

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Andy Pullen	Demolish existing bungalow and construction of 2 detached dwellings with integral garages 8 St Catherine's Road, Blackwell, Bromsgrove, Worcestershire, B60 1BN	05.07.2019	19/00186/FUL

Councillor King 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

No objections subject to conditions

Arboricultural Officer

No objections subject to conditions

Lickey and Blackwell Parish Council

No Comments Received To Date

North Worcestershire Water Management

No objections subject to conditions

WRS - Contaminated Land

No objections subject to conditions

Publicity

Six letter of Consultation were sent 10.5.2019 (Expiry date 03.6.2019)

Seven letters of objection were received raising the following concerns:

- Highway safety in relation to school children
- On street parking
- Green Belt
- Garden development
- Proposal would set a precedent if approved
- Loss of a view/visual impact
- Site is bounded by trees and provides habitats for a number of wildlife
- Dwellings could be designed to be 'more in keeping' with local character

Councillor King

The application should be called into Planning Committee for the following reasons:

- Rear garden development in this setting does not comply with NPPF presumption against such development unless it enhances the street scene, which this proposal certainly does not
- I support the very reasonable objections to the application from a number /of local residents and believe that they should have an opportunity to bring their comments to Committee

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP7 Housing Mix and Density

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

National Design Guide

Bromsgrove High Quality Design SPD

Relevant Planning History

09/0777	Outline application for residential development with primary access off St Catherine Road Approved 17 December 2009
B/2006/0842	Renewal of B/2003/0971 Approved 4 October 2006
B/2003/0971	Two dwellings: outline Approved 4 September 2003

Assessment of Proposal

Site Description

This application relates to a plot of land measuring approximately 0.27 hectares, located on the east side of St Catherine's Road. The site currently hosts a single dwelling with a large garden area. The site has a vehicular access off St Catherine's Road with a roadside frontage holly hedge and two mature Oak trees. The level of the land of the site rises from the rear of the house to the rear boundary by approximately 2 metres. Number 6 lies to the south of the site with a wall and trees on the common boundary. Number 10 and the driveways serving 10 and 10A lie to the north with a boundary wall and a number of mature trees on the common boundary. Backwell School lies to the west of the site.

Description of Proposal

The proposal seeks consent for the demolition of the existing dwelling and the construction of two detached dwellings. The access to the dwellings will be via the

existing access. The existing driveway will be extended along the southern boundary of the site to serve the second dwelling.

Appraisal

The site lies within an area zoned as residential; therefore the presumption lies in the favour of residential development and would be a sustainable location for the development of two detached dwellings.

St Catherine's Road has a mix of character. The existing street scene comprises of a mix of predominantly two storey dwellings and some single storey dwellings which vary between modern and traditional and with a variation of pitched and hipped roof types. Some of these properties sit in generous sized plots. The street is fairly spacious with a verdant character given its edge of settlement location.

The proposed dwellings have been designed to reflect the character and density of the locality. The scheme sites two six bedroom dwellings with integral garages. The dwellings have been sited within the plot. Plot 1 would be sited in the location of the existing dwelling which is to be demolished and Plot 2 would be sited in what is the rear garden. Both dwellings will sit within generous plots, have sufficient parking and turning areas and the boundary trees, hedging and walls will remain as existing.

I note the views of Councillor King. Policy BDP19 (n) of the Bromsgrove District Local Plan (BDLP) 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 local environment. To the north of the site there is already a significant amount of garden/backland development of varying ages. Furthermore, planning permission has been granted for a two storey dwelling at the rear of No 6 St Catherine's Road, adjacent the application site. Building Regulation inspection records indicate that work on the site has commenced. The proposed development will therefore follow the prevailing pattern of development.

The NPPF excludes urban private residential gardens as previously developed land and advises that 'local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'. The Bromsgrove District Plan acknowledges that development of garden land will be resisted unless it fully integrates into the residential area, is in keeping with the character and quality of the local environment.

It is noted that these policies do not outrightly preclude development of urban garden land altogether. Instead it should be demonstrated that there would be no harm to the local area.

There are examples in the District of residential developments of similar scale and nature being constructed on urban garden land. Such developments help boost housing numbers and can be an effective use of land. At present, the Council is unable to demonstrate a five year supply of housing and there is a drive at national level to significantly boost the supply of housing.

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:

“For decision-taking this means:

- Approving development proposals that accord with an up-to-date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- i. The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

This includes, for applications involving the provision of housing, where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

As of 1st April 2019 the Council cannot currently demonstrate a five year housing land supply, being able to demonstrate a 3.45 year supply of deliverable land for housing. The Council falls short of a 5 Year Supply of Land for Housing.

BDP7 requires the density of new housing make the most efficient use of land whilst maintaining character and local distinctiveness. Whilst I accept this policy refers to a focus on delivering 2 and 3 bedroom properties, I am content that the scheme proposing two six bedroom properties provides a development that reflects the established pattern of development along St Catherine’s Road. As such I am of the view that the scheme is substantially in accordance with BDP7 of the Bromsgrove District Local Plan. The scheme complies with Policy BDP19 and the High Quality Design SPD.

Residential Amenity

The proposed dwelling at plot 1 will be sited adjacent to the existing dwelling No. 6 St Catherine’s 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. The occupants of 10 St Catherine’s Road have raised an objection with reference to loss of privacy of the use of their front patio area with regard to Plot 2. Given the orientation of the dwelling, the siting of the windows and the distance of the patio, which is 34 metres from the proposal, no concerns are raised in respect of overlooking. Furthermore the proposed dwellings have been designed not to cause an adverse relationship for the future occupiers of the development given the siting and distances achieved. 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 Design SPD and Policy BDP1 of the BDLP.

Highways

The development proposes to use the existing access to serve the proposed development. Objections have been received with regard to highway safety in relation to

the school children and parking issues on St Catherine's Road during school pick up and drop off times. The Highways Officer has raised no objections to the development subject to standard conditions and informatives.

Trees/Ecology

The majority of the mature trees, which are predominantly sited on the boundary of the site are protected by means of the Bromsgrove District Tree Preservation Order (26) 2003. The Tree Officer has raised no objection to the scheme on the basis of the appropriate tree and root protection during construction. 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.

Drainage

Based on information from North Worcestershire Water Management the site itself is not at risk of flooding. The proposed development is likely to 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. NWWM have therefore requested a report demonstrating the management of the surface water run-off. No further concerns have been raised on this matter subject to conditions.

Contamination

Worcestershire Regulatory Services have commented on the application and have stated that records indicate the proposed development site is located within 250m of unknown filled former clay pits and as such potential contaminated land issues on site maybe significant and have recommended a condition regarding gas protection measures. WRS have raised no objection subject to this condition.

Public Comments

A number of comments have been received 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 by the Local Planning Authority.

Plot 2 is proposed be built on what would be the rear garden of No 8 and there will be a change of view into the site from the neighbouring dwellings, in particular No 10. 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.

The site is located within an area which is designated as residential within the BDLP; therefore the scheme has been assessed accordingly. Objectors have raised concerns with regard to the site falling within Green Belt.

Highway safety and on street parking issues have been raised, however the Highways Officer has not objected to the scheme, subject to conditions.

Loss of mature trees has been raised by some objectors, however the Tree Officer is satisfied with the scheme as there is no loss of mature trees, the majority of which are located on the boundary.

Conclusion

The proposal would have an acceptable impact upon residential amenity, highway implications, trees and ecology, subject to the imposition of relevant planning conditions. As such, neutral weight is attributed to these issues in the decision making process.

The overall scale, height and design of the two dwellings would be acceptable in the context of the wider locality and the character of the surrounding area. The proposal would deliver two dwellings in an accessible location in an established residential area. Albeit limited, the benefit provided by the delivery of 2 dwellings comes at a time when the Council cannot demonstrate a 5 year housing land supply and there is a national drive to boost housing levels.

The NPPF states that where Council's cannot demonstrate a 5 year housing land supply, planning permission should be granted unless any adverse impacts in doing so would significantly and demonstrably outweigh the benefits. In this instance, the scheme is considered to be acceptable in terms of its impact upon the character and appearance of the area, impact on residential amenity, trees, ecology and highway safety. Consequently, there are considered to be no adverse impacts which would significantly and demonstrably outweigh the benefits of providing the 2 dwellings.

Having taken all matters into consideration, I am minded to approve the 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:

13 Feb 2019 SITE LOCATION PLAN

13 Feb 2019	EXISTING SITE PLAN
17 Jun 2019	REVISED FRONT AND REAR ELEVATIONS
17 Jun 2019	REVISED GROUND FLOOR LAYOUT
17 Jun 2019	REVISED SIDE ELEVATIONS
04 Jul 2019	REVISED PLAN SHOWING SEPERATION DISTANCES
04 Jul 2019	REVISED SITE LAYOUT PLAN

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) No works in connection with site drainage shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority.

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

- 5) No works of any kind shall be permitted within or through the Root Protection Areas of trees or hedges on and adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of concrete mixing plants or fuel tanks.

Reason: In order to protect the trees which form an important part of the amenity of the site

- 6) Any excavations within the root protection areas must be carried out by hand and in accordance with BS5837:2012.

Reason: In order to protect the trees which form an important part of the amenity of the site.

- 7) Tree methodology Statement and details of tree protection measures to be submitted and agreed in writing by the Local Planning Authority before the commencement of work on the site

Reason: In order to protect the trees which form an important part of the amenity of the site

- 8) All proposed works shall be carried out in accordance with the recommendations as set out in the Preliminary Ecological Appraisal by Betts Ecological Estates dated March 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.

- 9) 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

- 10) Gas protection measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement must be incorporated within the foundations of the proposed structure(s). Following installation of these measures, and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the risk to buildings and their occupants from potential landfill or ground gases are adequately addressed

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