

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Bryan Footes	Development of 1 dwelling house (part-retrospective) resubmission of 19/01002/FUL Dellow Grove, Alvechurch, Birmingham, Worcestershire, B48 7NR	27.10.2020	20/01041/FUL

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

RECOMMENDATION: That planning permission be Granted

Consultations

Highways

No objection to the proposal subject to conditions relating to visibility splays, access and parking, and the provision of cycle storage and electric vehicle charging points.

WRS - Contaminated Land

Due to the history of the site as a workshop and the site being located within 250m of two known landfills, a tiered investigation has been recommended by condition.

Alvechurch Parish Council

Objection - Over intensification of the site, inappropriate massing, bland design, and loss of amenity to neighbouring properties due to overlooking.

Public notifications

14 neighbour letters were sent 04.09.2020 and expired 28.09.2020

Four letters of objection were received which raised the following concerns:

- Design and detrimental impact to character of the area
- Impact to privacy
- Overbearing impact
- Development breaches 45 degree code
- Parking issues in the area
- Development built without planning permission
- Outstanding conditions from original permission
- Loss of view
- Over development of site

One representation was received in support of the proposal.

Councillor English

Councillor English has requested that this application is considered by Planning Committee as the proposal is considered to be overbearing, create overlooking issues and cause overshadowing to neighbours. Furthermore it is considered that there is

insufficient parking for a four bedroomed dwelling, and the plans are not accurate and complete.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP16 Sustainable Transport
BDP19 High Quality Design

Others

Bromsgrove High Quality Design SPD
NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance
ALVNP Alvechurch Neighbourhood Plan

Relevant Planning History

19/01002/FUL	Proposed detached dwelling to replace redundant workshop.	Granted	04.11.2019
B/2003/1304	Erection of a detached private dwelling house - Renewal of B/1998/0686	Granted	14.11.2003
B/1998/0686	Erection of a detached private dwelling house. (As amended by plans 14.12.98)	Granted	11.01.1999
B/16512/1988	Erection of detached dwelling house (as amended by plans received 2.8.88)	Granted	15.08.1988

Assessment of Proposal

This application follows a previously approved planning application at the site for a detached three bedroom dwelling with a single storey attached garage. The previous planning permission, ref: 19/01002/FUL, was granted in November 2019 and therefore remains extant. The extant permission is therefore considered a “fall-back” position, and the merits of the current application are considered in the context of this.

The material differences between the current proposal and the previously approved scheme are as follows:

- An increase of 0.55 metres to the ridge height of the main roof
- An increase of 2.3 metres to the height of the roof of the former single storey garage, in order to create a first floor bedroom above.
- Addition of two dormers on the rear of the main roof
- Addition of one dormer on the front of the former garage roof
- Alterations to the fenestration of the dwelling, including the replacement of front garage door with window in order to change the approved garage to an open plan kitchen

Notwithstanding the above, the overall footprint of the dwelling in terms of its width and depth remains as approved, and the siting of the dwelling also remains as approved. The development for consideration however comprises a four bedroomed property rather than a three bedroomed property, as was previously approved. The application site has been re-surveyed following the previous approval and has been measured to be 1.1 metres wider. Because of this, whereas the flank wall of the previously approved dwelling was shown to be abutting the western boundary of the plot shared with 21 Dellow Grove, the current scheme shows the dwelling to be set in from this boundary by 1.1 metres.

As the application site lies within the residential area of Alvechurch, having regard to Policy BDP2 of the Bromsgrove District Plan (BDP), the principle of residential development is acceptable. However, in view of the changes identified above, the relevant material planning considerations for this application are design and impact to the appearance of the area, impact to residential amenity, highway safety and contaminated land.

Design and impact to the appearance of the area

Policy BDP19 of the BDP requires new development to be of a high standard of design that would enhance the character and distinctiveness of the local area. The application site fronts Dellow Grove, which consists of two storey red brick dwellings. The houses along Dellow Grove are predominantly link detached, joined by catslide garages, however as these garages are generally set back from the front elevation, the properties appear more as detached dwellings.

The application site itself rises to the west and overall sits at a lower level compared to its adjacent neighbour, 21 Dellow Grove, and also to other surrounding neighbours, numbers 20 and 19 Dellow Grove. Whilst the houses in Dellow Grove are clearly uniform in their scale and form, the height and massing of the amended proposal is not considered to appear at odds with existing development, particularly in view of the lower level of the application site. Furthermore, due to the layout of the houses along Dellow Grove, the new dwelling is not viewed directly next to any of the existing neighbouring dwellings. A large number of the existing dwellings on Dellow Grove have garages to the side of the main dwelling which include steep catslide roofs; some of these garages have a front facing dormer within the roof slope. Similar to this, the amended house design includes steeply pitched roof above the former garage building and also includes a front dormer which would closely match the dual pitched dormers seen within the street scene. The amended design continues to include design details such as a front gable feature and brick headers above windows in order to reflect the detailing seen on neighbouring properties. Although there was a materials condition to discharge on the extant permission, the materials that have been chosen to construct the dwelling are reflective of the material palette seen within Dellow Grove.

Overall, the amended proposal, having regard to its scale, form, design detailing and material finish is considered to integrate within the existing character and appearance of the area and constitutes development of a high quality design that would meet the requirements of Policy BDP19 of the BDP and the Council's High Quality Design SPD.

Residential Amenity

Policy BDP1 of the BDP requires consideration to be given to the impact of development proposals on residential amenity. In addition to this, the Council's Design SPD provides further guidance in terms of suitable standards to ensure that amenity is protected.

The Council's SPD states that a minimum distance of 12.5 metres should be provided between flank side elevations and main windowed elevations of two storey dwellings. In the case of the amended proposal there is a distance of 11.6 metres between the rear windows of number 21 Dellow Grove and the nearest side elevation of the new dwelling which has been raised in height to enable the creation of a bedroom within the roof space. Whilst this distance is slightly short of 12.5 metres, it is noted that the standard contained within the SPD relates to two storey development, whereas the side elevation in question is 5.9 metres tall and is positioned at a lower land level relative to its neighbouring property, 21 Dellow Grove. In addition to this, the majority of the massing of this side elevation is obscured by the existing large double garage at number 21 Dellow Grove. The flank wall does not directly oppose any other main windowed elevations.

In order to protect privacy, the Council's SPD also provides suitable separation distances between opposing elevations with main windows, which is 21 metres for two storey dwellings. At its closest point the rear elevation of the new dwelling would be 22 metres from the front of 19 Dellow Grove. Although there would be a closer relationship to the rear of number 20 Dellow Grove, these windows are approximately at right angles to the rear windows of the new dwelling and therefore this does not allow a direct view between the windows. The design of the new dwelling has been amended during the application process to move the dormer from the rear of the of the previously approved garage to the front of the building in order prevent overlooking of the garden area of number 20 Dellow Grove.

With regards to the addition of the two rear dormers on the main roof of the new dwelling it should also be noted that, subject to meeting certain size criteria, these could have been constructed under permitted development, following the completion of the approved development. Notwithstanding this, given the distances to the neighbours behind the site, it is not considered that there would be any harmful impact to privacy.

Whilst there has been no harm identified to the amenity of surrounding neighbours, it is considered reasonable and necessary to recommend a condition for the removal of permitted development rights for extensions and roof additions, as further extensions or dormers to the rear of the property could result in loss of privacy.

With regards to the amenity of the future occupiers of the development, the proposed rear garden length for the new dwelling remains as previously approved, however as the development plot has increased slightly in width, the area of the garden measures slightly larger at 95 square metres. Having regards to the standards outlined in the Council's SPD, this garden area is considered adequate.

Highways

As with the approved scheme, the area to the front of the site would provide off road parking for the future occupiers of the dwelling. Worcestershire County Council Highways have commented on the amended proposal and note that the application site lies within a sustainable location, within walking distance of amenities and public transport options. The parking standards contained within Worcestershire County Council Streetscape

Design Guide (Spring 2020) suggest that four bedroom dwellings should provide three parking spaces, and the Highways Officer has confirmed that there is sufficient space to achieve this. It is also noted that paragraph 109 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the cumulative impacts on the road network would be severe. Having regard to these considerations the Highways Officer has raised no objections to the application subject to conditions relating to the access and the provision of cycle storage and an electric vehicle charging point. These items can be secured by condition, prior to occupation of the development.

Contaminated Land

Worcestershire Regulatory Services (WRS) have provided comments in relation to contaminated land and due to the former use of the site as a workshop and the proximity of two nearby landfill sites, recommended a condition for a tiered investigation of the site. As the wording of this condition required information to be submitted prior to commencement of development, it was noted that the recommended condition could not be complied with. WRS have since confirmed that an amended condition requiring the information to be submitted prior to the occupation of the dwelling would be acceptable. Furthermore WRS have clarified that due to the geology of the site a gas assessment would most likely return a characteristic situation of 1, meaning no gas protection measures are required. The applicant has confirmed that a desktop risk assessment is currently being undertaken.

Parish Council

Alvechurch Parish Council raised concerns with the amended proposal in respect of its design and massing and in relation to overlooking. These matters have all been addressed above within the report. Whilst the Parish Council also state that the development results in an over intensification of the site, the amended proposal has been found to be acceptable in terms of its separation distances to neighbours, and also in terms of density of development.

The amended proposal is also considered to comply with the Alvechurch Parish Neighbourhood Plan (APNP). Policy HDNE2 requires development to be in keeping with the local surroundings and enhance the local distinctiveness of the parish. The proposal accords with new housing policies H1 and H4 of the APNP as the site is located within the village settlement boundary and reflects the local character in terms of layout, design and use of materials.

Neighbour Representations

Four letters of objection and one letter of support have been received in relation to this application. The letters of objection raised the following concerns:-

Concern raised	Response
The development has been built without permission	Retrospective planning applications are considered against relevant local and national planning policy and guidance, in the same way as applications submitted prior to commencement of development are considered. It is at the risk of the applicant if they are to commence development prior to receiving

	planning permission.
Conditions on the original planning permission have not been discharged	Conditions from the original planning permission have been considered, and where relevant, are recommended to be included as part of the current permission.
The changes do not maintain the character of the area	This has been considered above in the report.
Pitch of roof above former garage is not in keeping with other properties	Given that the majority of properties along Dellow Grove have a garage to the side of the property with a steep pitched roof, this design feature is not considered to appear out of keeping.
Development is overbearing	Having regards to the separation distances and the lower land level of the site, the development is not considered to be overbearing.
Does not comply with the 45 degree code	Due to the orientation of neighbouring properties relative to the application site, the 45 degree code would not be applied in this instance.
Although plans show a comparison of roof height between the new house and the average house on Dellow Grove, properties near to the application site are lower.	Whilst some of the dwellings along Dellow Grove are taller than the proposal and some are lower in height, the position of the plot and the lower land level mean that the height and massing of the new dwelling does not appear at odds within the street scene.
Over development of the site	The proposal is considered acceptable in terms of density and meeting separation distances.
No weight should be given to the fact that the development is already built.	As above, retrospective planning applications are considered against relevant local and national planning policy and guidance, and are therefore treated in the same way as applications submitted prior to commencement of development.
Parking concerns in the area	The Highways Officer has raised no objections and considers that there is space for adequate off road parking for the development.
Impact to privacy of neighbouring properties behind	Impact to privacy has been considered above in the report.
Height of building restricts view into the village from objectors first floor window.	Loss of a view is not a material planning consideration.
Plans are incomplete as do not show foundations to the rear of the property.	This permission does not seek a further rear extension to the property, and as it is recommended that permitted development rights are taken away, any future extension would require express planning permission.

Conclusion

The Council cannot currently demonstrate a five year land supply and therefore paragraph 11(d) of the NPPF states that for applications for housing, planning permission should be granted unless:-

- (i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or
- (ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

In view of limb (i) as the site is not located in a protected area, as defined in footnote 6, there is no clear reason to refuse the development on these grounds.

In view of limb (ii), although the proposal would only make a limited contribution to housing, given the importance of providing a sufficient supply of housing, this benefit is given moderate weight. No reasons have been found to refuse planning permission in relation to design and appearance, residential amenity, or any technical matter. Therefore, it is considered that there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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 not be occupied until pedestrian visibility splay of 2m x 2m measured perpendicularly from back of footway shall be provided on the western side of the proposed development. The splay 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.

- 3) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Site Plan - Drawing no. A102c
Plans - Drawing no. A107b

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 4) 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.

- 5) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking for two cycles to comply with the Council's adopted highway design guide has been provided on site. Thereafter the cycle parking shall be kept available for the parking of bicycles only.

Reason: To comply with the Worcestershire County Council's Streetscape Design Guide.

- 6) The Development hereby approved shall not be occupied until the access and 3 parking spaces for vehicles have been provided, as shown on drawing A102c.

Reason: To ensure conformity with submitted details.

- 7) 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.

- 8) 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, Classes A and B shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To protect the privacy of neighbouring occupiers

- 9) Two 'schwegler bat boxes' or equivalent, shall be placed on site in suitable locations and maintained thereafter in perpetuity.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard BDP21 of the Bromsgrove District Plan and Paragraph 174 of the NPPF.

- 10) The occupation of the development hereby approved shall not take place until conditions 1 to 6 have been complied with:

1. A preliminary risk assessment must be carried out. This study shall take the form of a Phase I desk study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors to determine whether a site investigation is required and this should be detailed in a report supplied to the Local Planning Authority. The risk assessment must be approved in writing before any development takes place.
2. Where an unacceptable risk is identified a scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
3. Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11"
4. Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
5. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
6. Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
7. 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 and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised.

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