

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Ihuoma Properties	The development of a single dwelling together with associated parking, driveway and landscaping 7 Marlborough Avenue, Bromsgrove, Worcestershire, B60 2PG,	18.01.2021	20/01482/FUL

RECOMMENDATION:

(a) **MINDED to APPROVE FULL PLANNING PERMISSION**

(b) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the full planning application following the satisfactory completion of a Unilateral Undertaking to revoke planning consent 17/01010/FUL.

And:

(c) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to agree the final scope and detailed wording and numbering of conditions as set out in the report

Consultations

Highways - Bromsgrove

No objection subject to conditions.

Arboricultural Officer

No objection subject to conditions.

North Worcestershire Water Management

The site falls within flood zone 1 (low risk of flooding from a river or the sea) and is not shown to be susceptible to surface water flooding. While we do not hold reports of flooding within the site, I am aware of issues relating to surface water flooding on and around the nearby recreation ground. I don't deem it necessary for this planning application to recommend attaching a drainage condition.

Conservation Officer

7 Marlborough Avenue, Normanhurst is considered to be a Non-Designated Heritage Asset. Constructing a large dwelling to the west side of Normanhurst would detract from the spacious and verdant character of this stretch of Marlborough Avenue, and the setting of Normanhurst itself. It is noted that there is an application to construct a dwelling within the garden to 11 Marlborough Avenue (20/01216/FUL), and immediately adjacent to this site. If both proposed dwellings were granted permission this would result in a terracing effect as the dwellings would be so close together and would result in the complete loss of the verdant and spacious character of this part of Marlborough Avenue. The proposal would therefore be at odds with the heritage policies in the local plan and the NPPF noted above, and this needs to be taken into consideration in the planning balance.

Publicity

One site notice was placed onsite on 24th November 2020 and expired on 18th December 2020. The Council was made aware that this notice was removed within a week of placing and therefore a further notice was placed onsite on 9th December 2020 and expires 2nd January 2021. 35 neighbour letters were sent on 25th November and expired on 19th December 2020.

Representations

5 Representations have been received. The contents of these comments have been summarised as follows;

- Preference for extant permission for flats to be implemented to keep intact setting of Heritage asset
- Removal of part of sandstone wall
- Concerns over future viability of original dwelling – no garage with conversion of Coach House
- Concerns over implementation of both extant permission for flats and proposed dwelling
- No Garage proposed – may apply for one in future
- Council to consider permission at No. 11 in the context of this application have consideration of the cumulative impact of both developments
- Dwelling appears too large and squeezed in plot/ creating terracing effect
- Impact on Non-Designated Heritage Asset
- Support for Tree Conditions and conditions on Sandstone wall

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP19 High Quality Design

BDP20 Managing the Historic Environment

BDP21 Natural Environment

Others

NPPF National Planning Policy Framework (2019)

Bromsgrove High Quality Design SPD

Relevant Planning History

20/00904/FUL	The development of two dormer bungalows together with associated parking, driveway and landscaping	Refused	29.09.2020
17/01010/FUL	Conversion of existing dwelling house into 5 apartments with extension to the rear and associated car parking	Granted	08.12.2017
17/00573/FUL	Three detached four bedroom dwellings with new access	Refused	19.07.2017
16/0839	Proposed conversion of existing coach house, including infill extension, to create 3 bed dwelling.	Granted	05.10.2016

Assessment of Proposal

Background

This application follows a number of previous applications onsite. In 2017 and 2020 permission was refused for the construction of dwellings to the rear of the plot. In 2016 planning permission was granted for the Coach House to No, 11 to be converted to into a separate dwelling. In 2017 planning permission reference 17/01010/FUL was granted for the conversion of the existing dwelling into 5 apartments. This 2017 permission has not been legally implemented and would ordinarily expire on 8th December 2020. However, under the Governments emergency Covid legislation the timeframe of the 2017 application is automatically extended until 1st May 2021. Given this automatic extension, the permission is extant and therefore a material consideration on this proposal.

The proposed dwelling is sited on the parking area for the approved flats and the approval of planning permission could result in the displacement of vehicles should both permissions be implemented. The applicant has therefore agreed to enter into a Unilateral Undertaking with the Council to revoke the extant 2017 planning permission onsite given they have outlined a preference to implement this current proposal.

Proposal

This application is for the erection of a detached dwelling adjacent to No. 7 Marlborough Avenue. The dwelling will be sited in the building line with the existing built form along Marlborough Avenue and will infill the existing side garden of No. 7. The dwelling has been designed to reflect the character and fenestration details of No. 7 and parking to the front with the formation of a new vehicular access.

The application site is located within the residential area of Bromsgrove, in a sustainable location. Therefore Policy is supportive of residential development so long as it respects the character and appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development.

Character

The application site forms part a number of sizeable, individually designed dwellings along the eastern side of Marlborough Avenue that are all located within generous plots with deep rear gardens benefiting from mature landscaping, thereby giving this part of the road a distinct, spacious and verdant character and appearance. Most of the dwellings along this part of the street have some space at the boundary however it is an urban area with a consistent built form of development on both sides of the street. Between Nos. 7 and 11 Marlborough Avenue is a large side garden space which is distinct from the wider street scene. BDP19 of the District Plan states that development of garden land would be resisted unless it fully integrates into the residential area and is in keeping with the character and quality of the area.

Planning Permission has been granted reference 20/01216/FUL for a dwelling in the side garden of No. 11 Marlborough Avenue and this is therefore an extant permission which is a material consideration on this application.

The proposed dwelling has been provided with approximately 1m space at each boundary. The proposal maintains a 3m distance to No. 7 and a 2m distance to the proposed dwelling at No. 11. These dwellings are also set back from the road, with mature vegetation along the front boundary retaining this open verdant character. This overall spacing and layout is considered to reflect the layout found locally and would be appropriate should both permissions be implemented. The dwelling has been designed with front gable feature and small dormer window to reflect the character of No. 7 however is distinct from No. 7 given its mirrored fenestrations and reduced ridge height. Concerns have also been raised on the removal of a section of stone wall to provide the access. This stone wall is considered an important feature of the street and as such details will be conditioned to ensure this is done sympathetically with minimal removal of this feature. For these reasons, proposed dwelling will reflect the established linear pattern of development within the locality and is an appropriate design and therefore is considered acceptable in line with policies BDP7 and BDP19 of the Local Plan.

Heritage Asset

7 Marlborough Avenue, Normanhurst, comprises a large, detached house constructed in 1902 for Henry Sassons. The house and adjoining coach house sit within a substantial garden, originally part of the Warwick Hall Estate, which was gradually disposed of at the end of the 19th century and developed for housing. For these reasons, the dwelling is considered to be a non-designated heritage asset. The Conservation Officer has highlighted the importance of this spacious side garden to the historic significance of the building and outlined that constructing a large dwelling to the east side of No 7 would therefore detract from the spacious and verdant setting of 7 Marlborough Avenue harming its historic significance. Given the building has been identified as a non-designated heritage asset paragraph 197 of the NPPF must be engaged. This paragraph states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. A balance judgement on this can be found under the Planning Balance section further in this report.

Amenity

Given the spacious plot and separation distances achieved the proposed dwelling is not considered to have an undue impact on the residential amenity of the adjoining occupiers in respect of overlooking, overbearing or loss of light, subject to the imposition of a suitable condition requiring the side windows to be obscurely glazed and with a top opening light only.

Highways

The proposal includes a new vehicular access to serve the dwelling. The footpath fronting the proposed development is approx. 3m wide, the applicant has provided a plan confirming the 2.4m x 90m and 100m visibility splays are achievable. It is acknowledged that the trees along the street will have an effect on the visibility splay, however the existing trees on the road are not considered to significantly impede visibility. Parked cars could have a similar effect on visibility, however this is the case for all the other drives

located on the Avenue since no parking restrictions are in operation. For these reasons the Highways Authority have raised no objections to the proposal on highways safety grounds. The street trees are not proposed to be removed as part of this application and given they fall outside of the application site and on Highways land, it would not be in the power of the applicant to consider.

Trees

There are a number of trees onsite which would not be adversely affected by the development. The Tree Officer has not raised an objection to the scheme and has requested the trees onsite be afforded protection during construction and a Tree Survey, Method Statement, Protection Plan and a full landscape plan be conditioned.

Public comments

Concerns in respect of, the implementation of the extant permission onsite and the Council considering the application within the context of the approved dwelling at No. 11 have been considered within this report. Further comments on the viability of the dwelling with no garage are noted. There is no requirement for housing to provide garaging and a garage does not constitute a parking space under Highways standards given permission is not required to convert garages into living accommodation. There is therefore no evidence that this would risk the viability of No. 11 Marlborough Ave or the Coach House. A preference for the flats to be implemented is noted, however the Council are only able to consider the application before them and the applicant can decide which scheme to implement led by the market. Further comments on the character of the area, impact on the historic significance of the non-designated Heritage Asset and use of appropriate conditions have all been considered with this report.

Planning Balance

The Council cannot currently demonstrate an up-to-date 5 year housing land supply. Where this is the case, paragraph 11 of the Framework, which is a material consideration of significant weight, advises that as the application site does not fall within an area or asset of particular importance as defined by the Framework, the proposal need to be considered through the balancing exercise set out in paragraph 11(d)(ii) of the NPPF. However, this does not automatically lead to the granting of planning permission. Furthermore, paragraph 197 of the National Planning policy Framework outlines that where harm is identified to the significance of a Non-Designated Heritage Asset a balanced judgement will be required having regards to the scale of harm to the significance of the asset.

In this instance, the harm to the asset derives from the loss of the spacious garden area thus impacting on its setting. It is however noted that the land along the road had originally formed part of the Warwick Hall Estate, which was gradually disposed of at the end of the 19th century and developed for housing. It is further noted that the layout of development is not considered to be detrimental to the overall character and layout of the Street Scene. Although some public representations have suggested a preference for a single dwelling on the plot across both Nos. 11 and 7, given the lack of harm identified to the street scene as outlined earlier in this report significant weight is afforded in favour of the current proposal. In addition to this, the proposal provides a dwelling within the

residential area in a highly sustainable location which contributes to the Council's supply of housing with the economic benefits that come with this. Although a small-scale development, small windfall sites are important to achieving dwellings in the District. This carries significant weight in favour of the proposal.

Conclusion

The application dwelling is located within the residential area where there is the presumption in favour of sustainable development. The proposed dwelling has been found to reflect the layout and density of the street scene, however, has been found to harm the setting of the non-designated heritage asset No. 7. Taking all the above matters into consideration, balanced against the benefits of providing housing in this highly sustainable location, it is considered that planning permission should be granted for this development.

RECOMMENDATION:

(c) **MINDED to APPROVE FULL PLANNING PERMISSION**

- (d) That **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the full planning application following the satisfactory completion of a Unilateral Undertaking to revoke planning consent 17/01010/FUL.

And:

- (c) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure to agree the final scope and detailed wording and numbering of conditions as set out in the report

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:

863/P/101 Location and Block Plan
863/P/102 Proposed Site Plan
863/P/103 Ground and First Floor Plan
863/P/104 Second Floor and Roof Plan
863/P/105 North and South Elevations
863/P/106 East and west Elevations
863/P/107 Street Scene
863/P/108 Visibility Splays

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 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 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.

- 6) The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking to comply with the Council's adopted highway design guide has been provided onsite. The cycle parking shall be kept available for the parking of bicycles only.

REASON: To comply with the Council's parking standards.

- 7) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 863 /P/102.

Reason: To ensure conformity with submitted details.

- 8) The Development hereby approved shall not be occupied until the visibility splays shown on drawing 863 /P/102 have been provided. The splays shall at all times be maintained free of level obstruction exceeding a height of 0.6m above adjacent carriageway.

REASON: In the interests of highway safety.

- 9) Prior to installation, a plan showing the routes and specification of installation of all utility services should be provided to, and approved in writing by, the Local

planning Authority. The works shall then be carried out in accordance with the approved details.

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

- 10) Prior to the excavation works on site, a BS5837:2012 Tree Survey, Method Statement, Protection Plan and a full landscape plan and specification should be submitted to, and approved in writing by, the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

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

- 11) All trees to be retained within the site and any within influencing distance of the development work on any adjoining land are given protection in accordance with BS5837:2012 throughout any ground or development work on the site.

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

- 12) Prior to installation of the vehicular access, details of the removal and finish of the sandstone front boundary wall shall be submitted to, and approved in writing, by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason: To protect the character of the area

- 13) The windows to be installed on the side elevations on the approved plan(s) shall be fitted with obscure glazing and any opening lights shall be at high level and top hinged only. The obscure glass and the opening lights shall be maintained in the said windows in perpetuity.

Reason: To protect the amenities of neighbouring residents

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