both a drive for cars and a pavement for pedestrians.

We consider (as stated) that the development of plots 1-3 with gardens to the full depth of the site would be acceptable. This would match existing properties, but that is not what is being applied for. Such an application should strictly comply with the building line of existing adjacent properties, to ensure that there is plenty of space to enable vehicles both to enter and leave the forecourt in a forwards direction: the plans submitted may well comply with that. However planning applications stand or fall as a whole being determined in the plans submitted. We therefore object to this application.

WRS - Contaminated Land

No objection subject to remediation conditions.

Waste Management

No Comments Received To Date

Worcestershire Wildlife Trust

No Comments Received To Date

WRS - Noise

Due to the limited scale of the proposed development it is not necessary for a noise assessment to be submitted, subject to a condition regarding details of enhanced glazing and suitable acoustic tricks vents.

NWWM

No objection to the proposed development subject to conditions regarding

1. Site drainage strategy

Highways - Bromsgrove

No objections subject to conditions.

1. Vehicular access
2. Residential Parking Provision
3. Electric vehicle charging points
4. Cycle parking
5. Vehicular visibility splays
6. Development shall not be brought into use until access, turning and parking facilities has been provided

Worcestershire County Council Countryside Service - Public Rights of Way

No objection

Publicity

A total of 36 letters were sent on 13th July 2018 to neighbours, which expired on 6th August 2018.

In terms of the revisions to the application, a total of 39 letters were sent to neighbours and contributors on the 20th December 2018, which expired on 10 January 2019 .

Due to amendments to the scheme, two consultation exercises have been undertaken. 7 objections from 5 residents are summarised as follows:-

- Overdevelopment
- Highway safety and traffic generation
- Pedestrian safety due to lack of footpath
- Disruption due to the construction phase
- Impact on amenity
- Lack of parking
- Concerns that vehicles will use Milestone Drive

6 letters of support from 4 residents are summarised as follows:-

- Current site is unsightly
- Enhance the character of the site

- Improve security and remove the anti-social problems related to the site and the vacant property at 7 Worcester Road
- Less highway impact than the current garage

Councillor Colella

The proposal for the development at Milestone is an example of garden grabbing and back land development, something that is discouraged by the NPPF. This is inappropriate development and sets unsafe precedent. Back land development should be discouraged, Hagley has seen significant development in recent times with large developments still underway, therefore there is no need and for these reasons should be refused.

The Councillor also raises concerns regarding the lack of detail submitted, highway safety and impact in this area and the wider Hagley area, concerns raised by the Parish Council and concerns regarding access to Milestone Drive.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
 BDP2 Settlement Hierarchy
 BDP7 Housing Mix and Density
 BDP16 Sustainable Transport
 BDP19 High Quality Design
 BDP21 Natural Environment

Others

NPPF National Planning Policy Framework (2019)
 NPPG National Planning Practice Guidance
 SPG1 Residential Design Guide

Relevant Planning History

17/0250	Demolition of existing garage and dwelling, redevelopment of up to 5 dwellings	WDN	26.04.2017
B/18380/1989	Erection of new shop front.	Granted	09.10.1989
B/18381/1989	Display of externally illuminated fascia sign.	Granted	09.10.1989
B/14485/1986	Change of use from garage to hot food takeaway	WDN	22.10.1986

Assessment of Proposal

The Site and its Surroundings

The site is located in the western part of Hagley to the north of Worcester Road. The site is 0.2ha in area and is rectangle in shape. The western half of the site is occupied by a car dealership and garage. The eastern half of the site is occupied by a depilated and vacant detached dwelling (7 Worcester Road) with rear garden. The site also includes part of the rear garden of 9 Worcester Road.

The site is bounded to the north and east by residential properties. A lane bounds the site to the west with further residential properties beyond that, Worcester Road and further residential properties lie to the south.

Background on the current use of the application site

The site has been in the applicant's ownership since 1986. It was formally Smiths Garage and over the last 33 years the applicant has continued to develop and maintain a successful business. However, supporting information submitted by the applicant indicates that the garage site and showroom is no longer viable due to internet sales and competition from manufactures retail wholesale outlets. The business has suffered from vandalism and theft from the garage forecourt resulting in a reduction in the out of hour's display of cars which has also affected sales.

The applicant has indicated that following a period of vandalism and anti-social behaviour at 7 Worcester Road the property became vacant, which exacerbated the problems associated with the property. Following the advice of the police, they boarded up the property. The applicant has been unable to resolve the problems with the property and the property has fallen into disrepair.

The site is currently not on the market, as the applicant would like to development the site himself. The applicant has indicated that the site has previously had commercial interest from agents representing convenience stores, fast food outlets, car wash operators and other commercial developers.

Proposal

This is an outline application to establish the acceptability of the principle of constructing 6 dwellings on this site, following the demolition of the car dealership and vacant dwelling. Consent is sought at this stage for the means of access to the site (which will be from Worcester Road) and the layout of the proposed dwellings. The remaining matters of appearance, scale and landscaping could be considered as part of any future reserved matters application. The proposal will comprise one and two storey dwellings and proposes to deliver a mix of properties consisting of;

- 1 x 3 bedroom bungalow
- 3 x 3 bedroom detached dwelling
- 2 x 4 bedroom detached dwelling

The application has been amended during the application process, originally it proposed to use the right of access the site has to Milestone Drive to access a number of the proposed dwellings. However, following an objection from County Highways that element of the proposal has been removed. All the proposed dwellings will not use Milestone Drive for access and will use Worcester Road.

The Principle of the Development

The proposal is located within the urban area of Hagley where the principle of residential development is acceptable, subject to ensuring that development enhances the character and distinctiveness of the local area having regard to BDP19 of the Bromsgrove District Plan. The site is not allocated for any particular use within the Bromsgrove District Plan (including employment uses), but is surrounded by residential development with the character of the area being one dominated by residential uses. The principle of residential development on the site is therefore considered to be acceptable in principle.

Applications should be determined in accordance with the policies in the plan unless material considerations indicate otherwise. In the case of residential development, Paragraph 11 of the National Planning Policy Framework 2019 (NPPF) states that 'decisions should apply a presumption in favour of sustainable development' for decision taking where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date. This includes, for applications involving the provision of housing, where the local planning authority cannot demonstrate a five- year supply of deliverable housing sites. The first key question therefore is whether the Council can demonstrate a five-year housing supply.

The Council has published its 5 Year Housing Land Supply Report with a base date of 1st April 2017. This concludes that the Council cannot currently demonstrate a five year housing land supply, being able to demonstrate 4.57 year supply of deliverable land for Housing. This document concludes that the Council falls short of a 5 Year Supply of Land for Housing.

In these circumstances, this application should be considered with regard to the presumption in favour of sustainable development as set out in Paragraph 11d of the NPPF. This means that planning permission should be granted unless the adverse impact of doing so would significantly outweigh the benefits when assessed against the Framework as a whole, or in specific circumstances where development should be restricted. Local Plan policies continue to be relevant to determining site-specific issues and whether a development can be considered 'sustainable'.

Design, layout and appearance

The site is in a prominent location along Worcester Road. The proposed buildings will replace a garage, sales room and forecourt and the existing depilated dwelling at 7 Worcester Road. The site is currently considered to detract from the character and appearance of this area of Hagley. It is considered that garage and sales room are out of keeping with the residential nature of the surrounding area. It is considered that a residential use of the site could be more sympathetic to the character and appearance of the surroundings.

The application is outline with appearance, scale and landscaping reserved for future consideration.

The scheme as originally submitted proposed 7 residential units. The proposed development has been amended during the application process to reduce the number of dwellings from 7 to 6 following concerns from Officers that 7 dwellings constituted an over development of the plot and that the stand-alone bungalow unit was particularly out of context with the character of the surrounding area.

With respect to the proposed layout, this demonstrates that 6 dwellings could be accommodated with provision for private amenity space, internal road and parking provision. It is noted that the proposed layout is denser than the detached properties along Worcester Road. However, it is considered that the density of the proposed development will make an efficient use of land,

The site lies alongside existing residential use and would continue the linear form of development along Worcester Road (plots 1-3). These dwellings could be designed to be in keeping with the existing street scene and could be constructed using similar materials, housing types (detached) and be built to the same or similar ridge heights as the nearest neighbours as to avoid any adverse visual incongruity along the street scene.

To introduce further properties on plots 4-6 in this locality could result in a contrived pattern of development which would fail to respond to the existing patterns of buildings and spaces along Worcester Road. However, the garage site represents a significant change in character in this area, to the west of the site the character of Worcester Road changes with smaller properties which are set further from the road, to northwest of the site there are two substantial bungalows and a two storey dwelling, beyond this is the residential housing estates built in the 1960s, which represent a further change in character and appearance.

These factors contribute to the character of the area and whilst dwellings siting off set other dwellings (in plots 4-6) are not a characteristic of Worcester Road, it is similar to some of its immediate neighbours and it is not an unfamiliar feature in the wider context of the site.

The layout of the proposal would therefore not disrupt the established pattern of development in this locality and would not be a detriment of the established character of the area. The site is capable of accommodating development laid out as proposed without causing harm to the character of the area.

Residential Amenity

Policy BDP1: Sustainable Development Principles requires that in considering new development, regard will be had to:

“e) Compatibility with adjoining uses and the impact on residential amenity”

There have been a number of neighbour responses received, objecting to the development. One immediate neighbour at 55A Milestone Drive has raised concern regarding any side facing windows overlooking their property.

Plot 6 will be sited less than 1 metre from the boundary with 55A Milestone Drive. However, the previously proposed two storey dwelling in this location has been amended to a bungalow and on that basis it is not considered to be overbearing or have a detrimental impact on the residential amenity of the occupiers of 55A Milestone Drive.

SPG1 recommends a minimum garden depth of 10.5m for a family dwelling with 3 bedrooms with an absolute minimum area of 70 sq m. In terms of plots 1-3, while the size of their gardens are over 70 sq m, the minimum depths are less than 10m. Plots 4-6 have similar sized gardens, which are not considered to achieve this depth recommendation.

Plots 4-6 have shallow gardens between 7.9m and 9.3m in length. The guidance within SPG1 suggests 5m per storey to prevent overlooking of private rear gardens. It is considered that the rear elevations of these properties would result in a level of overlooking of the rear garden of 11 Worcester Road and would not accord with the guidance with SPG1. However, it should be noted that the garden at 11 Worcester Road is over 40m in length and the proposed dwellings would not have an uninterrupted view from a main room, to the most private area of the garden, which is often the main sitting out area adjacent to the property. It is also worth noting that 11 Worcester Road has not objected to the proposal and has written to support the scheme.

SPG1 also recommends 12.5m between a window wall and flank wall. The property at 9 Worcester Road at 13.7 m from a window wall to the flank wall of plot 4 is considered to be acceptable. However, the distance of 11.1m from plot 3 to the flank wall of plot 4 will only be 10.9m, which is less than the required standard.

From a design perspective this part of the scheme is not considered to be representative of what Policy BDP1, BDP19 and SPG1 are seeking to achieve and thus carries negative weight in the overall planning balance.

Housing Mix

The housing mix as proposed on plan is considered to be an appropriate mix having regard to Policy BDP7. The details of the house sizes can be further assessed during a reserved matters application.

Highways and Parking

Policy BDP1: Sustainable Development Principles taken from the Bromsgrove District Plan requires that in considering new development, regard will be had to: "Accessibility to public transport options and the ability of the local and strategic road networks to accommodate additional traffic".

The proposed development is located off Worcester Road, a classified road with a 40mph speed limit. At present the site is a commercial development (garage) selling sports cars with a full dropped kerb frontage. The access located to the east of the site is a PRow access. Two properties and the garage at present have access off this PRow. This access leads into Milestone Drive turning head. The access varies in width ranging between approximately 3m – 4m.

WCC Highways consider that the proposal is a lower trip generator than the existing garage use. There are no highway objections to this proposed outline application for demolition of garage and dwelling.

The visibility splays for pedestrians and cars are provided on the site layout plan. Since the proposal is a lower trip generator the existing vehicular visibility splay, located off Worcester Road are acceptable in this instance. The access width is compliant with the SDG and therefore WCC cannot see any detriment to the PRow. There is no S106 requirement based on scale and net impact of the proposed development.

As referred to earlier in this report, having regard to the presumption in favour of sustainable development as set out in Paragraph 11d of the NPPF and that that planning permission should be granted unless the adverse impact of doing so would significantly outweigh the benefits when assessed against the Framework as a whole, subject to the imposition of the planning conditions as recommend by WCC highways, no objections are raised to the application in terms of highway impacts.

Flood Risk and Drainage

The site is located in Flood Zone 1 and is at low risk of flooding. A site drainage report has been submitted as part of this application which has been examined by North Worcestershire Water Management who raise no objection subject to a planning condition.

Ecology

The local authority has a duty to consider whether proposals will have an impact on protected species. The applicant has undertaken surveys to ascertain the presence of protected species on the site, the habitats which are likely to support such species and the presence of any other ecological features. This includes a Preliminary Ecological Appraisal and Ecological Appraisal detailed Phase 2 Surveys relating to reptiles.

The assessment makes a number of recommendations in relation to the redevelopment of the site. The recommendations are matters that can be reasonably controlled by condition. Whilst the habitats on site are not a constraint to development, there is good potential to enhance the habitats on site and create a net gain in ecological value.

Right of Way

The Right of Way officer has commented that the application area incorporates Hagley Footpath HE-510. The Right of Way officer concludes that the application should not have a detrimental effect on the public right of way if the applicant notes the comments made by the officer and adheres to the standard obligations.

Planning Balance and Conclusion

The Framework states that decisions should apply a presumption in favour of sustainable development. For decision taking purposes this means, as set out at paragraph 11 of the Framework that where the policies which are most important for determining the application are out-of-date, granting planning permission unless: adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this case because the Council cannot demonstrate a 5 year supply of deliverable housing sites the policies which are most important for determining the application are out-of-date.

In this instance the site is located within a residential area and weight should be afforded to the fact that the proposal would result in the net gain of 5 dwellings, so it would make a contribution to the Council's housing figures. Account should be taken of the opportunities the development would create for local businesses in its construction and removal of this employment use in a residential area. Account should also be taken of the opportunity to remove a negative commercial operation and introduce residential use across this primarily brownfield site. The proposal would have an acceptable impact upon highways, ecology, drainage, contamination and character.

However, for the reasons as previously set out in this report, the proposal is considered to cause some harm upon residential amenity by virtue of the layout of the plots. Therefore negative weight must be attached.

Balanced against these neutral impacts are the effects of paragraph 11 of the NPPF having been invoked as a result of the Council not being able to demonstrate a 5 year housing supply. In such instances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of granting planning permission. In this instance this provokes the question of whether or not the benefits of providing 5 additional residential units within the District at a time where there is no identified housing supply figure and a drive at national level to "support the Government's objective of significantly boosting the supply of homes" (NPPF, para 59), outweigh the impacts of the development upon residential amenity.

This is clearly a very finely balanced matter. However, it is considered that in this instance the harm created to the residential amenity of the proposed development is not so significant or demonstrable to be able to attach more weight to that issue than to the recognised need to boost housing supply numbers as advocated by paragraphs 11 and 59 of the NPPF.

RECOMMENDATION:

That outline planning permission be **GRANTED**

Conditions

- 1) Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-

- i. The expiration of three years from the date of this permission; or
 - ii. The expiration of two years from the final approval of the reserved matters;
- or,
- iii. In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Approval of the details of the design and external appearance of the development, scale, and the landscaping of the site (herein after called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

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

External Works 9115.501 Rev J

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

- 4) 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.

- 5) The development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety.

- 6) The development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwelling for the following:

- 3 car parking spaces per 4 bed dwellings
- 2 car parking spaces per 3 bed dwellings

All at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicle only.

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

- 7) The development hereby permitted shall not be occupied until an electric vehicle charging point to serve each dwelling has been provided. Such apparatus shall be retained and maintained in perpetuity.

Reason: To encourage sustainable travel and healthy communities.

- 8) The development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Council's parking standards.

- 9) The development hereby approved shall not be occupied until the visibility splays shown on drawing 9115.501 Rev J have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

Reason: In the interests of highway safety.

- 10) The development hereby approved shall not be occupied until the access, turning area and parking facilities with the changes requested have been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.

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

- 11) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme

must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 12) No works or development, other than demolition and site clearance works, shall take place until a site drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall conform with the non-statutory technical standards for SuDS (Defra 2015) and the principles set out in the drainage report submitted with the application (JMS, report CO18/393/10, Oct 2018). The strategy shall detail future management responsibilities for the drainage assets. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 13) No development shall take place until a detailed scheme of noise insulation measures for dwellings facing the A456 has been submitted to and been approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.

Reason: In order to safeguard the amenities of residential occupiers.

- 14) Prior to the first occupation of any dwelling hereby permitted, two self-contained woodcrete bat tubes are incorporated into the proposals in south or west facing locations on new properties at gable apices away from strong lighting. Thereafter, the bat tubes shall be retained in perpetuity.

Reason: To minimize impact of the development on the biodiversity.

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