

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Adrian & Claire and Stella Pickersgill and McGauley	Demolition of Nos. 18 and 20 Lea Green Lane and erection of seven detached dwellings.  18 - 20 Lea Green Lane, Wythall, Worcestershire, B47 6HE,	19.2.2021	20/01396/FUL

**The floor area of the development exceeds 1000 square metres, and therefore, under the Council's Scheme of Delegation is referred to Committee for determination.**

**RECOMMENDATION:** That planning permission be Granted

### **Consultations**

#### **Wythall Parish Council**

Objection as the committee does not feel that it is possible to enforce that the use of the additional floor space is restricted to a cinema room and is not converted at a later date. In addition, it is noted that there is a lack of visitor parking.

#### **Highways - Bromsgrove**

No objection subject to conditions.

#### **Arboricultural Officer**

Some concern over loss of privacy for some neighbours. A detailed landscape scheme required.

#### **Waste Management**

No objection

#### **North Worcestershire Water Management**

Due to known flood risk in the area, is important to ensure water is correctly managed to ensure no increase in flood risk elsewhere. A drainage strategy including a full set of calculations verifying the capacity of attenuation to be used and the pre- and post-development runoff rates and volumes will be required, which can be conditioned.

#### **WRS - Contaminated Land**

The proposal is within 250m of a significant area of unknown filled ground and Norton Lane historic landfill site. A landfill and ground gases condition is therefore recommended.

#### **Publicity**

A total of 72 letters were originally sent and site notices were displayed around the application site on 13<sup>th</sup> November 2020 (expired 12<sup>th</sup> December 2020). The proposal was also advertised in the Bromsgrove Standard.

A total of 24 representations were received of which 22 were objecting and 2 in support.

The matters raised in objection of the application are summarised as follows:

Policy

- Contrary to Council policies for building on back gardens.
- Damage to the area is not outweighed by public benefits of increasing housing supply.

Highways

- Unacceptable impact on highway safety
- Would add to existing traffic congestion
- Insufficient parking

Design

- Contrary to SPD design guide
- An unacceptable design and layout
- Not in keeping with the streetscene
- Unacceptable density of development for the semi-rural locality

Amenity

- Additional noise, light, odour and air pollution
- Loss of residential amenity in terms of visual intrusion, privacy, blocking light and overbearance.
- Major inconvenience during construction
- Insufficient private garden space

Flood risk and drainage

- Flooding is well known in the area
- Already problems with drainage

Infrastructure

- Would add to already over-stretched schools, doctors and other services

Ecology

- Impact on local wildlife including garden pond frog habitat and foraging area for bats, birds and hedgehogs

Precedent

- Would set a precedent for building in back gardens, and thus changing the established character of the area

Support for the proposal is summarised as follows:

- Inevitable that the character of an area will change over time the design of the scheme suggests it will integrate satisfactorily into the locality
- Is an improvement on the previous scheme as will combine traditional design with a contemporary twist
- Good for families being close to the train station an M42 etc

- Plots are too big just for two bungalows.

### **Cllr Hession**

- Raised concern that some of the proposed dwellings are 3 storey and some state cinema rooms with just parking for three cars
- The need for affordable housing
- Questioned whether the proposal constituted over development as it appeared to encroach on neighbours privacy.

### **Relevant Policies**

#### **Bromsgrove District Plan**

BDP1 Sustainable Development Principles  
BDP2 Settlement Hierarchy  
BDP7 Housing Mix and Density  
BDP12 Sustainable Communities  
BDP16 Sustainable Transport  
BDP19 High Quality Design  
BDP21 Natural Environment  
BDP22 Climate Change  
BDP22 Climate Change  
BDP23 Water Management

Bromsgrove High Quality Design SPD

#### **Others**

NPPF National Planning Policy Framework (2019)  
NPPG National Planning Practice Guidance

### **Relevant Planning History**

20/00459/FUL	Demolition of nos. 18 and 20 Lea Green Lane and erection of seven detached dwellings	Approved 13.8.20
19/00865/FUL	Demolition of 2 dwellings on 18 and 20 Lea Green Lane and the erection of 13 new dwellings (10 apartments and 3 houses).	Withdrawn 26.3.20

### **Assessment of Proposal**

#### **Site and surroundings**

The site is in a residential area with properties fronting onto Lea Green Lane and consisting mainly of detached two storey dwellings with long rear gardens, interspersed with some semi-detached properties and bungalows.

To the south and east of the application site are more recent forms of development. To the east is Lea Green Drive, a cul-de-sac of large detached houses and two, three storey

apartments. The housing estate to the east is a denser form of development comprising detached, semi-detached and terrace dwellings set on comparably smaller plots.

### **Proposal**

An extant permission (20/00459/FUL) exists for 7 dwellings on this site and which proposed a similar site layout. The proposal differs in terms of house type design and numbers of bedrooms, which have increased with the current scheme.

This application seeks planning permission to demolish the two existing bungalows and erect 7 detached dwellings. This would result in a net increase of 5 dwellings. Plots 1 to 4 would have four bedrooms with a further room in the roof space described as a cinema room. Plots 5-7 would each have four bedrooms with no additional room in the roof space.

The development would be served by a single point of access onto Lea Green Lane. Off-street parking would be provided for each of the dwellings.

### **Assessment**

#### **Housing land Supply**

Paragraph 73 of the NPPF requires the Council to identify and update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. In addition there must be an additional buffer of between 5% and 20%, depending on the particular circumstances of the LPA.

The Council has identified that (inclusive of the 5% buffer required by the NPPF) it can currently demonstrate a housing land supply of 3.18 years. Therefore despite progress which has been made in identifying sites and granting planning permissions the Council still considers that it cannot demonstrate a five year housing land supply.

As such, the absence of a five year housing land supply triggers the paragraph 11 "tilted balance" of the NPPF which for decision-taking is the presumption in favour of sustainable development, where permission should be granted unless, and applicable to this case, "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."

Wythall is identified as a Large 'Settlement' under the BDP2 Settlement Hierarchy and under BDP2.1 (a) new development is supported on previously developed land or buildings within existing settlement boundaries which are not in the designated Green Belt. The site includes residential garden, which does not fall within the previously developed land definition.

The following report explains why the scheme is broadly compliant with the Development Plan.

### **Housing Mix**

Policy BDP7 states that to ensure mixed and varied communities are created development proposals need to focus on delivering 2 and 3 bedroom properties. The supporting text to the policy says that there is likely to be a sustained demand for family housing but notes that Bromsgrove has a high proportion of large 4 and 5 bedroom homes. To help redress the balance between large homes and the ageing population there needs to be a significant change in building patterns across the District to provide realistic alternatives for the increasing elderly population.

The extant permission proposed 4x 3bed and 3x 4bed and this proposal seeks to provide 4x 5 bed (including the roof space cinema room) and 3x 4bed properties. Whilst in policy terms this would be a negative factor, albeit minor, in the planning balance, given the small number of dwellings proposed and the continued demand for family homes, I consider that it would be unreasonable to refuse the application for this reason alone.

Members will note that the number of bedrooms, for the two properties to be demolished, are 4no. for 18 Lea Green Lane and 3 for 20 Lea Green Lane.

### **Design and amenity**

Further to BDP2.1 (a), referred to above, 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.

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

The Council's High-Quality Design SPD provides design guidance to assist with interpreting these policies.

The SPD advises that the pattern of street blocks, plots and buildings should be continued to ensure proposals successfully integrate into the existing urban fabric and that as a general rule all development should be positioned to front onto the street following an established building line.

A perimeter block format is a defining characteristic of the local street pattern, which serves to efficiently achieve the proper relationship between private and public space, where the grouping together of rear gardens allows occupiers to enjoy the benefits of protected private amenity space whilst the public face of the building logically fronts onto the street. The SPD endorses this urban block format for new developments.

The site sits alongside Lea Green Drive, which is also a cul-de-sac development and the proposal is arranged using perimeter block design principles. Furthermore, careful consideration has been given to ensure that separation distances between existing and proposed dwellings and garden sizes have been achieved to accord with the SPD design guidelines.

In addition to the functional relationship between public and private space, consideration of local character and distinctiveness is required. The SPD says that new residential development should embody the particular characteristics of the built and natural

environment in which it is located to provide a sense of place and identity. The street pattern previously described is a defining characteristic. The SPD suggests that reflecting matters of scale, massing, materials and detailing in a new development is important to ensure it retains and enhances the local character of the area.

The local area has typical suburban characteristics consisting of a mix of styles of two storey detached and semi-detached homes with a scattering of bungalows, mostly with relatively large rear gardens. The three dwellings proposed fronting Lea Green Lane adopt a similar street facing orientation to the neighbouring properties. The size, appearance and architectural detailing of the dwellings is also considered to be in keeping with the area, as is their alignment with the neighbouring dwellings on Lea Green Lane. The loss of two relatively large rear gardens to development would be a departure from the prevailing suburban character. However, the neighbouring Lea Green Drive cul-de-sac development has integrated well into the immediate locality and it is considered that the proposal would continue this acceptable theme. The fact that the development would sit alongside Lea Green Drive helpfully assists in this regard.

In view of the above, I consider that the proposal would be in keeping with the character and quality of the local environment and acceptably integrate into the residential area in accordance with BDP19 (e) and (n) and associated SPD design guidance.

Furthermore, I consider that the relationship between public and private space arising from the proposed layout with neighbouring properties would be compatible with maintaining reasonable levels of residential amenity together with adequate spacing between existing and proposed homes, in accordance with Policy BDP 1.4 (e) and associated SPD design guidance.

### **Bin Storage**

The SPD requires the provision of accessible refuse stores within new developments. Bin storage has been successfully integrated into the proposal.

### **Flooding and Drainage**

Policy BDP23 seeks to ensure, amongst other things, that development addresses flood risk from all sources and do not increase the risk of flooding elsewhere

North Worcestershire Water Management has acknowledged there is recorded flood risk in the area and advised that surface water drainage condition with the correct technical information would enable this risk to be adequately addressed.

Subject to the imposition of such a condition it is considered that the proposal would be in accordance with Policy BDP23 (c) of the Bromsgrove District Plan.

### **Ecology**

Ecology issues remain unchanged from the previous approval and in that instance sufficient ecological information had been submitted, including addressing third party concerns, to enable determination of the application in line with the law and planning guidance, subject to conditions. The scheme is therefore compliant with Policy21 of the Bromsgrove District Plan.

### **Highways**

Policy BDP16 requires that development should comply with Worcestershire County Council's Transport policies, design guide and car parking standards as well as a series of more specific development requirements.

The application site is in a residential and sustainable location off an unclassified road. Lea Green Lane benefits from footpaths and street lighting on both sides of the road and no parking restrictions are in force in the vicinity. Lea Green Lane has a 30mph speed limit. The site is located within easy walking distance of amenities, bus routes and bus stops. Wythall Railway Station is located approx. 55m from the front of the proposed development.

Despite concerns raised by the local community regarding congestion, highway safety matters and sufficient parking provision, the expert opinion of the Highway Authority is one of no objection.

Given the above, and with the application of the recommended conditions, the scheme is considered to be compliant with Policy16 of the Bromsgrove District Plan.

### **The Planning Balance**

Paragraph 8 of the NPPF defines sustainable development as having three dimensions: economic, social and environmental. In this case, given the 5 year housing supply shortfall, the presumption in favour of sustainable development for decision taking means, the 'tilted balance' under paragraph 11 d) ii) applies. This does not change the statutory status of the Local Plan as the starting point for decision making.

In view of the above assessment, it is considered that the proposal is District Plan compliant apart from the housing mix policy, and reason is given above as to why the application should not be refused on this ground alone.

Furthermore, application of the 'tilted balance' means applying a presumption in favour of sustainable development and granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole.

In terms of economic benefits, the proposal would make a contribution, to the Council's supply of housing. It is also acknowledged that there would be some economic benefits associated with the proposal during the construction phase and from occupants supporting local shops and services.

The proposal would also fulfil the environmental and social dimensions of sustainable development, because the site is in a sustainable location, therefore reducing the requirement to travel by private vehicle and would contribute to supporting a sustainable community.

I note the comments regarding the impact on infrastructure, including healthcare provision. Members will note the scheme relates to a net gain of five dwellings and thus falls under the threshold for the collection of any mitigation measures.

In conclusion, the adverse impacts of this proposal, as discussed above and raised by third parties, would not significantly and demonstrably outweigh the benefits.

**RECOMMENDATION:** That planning permission be Granted

**Conditions:**

- 1) The development to which this permission relates must be commenced not later than the expiration of three years from the date of this permission.

Reason: To conform with the requirements of Section 91 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 -

153\_01\_LOCATION PLAN  
153\_10\_PROPOSED SITE PLAN  
153\_20\_PLOT 1  
153\_21\_PLOT 2  
153\_22\_PLOT 3  
153\_23\_PLOT 4  
153\_24\_PLOT 5+6  
153\_25\_PLOT 7  
153\_LANDSCAPING

Reason: To define the permission and to ensure that the development meets the design quality and environmental requirements of the Development Plan.

- 3) Prior to construction above floor level a schedule of materials and finishes (including samples and trade descriptions/brochure details where appropriate) of materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority.

The development shall be constructed in accordance with the approved details and completed before the development is first occupied and thereafter shall be retained and maintained in that form, unless the Local Planning Authority gives prior written approval to any subsequent variation.

Reason: To ensure the materials are appropriate to safeguard the visual amenities of the area.

- 4) Notwithstanding submitted information, prior to construction above ground floor level, a scheme of hard and soft landscaping detailing treatment of all parts of the



site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall include:

(a) planting plans (to a recognized scale) and schedules indicating the location, number, species, density, form and size of proposed tree, hedge and shrub planting;

(b) written specifications including cultivation and other operations associated with tree, plant and grass establishment;

(c) the position, design, materials, means of construction of all site enclosures and boundary treatments (e.g. fences, walls, railings,), where appropriate;

(d) a timetable for the implementation of the soft and hard landscaping scheme.

The approved soft and hard landscaping scheme shall be carried out strictly in accordance with the approved timetable of implementation and shall thereafter be protected, maintained and managed in accordance with the approved details.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits, and to enhance the setting within the immediate locality.

- 5) Except for any trees, hedges or shrubs that may be identified for removal on the approved landscaping plans and schedule, approved pursuant to condition [4], if within a period of five years from the date of the completion of the building works OR completion of the landscaping scheme pursuant to condition [4] (whichever is later), any retained tree, hedge or shrubs are felled, removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval 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) For trees and hedgerows proposed to be retained, the construction phase of the development shall be carried out in accordance with the Arboricultural Method Statement contained within the Indigo Surveys Trees and Construction Report Ref: 19122/A2\_AIA\_Rev.B.

Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area.

- 7) Prior to first occupation of the development, the applicant shall submit to the Local Planning Authority for written approval a scheme for provision of sparrow terraces to be installed in the development. This shall consist of two 1SP Schwegler sparrow terraces (or equivalent) built into a suitable east or west facing wall at or above eaves level.

The approved scheme shall be implemented and completed prior to first occupation of the dwellings to which they apply and the approved features maintained and retained thereafter in perpetuity, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests in of providing a net gain to bio-diversity.

- 8) The development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

Reason: In the interests of highway safety.

- 9) The development hereby permitted shall not be first occupied until an electric vehicle charging point has been fitted adjacent to the parking space of each dwelling. 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.

- 10) 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.

- 11) The development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Councils adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

Reason: To encourage sustainable travel and healthy communities.

- 12) The Development hereby approved shall not be brought into use until the visibility splays shown on drawing CTP-Drawing SK01 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.

- 13) The development hereby approved shall not be brought into use until the existing vehicular accesses have been permanently closed 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.

- 14) a) Gas protection measures complying with Characteristic Situation 2 as set out in BS8485:2015 and CIRIA C665 as a minimum requirement shall be incorporated within the foundations of the proposed structure(s). Following installation of these measures, and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Or

b) A risk assessment shall be undertaken to establish whether the proposed development is likely to be affected by landfill or ground gas or vapours. The risk assessment shall be provided to and approved in writing by the Local Planning Authority, prior to the commencement of development. The assessment shall be carried out in accordance with current UK guidance and best practice.

c) Where the approved risk assessment (required by condition (b) above) identifies ground gases or vapours posing unacceptable risks, no development shall commence until a detailed remediation scheme to protect the development from the effects of such ground gases or vapours has been submitted to and approved in writing by the Local Planning Authority. Following approval, the remediation scheme shall be implemented on site in complete accordance with approved details unless otherwise agreed in writing by the Local Planning Authority.

d) Following implementation and completion of the approved remediation scheme (required by condition (c) above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

Reason: To ensure that the risk to buildings and their occupants from potential landfill or ground gases are adequately addressed.

- 15) Apart from limited works to allow access to the rear of the property to facilitate works required in connection with this condition, no further works or development shall take place until a site drainage strategy for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.

If infiltration techniques are used then the plan shall include the details of field percolation tests.

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

- 16) No development shall commence until a scheme of foul drainage and effluent disposal has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with such approved details prior to the first use or occupation of the building(s) hereby permitted and shall be retained thereafter.

Reason: The agreement of a scheme of foul drainage and effluent disposal prior to the commencement of development is fundamental to safeguard against pollution

- 17) Prior to commencement of any part of the development hereby permitted, including any demolition works, details of a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, throughout the demolition and/or construction period, the approved details within the CMP shall be adhered to. The CMP shall include details of:

(a) means of access of large vehicle movements (including deliveries) to and from the site, and suitable off-highway parking and manoeuvring for all construction related vehicles;

(b) the parking of vehicles of site operatives and visitors during the construction phase.

(c) the hours of demolition and/or construction

Reason: The agreement of details of a Construction Management Plan prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection; to minimise disturbance to local residents; the prevention of harm being caused to the amenity of the area; and in the interest of highway safety during the construction process.

- 18) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

Part 1, Class A (enlargements, improvements or other alterations);

Part 1, Class B (roof additions);

Part 1, Class C (other roof alterations);

Reason: To enable the Local Planning Authority to exercise control over development in order to safeguard the privacy and amenity of neighbouring residents.

Plan reference

**Case Officer:** Mr Anthony Young Tel: 01527 881234  
Email: [anthony.young@bromsgroveandredditch.gov.uk](mailto:anthony.young@bromsgroveandredditch.gov.uk)