

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr & Mrs D. Barnes	New dwelling 2 Dodford Road, Bournheath, Bromsgrove, Worcestershire, B61 9JR	24.02.2020	19/01636/FUL

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

RECOMMENDATION: That planning permission be **GRANTED**

Consultations

Highways - Bromsgrove

No objection subject to condition relating to:

- Installation of electric vehicle charging point

North Worcestershire Water Management

No objection subject to condition relating to:

- Soakaway water tests

Arboricultural Officer

No objection subject to condition relating to:

- Tree protection

Bournheath Parish Council

No objection

Publicity

6 letters sent on 20.01.20 (Expire 13.02.20)

8 letters sent on 14.02.20 informing of amended plans

No site notice posted

1 letter of support and 10 letters of objection received.

1 petition received containing 24 signatures raising highway concerns

The following concerns have been raised:

- Residential amenity
- Loss of privacy
- Garden development
- Loss of a view/visual impact
- Not an 'infill proposal'
- Highway safety in relation parking and road users
- On street parking
- Proposal would set a precedent if approved
- Loss of wildlife

Other issues have been raised but these are not material planning considerations and have not been reported.

Councillor Margaret Sherry

The planning application should be called to Committee for the following reason:

- The local residents have various concerns regarding the application

Relevant Policies

Bromsgrove District Plan

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP7 Housing Mix and Density

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2019)

Bromsgrove High Quality Design SPD

Site Description

This application relates to an L-shaped plot of land measuring approximately 915 square metres which forms part of the garden area of number 2 Dodford Road. The site is bound by hedgerows on the northern, western and southern boundaries. The eastern boundary is open. The site hosts a number of trees which are predominantly fruit trees, maples and conifers. The level of the land rises from the front of the house towards the western boundary of the site. Number 12 lies to the west of the site and sits on an elevated position in relation to the application site

Description of Proposal

The proposal seeks consent for the construction of a two-storey dwelling facing Dodford Road. The vehicular access of the dwelling would be via Fairfield Road, along the side of the existing garage which would be retained by 2 Dodford Road. This garage is proposed to be divided into two, one half of which forms part of the application for consideration.

Assessment of Proposal

Green Belt

The development of new buildings is considered inappropriate in the Green Belt, except for a closed list of exceptions outlined in BDP4 of the Bromsgrove District Local Plan (BDLP) and the National Planning Policy Framework (NPPF). 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). Bournheath is a small settlement as defined in BDP2 of the BDLP. Furthermore, Bournheath 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 a modest gap in an otherwise substantially built-up frontage which is broadly linear in formation. In this instance, the site falls within the garden area of 2 Dodford Road and there is a break

within the ribbon of development on both sides of Dodford Road. The proposed dwelling will bridge the gap in the street scene. The purpose of the policy is to allow for limited infilling which is within the village. Having regard to this, the development would present 'limited infilling' and would thus not represent inappropriate development in the Green Belt and within the context of the Green Belt policies. Members will note objections have been raised on this principle.

Residential Gardens

The NPPF excludes 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 out rightly preclude development of 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 garden land. Such developments help boost housing numbers and can be an effective use of land.

5 Year Housing Land Supply

All planning applications should be determined in accordance with the policies in the development plan unless material considerations indicate otherwise. , At the heart of the NPPF is the Presumption in Favour of Sustainable Development which is set out at 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 therefore falls short of a 5 Year Supply of Land for Housing and therefore paragraph 11(d) as set out above is engaged. The consideration of the proposal under this element of the NPPF is drawn together in the Conclusions section below.

Character and Density

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 one four bedroom property provides a development that reflects the established pattern of development along Dodford 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 will be sited adjacent to the existing dwelling at 12 Dodford Road, which sits at an elevated position in comparison with the development site. The occupants of this property have raised objections in respect of overlooking however, given the orientation of these dwellings and the difference in land levels, no concerns are raised in respect of overlooking to the occupiers of this property.

The occupants of Number 11, 13 and 15 have raised objections regarding overlooking and loss of privacy. The window to window distances to all three of these properties would be in excess of 23 metres from the first floor windows of the proposal therefore; no concerns are raised in respect of overlooking. Furthermore the proposed dwelling has been designed not to cause an adverse relationship for the future occupiers of the development given the siting and distances achieved. Overall it is considered that the proposed dwelling would have an acceptable amenity impact on all the surrounding properties in accordance with the guidance within the Council's Design SPD and Policy BDP1 of the BDLP.

Highways

The development proposes a new access onto Fairfield Road.

Worcestershire Highways has raised no objection to the scheme, subject to conditions and informatives. Whilst the requested conditions are noted, these are not considered necessary. The informative can be imposed.

Trees/Ecology

The majority of the trees are semi-mature and are a mixture of Acers and Conifers. These are sited along the southern boundary of the site. The Tree Officer has raised no objection to the scheme on the basis that of the appropriate tree and root protection during construction. Objections have been received in relation to the 'disruption of wildlife'; however, this raises no concerns as no evidence has been produced in relation to the presence of protected species on the site.

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.

Public Comments

A 24 signature petition has been received opposing to:

- Increased demand with regard to parking and delivery vehicles
- The safety of all road users as a result of the new dwelling
- The safety of pedestrians stepping out onto Dodford Road from the proposed footpath link

Members will note Worcestershire Highways has raised no objection to the scheme on highway grounds, including highway safety.

The scheme has also been amended the pedestrian access onto Dodford Road no longer forms part of the application. Third parties have been notified of this amendment.

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.

Loss of mature trees and hedgerow 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 dwelling would be acceptable in the context of the wider locality and the character of the surrounding area.

The proposal would deliver a dwelling in an accessible location in an established residential area and is therefore viewed to be sustainable development. Albeit limited, the benefit provided by the delivery of one dwelling 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. The perceived adverse impacts do not significantly and demonstrably outweigh the benefits of

the scheme and therefore permission should be granted in accordance with paragraph 11 of the NPPF which sets out the presumption in favour of sustainable development.

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:

Drawing Number -19-56-00 - Site Location Plan
Drawing Number - 19-56-11A - Floor Plans
Drawing Number - 19-56-12A Elevations 1
Drawing Number - 19-56-13A Elevations 2
Drawing Number - 19-56-10B Site Plan and Roof Plan
Drawing Number - 19-56-15C Street Scene - (Dodford Road)
Drawing Number - 19-56-14B Cross Section of Site
Drawing Number - 19-56-16 – Block 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 or development shall take place until soakaway tests have been carried out in accordance with BRE Digest 365 (updated 2016), or such other guidance as may be agreed in writing by the Local Planning Authority. The results of the tests shall be submitted to and agreed in writing by the Local Planning Authority and the agreed recommendations shall be implemented in full prior to the first use of the development hereby approved. Surface water from the development shall discharge to soakaway drainage designed to cope with a 1 in 100 year event plus 30% allowance for climate change. The soakaway drainage shall be implemented prior to the first use of the development and thereafter maintained

Reason:- To allow proper consideration of the proposed surface water drainage systems and to ensure that the development is provided with a satisfactory means of drainage and in accordance with National Planning Policy Framework.

- 5) All retained trees and their Root Protection Areas must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. No storage of plant/materials within the Root Protection Areas of any retained trees.

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

- 6) The development hereby permitted shall not be occupied until an electric vehicle charging point to serve the dwelling has been installed and once provided it shall be retained and maintained as such at all times.

Reason: To support sustainable communities.

Informatives

- 1) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or Vehicular turning area does not discharge onto the Public Highway. No drainage or effluent from the proposed development shall be allowed to discharge into any Highway drain or over any part of the Public Highway.

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