

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Kendrick Homes Ltd	Residential development of 8 No. dwellings and associated garaging Yew Tree Farm, St Kenelms Road, Romsley, Halesowen, Worcestershire B62 0NU	15.05.2019	19/00305/FUL

Councillor Sherrey has requested this application be considered at Planning Committee rather than being determined under delegated powers.

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

Consultations

Highways - Bromsgrove Consulted 10.05.2019

The Highways Authority has no objection subject to the conditions relating to;

- Pedestrian visibility splays
- Electric charging points
- Residential welcome pack promoting sustainable forms of access to the development

Senior Community Safety Project Officer Community Safety Consulted 02.04.2019

No objection however consideration should be given to ensuring the site has natural surveillance.

Romsley Parish Council Consulted 02.04.2019

No Comments Received To Date

Waste Management Consulted 02.04.2019

No objection.

Worcestershire Wildlife Trust Consulted 02.04.2019

No objection subject to conditions.

Arboricultural Officer Consulted 02.04.2019

No objection subject to conditions.

WRS - Contaminated Land Consulted 02.04.2019

No Comments Received To Date

Hereford & Worcester Fire And Rescue Consulted 02.04.2019

No objection.

North Worcestershire Water Management Consulted 02.04.2019

No objection is raised subject to condition.

Publicity

91 letters were sent to the surrounding properties on 2nd April 2019 and expired on 26th April 2019. A 17 day amendment notification was sent on 10th May 2019 following an amendment to the Site Plan with the introduction of a second vehicular access. The most recent consultation expired on 27th May 2019.

49 letters of objection have been as a result of the initial consultation and a further 45 have been received following the amended plans. The comments received have been summarised as follows;

- Hazardous traffic along St Kenelms Road (including width of road not allowing vehicles to pass, non-compliance with yellow lines and poor driving, use of southern part of the street for Coop staff, shoppers and deliveries, risk to pedestrians and coach collecting school children)
- 700mm pathway donated to WCC is insufficient
- Green Belt
- Proposal would set a precedent if approved
- Disruption during construction/ Construction Management matters
- Scheme proposes one additional dwelling above previous refusal
- Loss of light to neighbouring properties
- Loss of a view/visual impact
- Bins during collection days
- Overdevelopment of the site
- Other large scale developments proposed locally could provide for local housing needs
- Previous refusal reasons have not been addressed
- Site provides habitats for a number of wildlife
- Reduction in house values
- Date of consultation during holiday
- Dwellings could be designed to be 'more in keeping' with local character
- Other similar applications been refused throughout District
- Strain on existing driveways

Councillor Sherrey

The application should be called into Planning Committee due to the level of public interest and concerns predominately relating to the safety of the highways

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP7 Housing Mix and Density

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP21 Natural Environment

Others

NPPF National Planning Policy Framework (2019)

High Quality Design SPD

Relevant Planning History

18/00282/FUL	Residential development of 7 No. Dwellings associated garaging	Refused; Currently at Appeal (Decision pending)	18.12.2018
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Proposal Description

The application site is located within the Green Belt, with three boundaries adjacent to the designated village envelope. The site is located within the settlement of Romsley and is currently a grass field with a hedgerow along St Kenelms Road. The proposed development is for the construction of 8 dwellings.

The dwellings will consist of the following;
Plot 1 and 2 – Four bed detached dwellings
Plot 3 and 4 – Three bed detached dwellings
Plot 5 – Three bed semi-detached dwelling
Plot 6, 7 and 8 – Two bed semi-detached dwellings

The proposed access for the dwellings will be sited from St Kenelms Road and the dwellings would be sited in a linear form continuing the existing street scene to the west. The proposal also comprises of engineering operations to facilitate the construction of an addition 2m width to the footpath within the red line plan along St Kenelms Road. A further 700mm verge will be provided and donated to Worcestershire County Council.

Assessment of Proposal

Background

This application follows application reference 18/00282/FUL for the construction of 7 dwellings on the site. The previous application was heard by members at the planning committee meeting on 10th December 2018 with a recommendation for approval. Members considered the application and refused planning permission on pedestrian safety and that the proposal did not make the best use of land and did not provide a good mix of housing. This application is currently at appeal and the decision has not been made at the time of drafting this report. The applicants have re-submitted the scheme in an attempt to overcome the two refusal reasons on the previous application. The two amendments to the previous scheme are a reduction in vehicular accesses from St Kenelms Road from 4 to 2 and a change in the mix of dwellings provided from two No. 5 bed, two No. 3 bed and three No. 2 bed properties to two No. 4 bed, three No. 3 bed and 3 No. 2 bed properties.

Green Belt

The development of new buildings in the Green Belt is considered inappropriate, except for a closed list of exceptions outlined in BDP4 of the Bromsgrove Local Plan and the National Planning Policy Framework (2018). BDP4 allows for limited infilling in Green Belt

settlements. This policy is compliant with the NPPF which allows for limited infilling in villages under Paragraph 145(e). Romsley is a small settlement as defined in BDP2 of the District Plan. Furthermore, Romsley is one of the settlements within the District where a village envelope has been defined and therefore represents a village in respect of the definition within the NPPF.

The term 'limited infilling' is not defined, however it normally comprises of the development of a modest size gap in an otherwise substantially built-up frontage which is broadly linear in formation. There is no requirement within either the Local Development Plan or the NPPF for the site to be wholly within a defined village envelope. In this instance, the existing site is a break within a ribbon of development along both sides of St Kenelms Road. The linear form of development will create 8 dwellings which bridge this gap in the street scene and the layout follows the overall scale and density of the surrounding built form. The purpose of the policy is to allow for limited infilling which is within the village both physically and functionally. The application site is located opposite the post office and local convenience store and is adjacent to the pub along one of the main routes into the village; therefore the application site is considered to be both physically and functionally linked to the settlement and therefore can be considered as part of this village. Furthermore the scale of 8 dwellings when taking into consideration the size of the village of Romsley is considered to be limited infilling. Having regard to this, the development would present 'limited infilling' and would thus, not represent inappropriate development in the Green Belt within the context of Green Belt policies. No objection was raised on this principle on the previous application.

The proposed development also requires engineering operations to extend the width of the footpath to the south of the site within the red line. Paragraph 146 of the NPPF allows for engineering operations provided that they preserve openness and do not conflict with the purposes of the Green Belt. The engineering operations consist of widening the footpath to 2m with the re-siting of the front hedgerow. The proposed footpath is within the context of the existing street and will be a minor increase in hardstanding within the context of other built form. The proposal is considered to preserve openness and is an acceptable form of development in the Green Belt. No objection was raised on this principle on the previous application.

Design and layout

St Kenelms Road has a mix of character, the existing street scene comprises of a mix of two storey and single storey dwellings which vary with pitched and hipped roof types. The north of the street is fairly spacious with a verdant character given its edge of settlement location. The dwellings on the north of the street are generally set back within their plot and set in from their side boundaries. The buildings to the south and east of the site are sited hard on the footpath and to the south of the site there is also the cul-de-sac Kenelm Court which consists of 10 bungalows.

The proposed dwellings have been designed to reflect the character and density of the locality. The scheme sites the two larger dwellings on the west of the site and the dwellings get smaller and more rural in character when travelling towards the east to reflect the rural character at the edge of the settlement. The dwellings have been set back to provide parking and turning and some trees and hedging are shown along the front boundary to maintain the verdant edge of settlement character. The previous

application was refused as members did not consider that the proposal made the best use of the land. BDP7 requires the density of new housing make the most efficient use of land whilst maintaining character and local distinctiveness. This policy further requires proposals for housing take into account the identified need and focus on delivering 2 and 3 bed dwellings. In this instance, the larger dwellings have been reduced to 4 beds rather than 5 beds and a further 3 bed dwelling has been proposed providing a total of 6 No. 2 and 3 bed dwellings. For these reasons, it is considered that the proposal has overcome the previous refusal reason by providing a better density and more smaller type properties. Furthermore the design would reflect the traditional pattern of development along St Kenelms Road in accordance with policies BDP7 and BDP19 of the BDP and SPG1.

Neighbour Amenity

The proposed dwelling at plot 1 will be sited adjacent to the existing dwelling No. 24 St Kenelms Road. Given the orientation of these dwellings no concerns are raised in respect of overlooking, overbearing or loss of light to the occupiers of this property. Furthermore the proposed dwellings have been designed not to cause an adverse relationship for the future occupiers of the development given the staggered linear form and distances achieved. The neighbour's comments have been considered in respect of overlooking and loss of privacy to the properties opposite. However, the separation distance achieved given the set back of the proposed dwellings within the plots is approximately 31 metres and the orientation of the proposed dwellings would not directly face onto the dwellings on the south of St Kenelms Road opposite. Therefore, overall it is considered that the proposed dwellings would have an acceptable amenity impact on all the surrounding properties in accordance with the guidance within the Councils SPG and Policy BDP1 of the BDP.

Highways

The proposed development proposes 2 vehicular accesses to facilitate the 8 dwellings. A significant number of objections have been received from the local residents in respect of the existing parking/blocking of road issues due to its width, close proximity to the Co-op shop and the fact that the road is one of the main arteries into the village. The Highways Authority has considered this application and do not raise any objection to the proposal. The development has provided sufficient parking onsite to cater for itself in order to ensure no displacement of vehicles from the proposed development occurs. Furthermore due to the existing situation on the roads and the concerns raised by the local community the applicant has proposed to increase the footpath width to a minimum 2m; the applicant has also allocated to Worcestershire Highways a 0.7m verge beyond the widened footpath.

The previous application was refused by members given the construction of four vehicular accesses from St Kenelms Road and the existing situation with passing vehicles would cause drivers to mount the kerbs resulting in safety concerns for pedestrians. The current proposal has reduced the number of access points from St Kenelms road to two. Given the reduction in number, the greater distance achieved between the access points and the introduction of a condition requiring pedestrian visibility splays be provided and maintained free of obstruction thereafter Officers are satisfied that this reason for refusal has been addressed.

It is noted that the County Council have received complaints in respect of this stretch of road and vehicles have had difficulties passing each other. However, it is not considered by the Highways Authority that the proposed development would worsen the existing situation and there are no mechanisms to expect the developers of this site to fix existing issues with the highway network. The applicants have provided some mitigation in this instance however with the widening of the footpath and donation of 700mm verge to allow the Highways Authority to make future improvements should it be deemed necessary.

In respect of making a decision on this application consideration should be given to paragraph 109 of the NPPF which states that development should only be prevented or refused on highways grounds if the proposed development would have an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Therefore although residents are experiencing issues of vehicles illegally parking and/or blocking the road, the existing issues do not make it reasonable to refuse this planning permission in respect of highways matters or expect this planning permission to resolve existing issues.

Trees/Ecology

The proposal results in a loss of the Aspens trees on the west boundary, this does not cause concerns given these trees are reaching the end of their safe useful life expectancy and their removal can be adequately mitigated. The front hedge will be required to be removed due to the works widening the footpath. Although the loss of this hedge is not ideal, this is a single species hedge and can be replaced adequately by condition. The Tree officer has raised no objection to the scheme on the basis of the trees to be removed and the replanting proposed.

The applicants have submitted a Preliminary Ecological Appraisal which has suggested that there was no evidence of roosting bats, badgers or reptiles and amphibians on site and has recommended various mitigation measures to avoid committing an offence to any possible protected species. Concerns have been raised locally in respect of the loss of wildlife as a result of this proposal. Whilst the habitat has been identified as less than ideal through the ecology survey, it as an open farmland space with trees and open countryside to the north. Therefore it has been considered necessary to condition the recommendations as outlined within the Ecology Appraisal and the landscaping plan to ensure that the development results in a net gain of ecological habitats.

Drainage

Based on information from North Worcestershire Water Management the site itself is not at risk of flooding. The site is currently Greenfield. The proposed development will increase the amount of impermeable area, and therefore the amount of runoff generated on this site. In order to not increase flood risk elsewhere the development will need to include measures to not increase the amount of runoff leaving this site. The submitted water management report (Rev A) sets out that the applicant will discharge all surface water via infiltration (soakaway etc) providing that site investigations suggest that ground conditions are suitable. No concerns have been raised on this matter subject to conditions.

Contamination

Worcestershire Regulatory Services have identified an area of buried tanks opposite the application site. This area was developed with the construction of Kenelms Court in 1989. Worcestershire Regulatory Services have requested a condition in respect of land contamination as a precautionary measure. This matter was not raised on the previous application currently under appeal and given the distance to this site across St Kenelms Road and the residential development that has already taken place on this site it is considered unreasonable to require this condition. The applicant is however advised to act with caution when carrying out any grounds works on the site.

Public Consultation

A number of comments have been received as a result of this public consultation and many of these concerns have been addressed within this report. Concerns have also been raised in respect of the development setting a precedent locally and the fact that other 'similar' applications have been refused throughout the District. Whether other applications have been refused locally or whether the proposal would set a precedent does not justify refusal of this application. Each application is considered on its individual merits and therefore would need to be assessed against the current local and national policies at the point of submission of the Local Planning Authority

Although construction is a short term disruption it is acknowledged that St Kenelms Road is a main road into the village and therefore it has been considered reasonable to condition a construction plan to consider the timings of work, the schedule of deliveries and the parking for operatives to ensure that any disruption to the village is kept to a minimum.

Comments have been received from Community Safety in respect of the layout of the proposed development. They have suggested that external lighting be considered and that the front hedge be no greater than 1m in height for community safety reasons. The ecologist and tree officer have both requested that the hedgerow be reinstated to offset for any loss in habitats. Furthermore these officers have also raised concerns in respect of external lighting and required the maintenance of dark routes to protect wildlife which is outlined in the submitted ecology appraisal. On balance it is considered that given the location of the site is in a busy part of the village on the main road with a shop and pub in close proximity it is considered that the activity around the site will reduce any issues of community safety concerns and therefore the lighting can be reduced and the hedgerow re-instated to protect wildlife.

The development is proposed to be on an existing green field and there will be a change of view to the neighbouring dwellings, particularly those sited to the south. The loss of a view is not however a material planning consideration.

House values are not a planning consideration and therefore are not considered as part of this application.

Conclusion

The previous application was refused by members of the planning committee on pedestrian safety and the effective use of land within the site. All other matters in regards to Green Belt, design and amenity were considered acceptable. To overcome these refusal reasons the applicant has amended the proposal to reduce the number of vehicular accesses and increase the number of dwellings providing more 2 and 3 bed properties. Officers consider that these amendments have addressed the refusal reasons and have therefore recommended approval for his application.

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:

360-01-02 Rev C - Planning Layout, Location Plan and Street Scene
360-04-02 Rev A – Plot 1 Elevations
360-04-01 – Plot 1 Floor Plans
360-05-02 Rev A – Plot 2 Elevations
360-05-01 – Plot 2 Floor Plans
360-06-02 Rev A – Plot 3 Elevations
360-06-01 – Plot 3 Floor Plans
360-07-02 Rev B – Plot 4 Elevations
360-07-01 Rev A – Plot 4 Floor Plans
360-08-02 Rev A – Plot 5 and 6 Elevations
360-08-01 - Plot 5 and 6 Floor Plans
360-09-02 Rev A – Plot 7 and 8 Elevations
360-09-01 – Plot 7 and 8 Floor Plans
356-02-706 P3 - Highways Overlay

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) Prior to occupation of the proposed dwellings, 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 any of the building(s) hereby permitted are 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 BDP19 and BDP21 of the Bromsgrove District Plan January 2011-2030.

- 5) Development shall not commence until a method statement for the protection of the water environment from pollution during the course of construction has been submitted to and approved in writing by the local planning authority. The statement shall assess the risks from all pollution sources and pathways (including silt, cement and concrete, oils and chemicals, herbicides, aggregates, contaminated land and waste materials) and describe how these risks will be mitigated for this development. Development shall be carried out in accordance with the approved details.

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.

- 6) No works in connection with site drainage shall commence until a scheme for surface water drainage for all hardstanding areas 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 and results of field percolation tests. If soakaway drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS). There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. The scheme shall provide an appropriate level of runoff treatment. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.

Reason: In order to secure the satisfactory drainage condition on site.

- 7) No building operations shall take place until a scheme for surface water drainage for all impermeable areas 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 and results of field percolation tests. If soakaway drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS). There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. The scheme shall provide an appropriate level of runoff treatment. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.

Reason: Given the proximity of the site to the adjacent ditch to ensure that the site does not result in flooding.

- 8) No part of the development hereby approved shall begin until a Construction Management Plan to include details of:
- a. Parking for site operatives and visitors
 - b. Area for site operatives' facilities
 - c. Parking and turning for delivery vehicles
 - d. Areas for the storage of plant and materials
 - e. Wheel washing equipment
 - f. Boundary hoarding (set clear of any visibility splays)
 - g. Hours of operation for the construction phase of the development

have been submitted to, and approved in writing by, the Local Planning Authority. Only the approved plan shall be implemented throughout the construction period.

Reason: To ensure the provision of adequate on-site facilities, in the interests of highway safety and to prevent indiscriminate parking in accordance with the NPPF. This condition is required to be pre-commencement as site operatives would be required to access the site from the start of any site clearance or development.

- 9) All proposed works shall be carried out in accordance with the recommendations as set out in the Preliminary Ecological Appraisal by Cotswold Wildlife Surveys dated November 2017.

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.

- 10) The Development hereby permitted shall not be first occupied until one of the proposed car parking spaces at each dwelling has 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.

- 11) The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

REASON: To reduce vehicle movements and promote sustainable access.

- 12) The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of verge shall be provided on both sides of the access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

REASON: In the interests of highway safety

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