

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Ms Gemma Jenkinson	Construction of two-storey, four-bedroom detached house with associated access and landscaping Land Rear Of , 56 Braces Lane, Marlbrook, B60 1DY,	02.07.2020	20/00335/FUL

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

RECOMMENDATION: That planning permission be **Granted subject to conditions.**

Consultations

Severn Trent Water Ltd

As the proposal has minimal impact on the public sewerage system Severn Trent Water raise no objections to the proposals and do not require a condition to be applied.

Highways - Bromsgrove Consulted 03.04.2020

No objections subject to conditions relating to the surfacing of the access, visibility splays, and the provision of cycle parking and an electric vehicle charging point.

Arboricultural Officer

No objections subject to conditions relating to the protection of the hedgerow on the western boundary, the specification of construction of driveway and parking area and the

North Worcestershire Water Management

No objections subject to a condition for the submission of a surface water drainage strategy.

Publicity

Five neighbour letters sent 06.04.2020 (expired 30.04.2020)

Four letters of objection were received raising concerns relating to:

- Land ownership
- Impact to wildlife
- Impact to hedgerows and trees
- Highway safety
- Development would be overbearing
- Development would overshadow
- Loss of privacy
- Proposal would eliminate rural views
- Siting and density of development
- Security issues
- Drainage

Cllr Jones

Councillor Jones has requested that this application is considered by Planning Committee as she considers that the proposal comprises inappropriate development.

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

BDP23 Water Management

Others

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

Bromsgrove High Quality Design SPD

Relevant Planning History

No relevant planning history

Assessment of Proposal

The application site is located within a residential area of Bromsgrove, as defined on the Bromsgrove District Plan Proposals Map. The proposal is for a four bedroom detached dwelling, which would be situated on land currently forming the rearmost part of the garden area of number 56 Braces Lane. The access to the proposed dwelling, however, would be off Old Birmingham Road.

The main issues to consider with this application are the principle of development, design, residential amenity, highways, and trees.

Principle of development

Policy BDP19(n) of the Bromsgrove District Plan states that the development of garden land will be resisted unless it fully integrates into the residential area and is in keeping with the character and quality of the environment. This policy accords with paragraph 70 of the National Planning Policy Framework (NPPF). In addition to this, Policy BDP7 of the Bromsgrove District Plan (BDP) seeks to achieve the best use of land whilst maintaining character and local distinctiveness, and paragraph 122(d) of the NPPF emphasises the desirability of maintaining an area's prevailing character and setting (including residential gardens).

The Council cannot currently demonstrate a five year supply of housing land. Paragraph 11 of the NPPF states that where policies that are most important for determining the application are out-of-date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Footnote 7 clarifies that this includes applications involving the provision of housing in situations where the local authority cannot demonstrate a five year supply of housing.

Although there is a general presumption in favour of residential development within the residential area, it is necessary to assess the proposal against the relevant policies within the District Plan, the NPPF, and the guidance contained within the Council's High Quality Design SPD.

Character, Design and Layout

The proposed dwelling would be sited immediately to the east of a run of seven existing dwellings which all front onto Old Birmingham Road and are situated to the rear of gardens belonging to properties along Braces Lane. The addition of a further dwelling would therefore continue the existing built up frontage along this section of Old Birmingham Road.

As with the neighbouring dwellings, the site slopes downwards from Old Birmingham Road and the set back of the proposed dwelling from the highway would mean that it would be partially obscured by land levels when viewed from Old Birmingham Road. The existing dwellings to the west of the application site are detached, two-storey properties, but have varying widths, heights and roof styles. Whilst most are constructed of red brick, some are rendered, and a number of properties, including 191A Old Birmingham Road immediately to west, have front projections. The building line arrangement of existing properties staggers backwards going from west to east, with each property sitting behind the next. Whilst the proposed dwelling would not sit behind the front of the neighbouring property to the west in its entirety, it would clearly sit behind its dominant two storey front gable, and would therefore integrate acceptably into the existing building line.

With regards to plot density, information has been provided to demonstrate that the proposed density of the application plot would be similar to a number of other properties along this side of Old Birmingham Road, including the immediate neighbour, number 191A. The dwelling would be sited one metre from each boundary, which would ensure a sense of spaciousness between properties and would reflect the existing spacious pattern of development. Finally, the proposed design of the dwelling, which would be a two storey detached dwelling with hipped roof and hipped front projection, would reflect a number of features already present on properties to the west of the site and would therefore integrate into the existing mixed street scene.

For the reasons discussed above the proposal would be in accordance with Policy BDP19 of the BDP which requires the development of garden land to fully integrate into the residential area and requires development to be of a high quality that would enhance the character of the area. Furthermore, the proposal would make efficient use of land whilst maintaining character and local distinctiveness, in accordance with Policy BDP7 of the BDP.

Residential Amenity

Policy BDP1(e) of the District Plan states that regard should be had to residential amenity and paragraph 127(f) of the NPPF states that planning decisions should seek a good standard of amenity for existing and future occupants of land and buildings. Further to this, the Council's High Quality Design SPD outlines a number of standards for new development.

The closest existing dwelling to the proposed development would be 191a Old Birmingham Road to the west of the application site. The side elevation of the proposed dwelling facing towards this property would only include one first floor window, which would serve a landing and has been indicated to be fitted with obscure glazing. In view of this it is not considered that any privacy issues would arise as a consequence of this development.

With regards to potential overshadowing from the development, a 45 degree line has been drawn from the nearest edge of the neighbouring habitable window. The Council's SPD states that to ensure overshadowing does not occur, a two storey extension should not fall within this line. The same principle has been applied to the two storey element of the proposed dwelling, which has been shown to not breach this 45 degree line drawn from the neighbouring window.

The Council's SPD also seeks to protect against an overbearing impact that might arise from new development. The SPD states that overbearance can occur when development is positioned too close to a property boundary and has sufficient height and mass to dominate the neighbour. In this case the dwelling is proposed to be sited a metre from the shared boundary and the two storey element of the dwelling would only protrude 2.8 metres beyond the two storey part of 191a. Although the single storey section of the proposed dwelling would protrude further beyond this, the relatively modest height of this above the shared boundary would not be overbearing.

The proposed dwelling would also be sited in close proximity to the rear garden area of 58 Braces Lane. The proposed dwelling would have two first floor bathroom windows that would face in the direction of this garden area, however, a planning condition could ensure that these windows are fitted with obscure glazing in perpetuity. With regards to overshadowing, the siting of the dwelling would have an impact to the rearmost part of the garden area during the afternoon hours of sun. However it is noted that the garden of number 58 Braces Lane is particularly large, measuring 65 metres in length. Given that only a modest portion of the rearmost part of the garden would be affected during the afternoon hours of the sun, this would not warrant refusing the application on this issue alone.

Finally, the rear windows of the proposed dwelling would face in the direction of the rear windows of numbers 54, 56 and 58 Braces Lane. The Council's SPD states that a minimum separation distance of 21 metres should be achieved between habitable facing windows to ensure privacy. In each of these cases the separation distance would clearly exceed this standard, the closest of which would be the rear windows of number 58 Braces Lane, which would be located approximately 39 metres from the rear windows of the proposed dwelling.

It is also necessary to consider the amenity of the future occupiers of the proposed dwelling. The Council's High Quality Design SPD states that a minimum garden area of 70 square metres, and a minimum garden length of 10.5 metres should be provided for new dwellings. In the case of the proposal, the proposed garden space would be 11.5 metres in length and would be 92 square metres in area, which would meet the standard set out within the SPD.

Based on the above assessment, the proposal would provide acceptable standards of amenity for existing neighbours and the future occupiers of the proposed dwelling.

Access and Parking

The Highways Officer has provided comments in relation to the proposal and notes that the site is located in a sustainable location, within walking distance of amenities and bus stops. The proposed new access off Old Birmingham Road is considered acceptable given that the visibility splays provided are adequate and would not be impeded due to the width of the footpath that separates the site from Old Birmingham Road.

With regards to parking provision, three car parking spaces have been indicated on the site plan which would meet the standards set out in Worcestershire County Council's Streetscape Design Guide. As the Highway Officer initially raised concerns that turning space on site would be insufficient, further information has been provided, including a vehicular tracking plan to confirm that vehicles would be able to enter and exit the site in a forward gear. Whilst the driveway would be sloped, a level plan has been provided to confirm that the slope of the driveway would not exceed 1 in 8, which would enable acceptable manoeuvrability of vehicles.

In view of the above the Highways Officer raises no objections to the proposal subject to conditions.

Trees

An Arboricultural Survey, Impact Assessment and Method Statement have been provided with the application. The Tree Officer has assessed the proposal and the associated information provided and agrees that the three trees indicated for removal are of low prominence within the site and wider area. With regards to the two trees that stand within the rear garden of neighbouring property 58 Braces Lane, a visual inspection confirmed that the Root Protection Area (RPA) within the report was correct, meaning that there would be a very minor incursion into the RPA of the Beech tree from the parking area to the front of the dwelling. Given that the level of incursion would be so minor, the Tree Officer has confirmed that this would not affect the health or stability of the tree.

The Southern boundary of the site adjacent to Old Birmingham Road is currently defined by a fence with a mixed hedge. A section of this hedge would need to be removed in order to create the entrance to the new dwelling. As the hedgerow is generally considered to be of poor quality and low prominence, the Tree Officer has raised no objections to this subject to mitigation planting on the boundary. Landscape details have subsequently been submitted during the course of the application, which includes a feature tree on the site frontage, and the Tree Officer has agreed that these details are acceptable.

The Western boundary of the site shared with 191A Old Birmingham Road is defined by a mixed species hedge line and the footprint of the proposed access drive and parking area would abut the base of this hedge, meaning that the RPA of the hedge would extend below the access and parking area. In view of this the Tree Officer has recommended that any section of the access drive and parking area that extends into the RPA of the hedge is installed using a suitable grade of No Dig construction.

In view of the above, the Tree Officer raises no objections to the proposal subject to conditions.

Drainage

The site of the proposed dwelling falls within flood zone 1, and is therefore of low risk for fluvial flooding. The site is also low risk for surface water flooding and there are also no reports of flooding in the local vicinity. North Worcestershire Water Management (NWWM) have raised no objections to the proposal, however they have noted that the dwelling would be sited below road level and have therefore suggested that the finished floor levels of the dwelling are set no lower than the existing adjacent properties and that a form of boundary drainage is incorporated into the development. Based on this, a pre-commencement condition for the submission of a site drainage strategy for surface water has been recommended should planning permission be granted.

Severn Trent Water have also commented on the application and have stated that as the proposed development would have minimal impact on the public sewerage system they raise no objections and do not recommend any conditions.

Ecology

The potential impact of the development on protected species has been considered, and whilst the site is in close proximity to a number of trees, the site currently forms an area of maintained garden land. As the proposal would not include the demolition of any buildings, the submission of an ecological appraisal is not considered necessary in this instance. However, given that the proposal includes the removal of a section of hedgerow and three trees, an informative is suggested to advise that the hedgerow and trees should be removed outside of bird nesting season. Notwithstanding this, the applicants would also be required under separate legislation to ensure that there was no harm to protected species such as bats.

In view of the above the proposal raises no concerns in relation to ecological matters.

Representations

Four letters of objection were received in relation to the proposal raising the following concerns:-

Concern raised	Response
Land included within the application site belongs to different owner/incorrect boundaries of properties shown on plans.	Land ownership is not a planning matter.
Impact to wildlife	This has been considered within the report and raises no concerns subject to an informative.
Impact to hedgerow / roots of trees.	The impact of the development to trees and hedgerows has been considered, and the Tree Officer is satisfied with the proposal subject to conditions.
Highway safety concerns. Cars travel faster than 30mph in reality	The Highways Officer raises no objections to the proposal and notes that as there is a wide footpath between the site entrance and Old

	Birmingham Road, visibility is good. No objection is raised on highway safety matters.
Cars would not be able to exit site in forward gear	Further information has been provided to demonstrate that cars could exit the site in a forward gear.
There have been car accidents in the area.	Accident rates in the local area have been checked and raise no concerns.
Development would be overbearing as it would be close to garden boundary (191A Old Birmingham Road)	This has been considered in the report above.
Development would overshadow conservatory (191A Old Birmingham Road)	As the development would not breach the 45 degree code, and taking into account the direction of the sun, no harmful overshadowing would arise.
Proposal would eliminate rural views of trees and wildlife	Loss of view is not a material planning consideration.
The proposed dwelling would extend beyond the building line	This matter has been considered within the report and it is concluded that the siting of the proposed dwelling would integrate into the streetscene.
No detailed measurements have been provided on the plans	All plans that have been provided are to scale. Numerical measurements on plans are not required by legislation.
The flat roof family room poses a security risk and may be converted to a balcony or two-storey extension in the future.	It is not considered that a flat roof extension would create a significant security risk as these are common features on residential properties. The conversion of the single storey rear projection to a two storey building would require planning permission, as would the creation of a balcony area. Members are only tasked with determining the scheme before them.
Density of development not appropriate for area.	There is no density policy applicable to this area, however the proposed density of development would be similar to the neighbouring property 191A Old Birmingham Road, and would therefore integrate into the character of the area.
The development would be cramped.	The design of the proposal is considered to be proportionate to the plot and would retain a one metre separation distance to side boundaries.
The proposal does not comply with the Housing Mix policy. The property should be a smaller house.	Whilst smaller dwellings are encouraged in order to enhance the local housing mix, this matter is not considered to warrant refusal of the application on this issue alone.
Proposal is vague about materials.	An indication of proposed materials is given on the plans and within the application form, however the details of the final materials can be reserved by planning condition.
Drainage problems within the local area/ sewage capacity already full.	No objections have been raised in relation to drainage by NWWM. Severn Trent Water has commented that the proposed development would

	have minimal impact on the public sewerage system.
Bin storage should be no further than 30 metres from highway.	The proposed bin storage has been moved closer to the highway so that it is now within 30 metres.
Who would be responsible for fence	This is a civil matter rather than a planning matter.
191A Old Birmingham Road had to provide a layby when it was built.	The Highway Officer has not requested this in this instance. Each application needs to be considered on its own merits and it is noted that 191A was granted planning permission in 1974.
Proposed dwelling would block sunlight to greenhouse and vegetable plot (58 Braces Lane)	This has been considered in the report above.
Impact to privacy of 54 Braces Lane (house and garden area)	The distance between the rear windows of the proposed dwelling and those of 54 Braces Lane would greatly exceed the required 21 metre separation distance outlined within the Council's SPD. The first floor rear windows would be approximately 7.5 metres from the rear garden boundary of 54 Braces Lane, however as the garden of 54 Braces Lane is 42 metres in length, the majority of the garden would be unaffected.

Conclusion

The Council cannot currently demonstrate a five year supply of housing land and therefore paragraph 11 and footnote 7 of the NPPF together state that for applications involving the provision of housing, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 7 of the NPPF defines the purpose of the planning system is to contribute to sustainable development, and Paragraph 8 describes the 3 overarching objectives to be economic, social and environmental objectives.

In relation to the social objective, the proposal would make a limited contribution to the local housing supply, however given the importance of providing a sufficient supply of housing, this matter is given substantial weight. In terms of the economic objective, the development would provide some limited benefit to the local economy in terms of providing employment for construction trades and increasing demand for building materials. With regards to environmental considerations, the proposal would result in a dwelling that would be in keeping with the character and layout of the existing area, and would be located within walking distance of amenities and bus stops, meaning that future occupiers would not be reliant on the use of a car. Furthermore, no detrimental harm to neighbouring amenity has been identified and there are no reasons to refuse planning permission on any technical grounds.

Members will note the view expressed by Councillor Jones. However, based on the above there are no adverse impacts of granting planning permission that would

significantly and demonstrably outweigh the benefits, and therefore it is concluded that planning permission should be granted.

RECOMMENDATION: That planning permission be **granted subject to conditions**

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:

Location Plan - drawing no. 01A
Proposed Site Plan - drawing no. 10C
Proposed Plans & Elevations - drawing no. 20C
Landscape Proposals - drawing no. M20/ 1433 / L01
Swept-Path Analysis -Large Car - drawing no. SP01 rev C
Site Access / Junction Visibility Splay Assessment - drawing no. SK01 rev D

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) The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway 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.

- 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 permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging points

shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To encourage sustainable travel and healthy communities.

- 7) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking for two cycles has been provided in accordance with drawing no. 10C. The cycle parking shall thereafter be kept available for the parking of bicycles only.

Reason: To encourage sustainable modes of travel.

- 8) The Development hereby approved shall not be first occupied until the access, parking and turning facilities have been provided as shown on drawing 10C.

Reason: To ensure conformity with submitted details.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no form of boundary enclosure within Schedule 2, Part 2, Class A shall be erected along the southern boundary of the site without express planning permission first being obtained from the Local Planning Authority.

Reason: To ensure there is adequate turning space within the site; in the interests of highway safety.

- 10) Prior to the installation of any section of the access drive way and parking area that incurs into the BS5837:2012 recommended Root Protection Area of the hedge on the Western boundary of the site shared with 191A Old Birmingham Road, a specification of the method of construction to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with these approved details.

Reason: To protect the health of the existing hedgerow, in the interest of visual amenity.

- 11) The hedge line on the Western boundary of the site with 191A Old Birmingham Road should be protected in accordance with BS5837:2012 recommendations throughout any ground or development work on the site.

Reason: To protect the health of the hedgerow, in the interests of visual amenity.

- 12) Prior to the first occupation of the development hereby permitted, the hard and soft landscape scheme indicated on drawing no. M20/ 1433 / L01 shall be implemented in its entirety. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of similar sizes or species.

Reason: In the interests of visual amenity.

- 13) No works or development 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 include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall include the details of field percolation tests. The surface water drainage measures 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: To ensure adequate drainage of the site.

- 14) The first floor windows to be installed on the east and west side elevations of the property as shown on approved plan no. 20C shall be fitted with obscure glazing, and any opening lights shall be at high level and top hinged only. The obscure glass and the openings shall be maintained in the said window in perpetuity.

Reason: To protect the amenities of neighbouring residents

- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Class A shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To protect the amenity levels of neighbouring occupiers at 191A Old Birmingham Road.

Informatives

- 1) The applicant is advised to be aware of their obligations under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) to avoid disturbance of nesting wild birds and protected species such as bats when carrying out these works.
- 2) It is advised that finished floor levels should be set no lower than the existing adjacent properties.

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