

Name of Applicant	Proposal	Expiry Date	Plan Ref.
William & Jane and Roy & Susan Thorn and Hughes	Demolition of nos. 163 and 165 Birmingham Road and construction of five detached dwellings. 163 - 165 Birmingham Road, Bromsgrove, Worcestershire, B61 0DJ		20/00483/FUL

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

RECOMMENDATION: That planning permission be **Granted**

Consultations

Worcestershire Archive and Archaeological Service

The application site is judged to potentially impact heritage assets of archaeological interest that would be lost or damaged by the development. No objection subject to conditions:

1. Programme of archaeological work
2. The development shall not be occupied until the site investigation and post investigation assessment has been completed

Conservation Officer

The proposed development would cause harm (by virtue of total loss of the assets), to the significance, character and appearance of 163 & 165 Birmingham Road which are non-designated heritage assets, thus failing to comply with BDP20 of the Bromsgrove District Plan (2017) and the provisions of the Bromsgrove High Quality Design SPD (2019). As per Paragraph 197 of the NPPF a balanced judgment is required having regard to the scale of harm or loss and the significance of the heritage asset. It is also considered that the proposed scheme would cause less than substantial harm (albeit it at the lesser scale) to the setting, and as such the significance of the Grade II listed Bartleet House, thus failing to comply with S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Paragraphs 196 and 200 of the NPPF (2019) and BDP20 of the Bromsgrove District Plan. I would therefore recommend that that this application for planning permission is refused.

Should you be minded to grant permission for this application I would suggest that all external materials are conditioned.

The Bromsgrove Society

Object to the proposal for the following reasons:

1. Both properties are fine examples of period architecture
2. Both houses have character and add to the heritage value of the town
3. The properties are in close proximity to Bartleet House, All Saints Church and the Crabmill pub; all listed buildings

4. The development will lead to the loss of back gardens and increased hard landscaping in an area prone to flooding
5. The proposal is back land development, contrary and the Councils High Quality Design SPD(2019) guide 4.1(b); 'Back land or rear garden development will be resisted in line with Policy BD19(n) unless it fully integrates into the residential area, is in keeping with the character and quality of the local environment'
6. The development will increase traffic onto one of the busiest roads in the town
7. The development will fail to satisfy the requirements of NPPF108, 109 & 110
8. The development will fail to satisfy the requirements of the Local Heritage Strategy

Crime Risk Manager

No objection

North Worcestershire Water Management

No objection subject to conditions relating to:

1. Surface water strategy condition
2. Permeable paving shall be maintained
3. Finished floor levels

WRS – Contaminated Land

No objection, subject to unexpected contamination condition.

WRS – Noise

No objection

Highways – Bromsgrove

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

1. Conformity with submitted details
2. Bound Material
3. Electric vehicle charging points
4. Existing access closure / reinstatement

Waste Management

No objection

Arboricultural Officer

No objection subject to condition regarding retention and protection of trees as outlined in Tree Survey, Arboricultural Impact Assessment and Method Statement.

Red Kite Network (Ecology)

No objection subject to objection subject to the provision of a planning condition to obtain a Natural England licence and final mitigation measures.

Councillor Laight

Councillor Laight has requested that this application is considered by Planning Committee for the following reasons:

- 1) The application involves "Rear Garden Development". The Councils High Quality Design SPD (2019) guide 4.1 (b); states "Back land or rear garden development will be resisted in line with policy BD19(n) unless it fully integrates into the residential area and is in keeping with the character and quality of the local environment"

2) The access to the site will be a dangerous Black Spot as it is on to a major road in and out of Bromsgrove town centre and has heavy traffic levels. A key point stated in the NPPF2018 – Transport Planning for Developments is, “Highway safety now explicitly referenced as a reason for refusal”

Publicity

41 letters sent to surrounding properties on 4th May 2020 (expired 28th May 2020).

1 site notice was displayed on 5th May 2020 (expired 29th May 2020).

An advert was placed in the Bromsgrove Standard on 15th May 2020 (expired 2nd June 2020).

11 letters of objection (this includes 5 letters from two addresses)

The following concerns have been raised:

Residential amenity

- Archaeological Impact
- Impact on listed Bartlett House
- Loss of historic buildings
- Impact on listed wall through building works
- Impact on services, in particular school places
- Noise
- Loss of security
- Drainage
- Loss of privacy
- Garden/backland development
- Loss of a view/visual impact
- Highway safety in relation parking and road users
- Increase in traffic
- On street parking within Oakland Grove
- Proposal would set a precedent if approved
- Scope to incorporate further gardens into the development to circumvent affordable housing provision
- Loss of wildlife
- Cumulative impact of development with All Saints Garage (18/01123/FUL) and Burcot Lane (19/01610/FUL)

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

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP7 Housing Mix and Density

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP20 Managing the Historic Environment

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 Site and its Surroundings

The site comprises two residential dwellings fronting Birmingham Road (No. 163 and 165) and their curtilages. The site is located between a number of residential dwellings fronting Birmingham Road, with dwellings within Oakland Grove and All Saints Road backing onto the site.

Surrounding properties vary in scale, design and age. To the north of the site set back from the road with parking in front is a large 3 storey office building. This is built in the Georgian style with brick and render. To the south are detached properties set back from the road that vary in age and style. The properties on Oakland Grove are semi-detached and are on smaller plots. The properties on All Saints Road are larger and are on larger plots with long narrow back gardens. On the opposite side of Birmingham Road are semi-detached properties that are set back from Birmingham Road behind Spadesbourne Brook, a hedge and an access road, Burcot Avenue.

Proposal

The application proposes to demolish 163 and 165 Birmingham road and for the erection of 5 dwellings across the site.

The proposal will comprise two storey dwellings and it proposes to deliver a mix of properties consisting of;

2 x 3 bedroom detached dwellings
1 x 4 bedroom detached dwellings
2 x 5 bedroom detached dwellings

Main Issues

The main issues for consideration are:

- Whether the proposal provides an appropriate residential use in accordance with relevant planning policy;
- The effect of the proposal on nearby designated and non-designated heritage assets
- The effect of the proposal on the character and appearance of the area;

- The effect of the proposal on the living conditions of the occupiers of neighbouring properties and future occupiers;
- The effect of the proposal on highway safety and the free flow of the road network;

Other Material Considerations

- Landscaping/Trees
- Ecology
- Drainage
- Other Matters

Whether the proposal provides an appropriate residential use in accordance with relevant planning policy

This application site is located in the residential area of Lowes Hill where residential development is considered acceptable in principle; subject to ensuring development enhances the character and distinctiveness of the local area having regard to BDP19 of the Bromsgrove District Plan.

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 a 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, this shortfall has increased since April 2018, where the Council was able to demonstrate a 4.02 year supply.

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’.

This report considers if there would be any adverse impacts (harm) to the local area regarding assessing the impact on the nearby designated and non-designated heritage assets character and local distinctiveness, neighbour amenity, highways, landscape, ecology and drainage. Finally, a tilted balance exercise is applied in the conclusion of the report.

The effect of the proposal on nearby designated and non-designated heritage assets

The application site comprises 163 (Albert Cottage) & 165 (Brook Cottage) Birmingham Road. These are two brick built detached dwellings which date from the mid-19th century and are located adjacent, thus in the setting of, the Grade II listed Bartleet House (List Entry Number: 1099538). 163 and 165 Birmingham Road, together with the former boundary wall to Bartleet House are considered to be non-designated heritage assets in their own right. Bromsgrove District Council does not currently have a definitive list of non-designated heritage assets, and non-designated heritage assets are not limited to those on an identified local list. The proposed scheme must therefore be assessed regarding the impact on the 3 non-designated heritage assets and the setting of the Grade II listed Bartleet House, a designated heritage asset.

Albert Cottage, 163 Birmingham Road is a two storey detached house of red brick in Flemish bond, under a hipped clay tile roof. The building dates to the mid-19th century. The building is of roughly square plan form with a symmetrical front elevation. The front elevation has been subject to several 20th century alterations with the addition of two storey bay windows and the replacement of windows. The building, whilst not purpose built for, was occupied by Harry Holloway, Clerk to the Poor Law Guardians for the adjacent former workhouse, Bartleet House and therefore is of some historic interest. Whilst the building is of limited local historic interest, its integrity and its contribution to the townscape of the area has diminished over time and by alterations.

Brook Cottage, 165 Birmingham Road is a two storey detached house of red brick in a Flemish bond, under a hipped pantile roof. The building dates to the mid-19th century. The building was originally constructed in an L-shaped plan form with the rear projection later extended. The principal elevation is polite in architectural style with symmetrical detailing, over 3 bays. The building retains its original stone cills and headers, which featuring a classical inspired corbelled pediment. The central entrance door has a glazed fan light and arched brick detailing. The building's significance derives from the character and appearance of the building as a rare survival of a largely complete mid-19th century classically proportioned residence in this area of Bromsgrove which retains its architectural interest; and its positive contribution to the townscape of the area.

The boundary wall which runs along the northern boundary of 165 Birmingham Road and perpendicular to Birmingham Road is the former boundary wall to Bartleet House, the former workhouse, and is therefore of historic interest and is a rare surviving structure of the former workhouse. The wall is to be retained as existing, it is noted the concern raised by local residents regarding the wall, it is considered that it can be suitably protected by a condition.

The Impact on 163 and 165 as a non-designated heritage asset (NDHA)

Non-designated heritage assets are on the lowest rung of the hierarchy of heritage assets, they do not have statutory protection and their loss requires a balanced judgement (NPPF 197). The NPPF does not seek to prescribe how that balance should be undertaken, or what weight should be given to any matter.

The significance of the 163 and 165 as a NDHA (albeit at a low level) would be totally lost due to demolition. NPPF 197 requires weighing “applications” that affect a NDHA and this means the consideration of the application (i.e. the scheme including the replacement buildings). It then requires a balanced judgement having regard to the scale of any harm and the significance of the heritage asset. There is no requirement in this balance to give ‘great weight’ to the preserving of the heritage asset’s significance.

The applicant’s heritage consultant contends that the two buildings in question do not meet the LPAs own criteria for consideration as locally listed buildings which, according to Planning Practice guidance, is synonymous with the concept of a NDHA as understood by the NPPF. The Bromsgrove Local Plan, by supporting a less selective approach (under Policy BDP20) to non-designated heritage assets, is therefore in conflict with both national policy and guidance.

The heritage consultant also argue that notwithstanding this, given the primacy of the LDP within the plan making process, the two buildings are considered by the Conservation Officer as heritage assets. As identified, the buildings fail to meet the criteria for local listing, and as such their heritage significance is of the lowest possible order and – as stated by the Conservation Officer – resides primarily in their townscape value (and principally the contribution of 165).

Bartleet House is identified as having its setting negatively impacted by the loss of 163 – 165 Birmingham Road, although the Conservation Officer is claiming a purely coincidental occupation by an employee of the former hospital as illustrative value

sufficient to warrant the retention of the more physically altered of the two properties, acknowledging that its townscape value is limited.

The applicant Heritage consultant also argues that the proximity of elements of a designated building's setting do not necessarily confer a greater significance simply by being in the 'immediate'.

The heritage consultant concludes that taking all of the above into account, in accordance with Local Plan Policy the loss of the two buildings can have, at most, an extremely minor impact on the setting of the asset, with a corresponding negligible negative impact on its significance, through loss of illustrative context.

To that end, the balanced judgement under 197 needs to consider the above benefits against the complete loss of heritage assets that do not qualify as locally listed buildings and generate marginal levels of streetscape and illustrative value.

Although 163 and 165 are heritage assets of low significance, it is considered that their demolition would result in an impact. The benefits of the proposed redevelopment, are however more substantial, it is noted that the proposed scheme makes efficient use of land and contributes to the housing supply within the District, for which there is a recognised shortfall. The proposal would also give rise to limited employment during the construction of the proposed scheme. The proposal therefore contributes to public benefits which deliver economic, social or environmental progress as identified within the NPPF.

The loss of the buildings is nevertheless an adverse effect but taking the merits of the proposed development into account and given the eroded significance of the non-designated heritage assets and their minimal levels of value it is considered that the above benefits of the completed proposal result in an acceptable loss in heritage terms. Their proposed demolition is not considered to be unacceptable when a balanced judgement is made in accordance with paragraph 197 of the Framework.

The Impact on the Setting of nearby Designated Heritage Asset

In regards to the setting of the Grade II listed Bartleet House, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The NPPF defines the setting of a heritage asset as the surroundings in which the asset is experienced, pointing out that the extent of the setting may change as the asset and its surroundings evolve. Preservation in this context means not harming the interest in the building or setting.

The Conservation officer that considers the townscape value of the two properties, with a greater extent to 165 Birmingham Road, positively contribute to the setting of the Grade II Bartleet House and are the last surviving buildings of an age contemporary to Bartleet House within its immediate setting. The former workhouse building is elsewhere surrounded by 20th century residential development. The Conservation Officer considers that the demolition of the 2no non-designated heritage assets, particularly 165

Birmingham Road, and their replacement with modern housing estate type dwellings would have a negative impact on the setting of Bartleet House, isolating the designated heritage asset, and as such causing harm to the setting, and as such the significance of a designated heritage asset.

In response the applicant Heritage consultant notes that greater weight should be applied to the preservation of the significance of Bartleet House in line with its lowest level of statutory designation. This harm needs to be weighed against the above moderate and major public benefits arising from the proposed scheme. The applicant considers that in this balance that the proposals cause no harm to the significance of the building through direct impact, nor does the removal of the heritage assets impact on the current usage of the designated building. Owing to the orientation of other surrounding designated heritage assets, the applicants Heritage consultant is of the view that the removal of the non-designated buildings does not impact on any legibility of the designated buildings' relationships and derived illustrative value from these aspects of Bartleet House's setting.

The proposal would result in less than substantial harm to a designated heritage asset and therefore, in accordance with paragraph 196 of the NPPF, this harm should be weighed against the public benefits of the proposal. This attracts considerable weight and importance in the planning balance.

In assessing the public benefits of the proposal, it is noted that the proposed scheme makes efficient use of land and contributes to the housing supply within the District, for which there is a recognised shortfall. The proposal would also give rise to limited employment during the construction of the proposed scheme. The proposal therefore contributes to public benefits which deliver economic, social or environmental progress as identified within the NPPF and these public benefits are considered to outweigh the less than substantial harm arising from the proposal.

The proposal results in less than substantial harm to the significant of a designated heritage asset, which carries significant weight against the proposal in the planning balance. However, in my view this harm is balanced by the social and economic benefits (through the provision of new housing and employment opportunities during construction) of the scheme. I therefore conclude that the identified less than substantial harm is outweighed by the public benefits of the proposal.

The effect of the proposal on the character and appearance of the area

BDP19 (n) seeks to resist the development of garden land unless it fully integrates into the residential area and is in keeping with the character and quality of the local environment. The Council's High Quality Design SPD provides design guidance to assist with interpreting these policies.

The site will be accessed off Birmingham Road via 2no. new vehicular access points. The site fronts onto Birmingham Road with a run of dwellings running to the south and several commercial buildings to the north. To the opposite side of Birmingham Road is Spadesbourne Brooke. There is a cul-de-sac development accessed to the north of the site, Oakland Grove that sits between 165 Birmingham Road & Bartleet House.

Other than to the rear of the application site and properties at 151 and 157, other properties in the area are not characterised as having large open gardens.

The proposal would be adjacent to Oakland Grove and in close proximity to further back land development in the form of the garage redevelopments at Somerville and Hollyfields located off All Saints Road. Therefore, it is considered that the proposed development of this back land site would not appear out-of-character with the area.

The development of the site would result in the loss of planting and trees. However, this character is localised and is only really appreciated from within the application site and neighbouring gardens. A detailed tree survey by Indigo Surveys indicates the trees to be retained as part of this development. While some trees and landscaping will be lost, it is considered that that any harm as a result of the loss of the existing planting and trees would not be so severe that it would significantly harm the character and appearance of the area. The Tree Officer has raised no objection to the scheme subject to conditions. Tree matters are also considered in more detail later in this report.

The properties take design cues from the wider locality. Facing materials will reflect areas of the local character comprising of red brickwork facades, twinned with feature bay windows with tile hanging and chimneys.

The properties fronting Birmingham Road will be taller to reflect the character of the existing dwellings, continuing the stepped building heights from Bartleet House to 157 Birmingham Road. The properties will also incorporate feature stone cills to windows and feature brick headers to the windows. The roofs will comprise of brown clay roof tiles with black PVCU fascias and soffits to the eaves and verges.

The proposed dwellings fronting Birmingham Road will have oversized taller windows to reflect the sash windows to Bartleet House and the existing dwellings 163 + 165 Birmingham Road, that the scheme looks to replace. The external design respects the local character and would contribute to the varied dwelling types already found in the area.

The development plots (3,4 and 5) have tried to mirror the plots in the adjoining cul-de-sac, it is considered that the properties would not appear overly dominant or unreasonably squeezed in, in this setting.

The Design SPD recommends a minimum garden depth of 10.5m for a two storey dwelling with an absolute minimum area of 70 sq m. The rear gardens of each property would comfortably exceed the Council's minimum requirements, allowing for comfortable living conditions. The plots would maintain a more than adequate degree of spaciousness to allow a satisfactory degree of amenity and privacy levels for occupiers and neighbours from both within and outside of the site.

The density of the proposal, at 22.7 dwellings per hectare (dph), is entirely lower than the adjacent Oaklands Grove development which has a higher density of 44.3 dph.

The site would involve the development of garden land. However, Policy BDP19 (n) allows such development providing it fully integrates into the residential area and is in keeping with the character and appearance of the local environment.

Therefore the proposed development would not significantly harm the character and appearance of the area. As such, it would accord with Policies BDP1, BDP7 and BDP19 of the BDP, which, amongst other things, seek to ensure that development respects visual amenity and maintains character and local distinctiveness and is of a high quality design in line with the High Quality Design SPD.

The effect of the proposal on the living conditions of the occupiers of neighbouring properties and future occupiers

Policy BDP 1.4 (e) requires developments to be compatible with adjoining uses and the impact on residential amenity. The High Quality Design SPD assists with interpreting this policy.

Concerns have been expressed relating to additional noise disturbances close to neighbouring garden boundaries. The proposed dwellings would be surrounded by existing dwellings. Gardens and the access road would run along an existing garden. Vehicular movements within the site would be closest to the rear and side of number 157 Birmingham Road. Allocated parking and turning areas within the site would be surrounded by boundary fences, trees and planting, which would minimise noise disturbance.

In addition, whilst the properties would be within proximity of each other, there would be sufficient distance between them to ensure that any activities taking place within them would have no increased harmful effect than one would normally expect when living in a built-up residential area. Moreover, the existing site is comprised of domestic gardens. Therefore, they could be used for various domestic activities that would not be materially different to the proposed development.

I appreciate the concerns regarding noise and disturbance, and I accept that the introduction of new dwellings onto the site would inevitably lead to an increase in noise. However, the issue is not whether there would be an increase in noise and light but whether this increase would have a significantly harmful effect on the living conditions of the neighbouring residents. Based upon comments from WRS Noise, the increase in noise would not result in a significantly harmful effect.

The site is bound on three sides by residential developments. The site abuts 1,9,11 and 11a Oakland Grove, 157 Birmingham Road and 73 All Saints Road. However, the proposed rear elevations do not direct face the front or rear elevations of these properties, there separated distance so any overlooking of gardens areas is minimal. The site also abuts 157 Birmingham Road, the proposed front elevation of plot 3 of the development would be separated by in excess of approximately 28m. This distance is in excess of the 21m standard set out in the High Quality Design SPD.

It is noted that Plot 5 is in close proximity (2.5m) to 1 Oakland Grove as well as 7,9,11 and 11a. The position of plot 5 and its design, with a large projecting rear ground floor element, is not considered to cause significant overshadowing or overbearance. Its 1st floor rear windows do not directly face other windows and are enough distance away to not overlook other properties' garden areas and maintain reasonable levels of residential amenity

Overall with regards to privacy, there would be sufficient distance between the windows in the proposed dwellings and the existing properties to ensure that any overlooking would not have a significantly harmful effect on the living conditions of the neighbouring occupants.

Concerns have been raised that the development will result in an increase of crime. However, there is no evidence that this would likely result in an increase in crime. It is also worthwhile noting that additional dwellings can provide increased natural surveillance and thus reduce the risk of crime.

WRS Noise have no objection, but recognise that There may be some short term disruption to neighbours during the construction/demolition phase, as such they direct the applicant to the WRS Contractor guide. This will protect existing and new occupiers of residential areas from the unreasonable effects of noise, vibration, light and dust nuisance during any construction period.

In summary, the overall resulting separation distances, garden depths and design would ensure amenity and privacy levels would not be harmed between properties and there would be no harm to neighbour amenity by way of overshadowing, overlooking or overbearing impacts. Subject to the imposition of relevant conditions relating to obscure glazing, landscaping and boundary treatment, the proposal is considered to accord with Policies BDP1 and BDP19 of the BDP and the High Quality Design SPD..

Highways and Parking

A Transport Technical Note has been submitted as part of the application. 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 applicant has indicated 2.4m x 43m vehicular visibility splays which is acceptable since a footpath fronting the site is in excess of 2.5m width and visibility is not impeded in either direction.

With regards to parking provision, three car parking spaces have been indicated on the site plan for the 4 and 5 bed properties and two car parking spaces for the 3 bed properties which would meet the standards set out in Worcestershire County Council's Streetscape Design Guide. Several properties also have a garage proposed for extra parking/storage. Based upon this, it is not considered that the development will reduce on site street parking within Oakland Grove.

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

Drainage

North Worcestershire Water Management (NWWM) have reviewed the Flood Risk Assessment (FRA) submitted as part of the application. The site falls within flood zone 1 (low risk of fluvial flooding) but does lie adjacent to an area covered by flood zones 2 & 3 (high risk of fluvial flooding associated with the Spadesbourne Brook). NWWM note that they hold no reports of flooding on the site itself, but NWWM records do indicate

instances of flooding in the local vicinity, associated with both the Spadesbourne Brook and surface water runoff.

The FRA includes a review of the flood zone and uses the 1% level plus an additional 35% allowance for climate change. This suggests that plots 1 & 2 may be at risk of flooding, however the proposed measures to raise the finished floor levels 600mm above this are acceptable.

NWWM have no objections to the proposals, however, before any work commences on a full drainage investigation report should be produced to assess the viability of the site for infiltration drainage as well as other conditions.

Ecology

The applicant has undertaken surveys to ascertain the presence of protected species on the site. The Ecological Assessment Report confirms the presence of brown long eared bat (by AMPA Associates Limited) within the roof void of 163 Birmingham Road. Roost features for crevice dwelling bat species are also confirmed within 163 Birmingham Road. No other significant habitats or potential for protected species relating to the Site are identified within the Ecological Assessment Report. Following the submission of further ecology information, Red Kite have no objection subject to a planning condition regarding a Natural England licence and final mitigation measures. The proposal is therefore compliant with Policy BDP21 of the Bromsgrove District Plan.

Trees

A Tree Survey, Arboricultural Impact Assessment and Method Statement has been reviewed by the tree officer. The report highlights the need to remove a number of trees (T1, T2, T3 and T7) due to conflict with the proposed layout as well as T6 due to its conflict with the existing boundary wall. These trees are all of low prominence within the landscaping of the site and area therefore the officer would agree with the comments made in the report and would have no objection to their loss to accommodate this application.

All other trees within the report appear to be off site and therefore are highlighted for retention. The Tree Officer does not envisage that the layout of the proposed development will create any long term sustainability issues with any of these trees.

The Tree Officer has no objection to the proposal subject to a condition regarding retention and protection of trees in line with the submitted assessment.

Contamination

WRS have reviewed records and documents associated with the above application, the site is adjacent to a site with a contaminated land history as such please see attached recommended conditions should any unexpected contamination be encountered.

Other Matters

Issues have also been raised regarding precedent. Each application is assessed on its individual merits and therefore any planning approval will not set a precedent locally.

It is also noted that impact on services and in particular school places has been raised in opposition. The application proposes 5 dwellings (with a net gain of 3 dwellings), which is below the threshold that contributions could be required to fund increase school places locally or other infrastructure.

Conclusion

The proposal would not cause undue harm to the amenities of neighbouring residential properties and it is demonstrated that the development would have an acceptable impact on highway safety and trees/landscape and as such neutral weight is attributed to these issues in the decision making process.

In terms of impact on character of the area, it is noted that there are other examples of garden/backland developments within the area, on balance, the proposals are considered to be acceptable.

The proposals are considered to result in less than substantial harm to the designated and non-designated heritage assets, when balanced against the Council not being able to demonstrate a 5 year housing land supply, in accordance with the NPPF, whereby 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 it is considered that the public benefits in social, environmental and economic terms, including the recognised need to boost housing supply numbers, as well as employment opportunities created through construction, outweighs the less than substantial harm caused to designated and the loss of the non-designated heritage assets.

Members will note the view expressed by Councillor Laight. 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**

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 -115-01

Proposed Site Plan - 120-10D
Proposed Floor Plans and Elevations Plot 1 -120-20
Proposed Floor Plans and Elevations Plot 2 - 120-21
Proposed Floor Plans and Elevations Plot 3 -120-22A
Proposed Floor Plans and Elevations Plot 4 - 120-23A
Proposed Floor Plans and Elevations Plot 5 -120 -24
Plot 1 and 2 Garage - 120-25
Landscape Plan - 1425- BIRMINGHAM RD BROMSGROVE FFC LAYOUT
Access Plan - SK01 Rev A

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 landscaping scheme detailed on Landscape Plan - 1425- BIRMINGHAM RD BROMSGROVE FFC LAYOUT shall be carried out in the first planting and seeding season following the first occupation of any dwelling or the completion of the development, whichever is the sooner.

Reason: To enhance the appearance of the development in the interest of the visual amenities of the area.

- 5) Any trees or plants which within a period of 5 years from the completion of the development or completion of the landscaping scheme pursuant to condition [4] (whichever is later) die, are removed or become, in the opinion of the Local Planning Authority, seriously damaged or diseased, shall be replaced with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To ensure the environment of the development is improved and enhanced.

- 6) All trees and hedges that are to be retained should be afforded protection in accordance with BS5837:2012 recommendations and as defined within the Indigo Surveys Ltd BS5837:2012 Tree Survey, Arboricultural Impact Assessment and Method Statement provide with the application throughout any demolition, ground or development work on the site.

Reason: To protect trees and hedges.

- 7) No development shall take place until a programme of archaeological work including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of site investigation and recording.
 - b) The programme for post investigation assessment.
 - c) Provision to be made for analysis of the site investigation and recording.
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In accordance with the requirements of paragraph 199 of the National Planning Policy Framework.

- 8) No works or development shall take place until a scheme for a surface water 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 hard-standing 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). The scheme should include run off treatment proposals for surface water drainage. Where the scheme includes communal surface water drainage assets proposals for dealing with the future maintenance of these assets should be included. The scheme should include proposals for informing future home owners or occupiers of the arrangements for maintenance of communal surface water drainage assets. The approved surface water drainage scheme shall be implemented prior to the first use of the development and thereafter maintained in accordance with the agreed scheme.

Reason: The agreement of a scheme of surface water disposal prior to the commencement of development is fundamental to safeguard against pollution and flooding.

- 9) The permeable paving areas shall be maintained to facilitate the optimal functionality and performance of the surface water drainage scheme. Permeable surfaces shall not be replaced by impermeable surfaces without prior written approval from the Local Planning Authority.

Reason: To safeguard against flooding.

- 10) Finished floor levels within the development shall be set no lower than 600 mm above the modelled 1 in 100 annual probability flood level, including an allowance for climate change.

Reason: To safeguard against flooding.

- 11) 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 in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority in advance of the scheme commencing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to development commencing other than that required to be carried out as part of an approved scheme of remediation.

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

- 12) 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.

- 13) The development hereby permitted shall not be first occupied until the each of the proposed dwellings have 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.

- 14) The development hereby approved shall not be occupied until the existing vehicular accesses are permanently closed / reinstated (as required) in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe and free flow of traffic using the adjoining highway.

- 15) All proposed works shall be carried out in accordance with the recommendations as set out in the Ecological Assessment Report and the Further Ecological Information by AMPA Associates Limited.

Reason: To ensure that the proposal results in a net gain of biodiversity.

- 16) No development shall take place until a survey report and a method statement setting out how the existing boundary walls are to be protected, maintained, repaired and stabilised during and after demolition and construction works, and including details of any temporary support and structural strengthening or underpinning works, shall have been submitted to and approved in writing by the Local Planning Authority. The demolition and construction works shall be carried out and completed fully in accordance with the approved method statement.

Reason: To ensure a satisfactory appearance to the development.

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