

Name of Applicant	Proposal	Expiry Date	Plan Ref.
William & Jane and S Thorn and Campbell	Demolition of no's. 163 & 165 Birmingham Road and construction of eight detached dwellings. 163 - 165 Birmingham Road, land to the rear of 151 and 157 Birmingham Road and 73 All Saints Road, Bromsgrove		22/00116/FUL

RECOMMENDATION: That planning permission be **APPROVED**

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

Consultations

Community Safety

No objection

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

Crime Risk Manager

No objection or comments regarding the above application.

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

Further drainage information has been submitted an update will be provided to reflect any further comments received.

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

I have no objection to the proposed development as shown on drawing 10G regard to any tree issues.

Conservation Officer

Thank you for consulting conservation on the above application. As the scheme under 22/0116/FUL shows only minor amendments to the previously approved scheme, no objection.

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

Publicity

63 letters sent to surrounding properties on 17th February 2022 and expired 13th March 2022.

1 site notice was displayed on 17th February 2022 and expired 13th March 2021.

An advert was placed in the Bromsgrove Standard on 25th February 2022 and expired on 14th March 2021.

2 objections have been received, which raise the following issues:

- Residential amenity
- Impact on listed wall through building works
- Impact of double garage on rear garden of 11a

Relevant Planning History

20/01565/FUL	Demolition of no's. 163 & 165 Birmingham Road and construction of eight detached dwellings.	Approved	29.04.2021
20/00483/FUL	Demolition of nos. 163 and 165 Birmingham Road and construction of five detached dwellings.	Approved	08.09.2020

Assessment of Proposal

Proposal

There is an extant planning permission on this site for eight detached dwellings, which included 3x 3bed, 2x 4bed, 3x 5bed properties (20/01565/FUL). This was approved by members of the Planning committee on 26th April 2021.

This followed an early scheme on a smaller site that comprised two residential dwellings fronting Birmingham Road (No. 163 and 165) and their rear garden curtilages for 5 dwellings on part of the application site (20/00483/FUL). This was approved by members of the Planning Committee on 7th September 2020.

This application seeks planning permission to demolish the two existing dwellings and erect 8 detached dwellings. This would result in a net increase of 6 dwellings. It seeks to substitute house types for previously approved plots 3, 4 and 7 and a revised garage for plot 8.

Plots 1,2,3,7 and 8 would have five bedrooms, Plots 4-6 would each have three bedrooms. The application site has includes part of the rear curtilages of 151 and 157 Birmingham Road and 73 All Saints Road.

The development would be served by a two access points onto Birmingham Road. Off street parking would be provided for each of the dwellings.

The Site and its Surroundings

The site (0.34ha) is located between several 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 on larger plots with long narrow back gardens. On the opposite side of Birmingham Road are semidetached properties that are set back from Birmingham Road behind Spadesbourne Brook, a hedge and an access road, Burcot Avenue.

Housing Land Supply

Paragraph 74 of the National Planning Policy Framework (NPPF) requires local planning authorities 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 a buffer of between 5% and 20%, depending on the circumstances of the LPA.

The Council has identified that (inclusive of the 5% buffer required by the Framework) it can currently demonstrate a housing land supply of 4.6 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.

Where a Local Planning Authority cannot demonstrate a five year housing supply, Paragraph 11 (d) of the Framework is engaged. Paragraph 11 requires that decisions on planning applications apply a presumption in favour of sustainable development. 11 (d) goes on to state that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

"i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for restricting 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."

Footnote 8 to the NPPF states that this includes (for applications involving the provision of housing) situations where the LPA cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer, as set out in paragraph 74. Footnote 7 states these policies include land designated as Green Belts.

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.

As outlined in the proposal section, there is an extant planning permission on this site for eight detached dwellings, which includes 3x 3bed, 2x 4bed, 3x 5bed properties (20/01565/FUL). Therefore, it is considered in this case the applicant has a strong fallback position in which to seek changes to the housing mix.

This proposal seeks to provide 3x 3bed and 5x 5bed properties. Whilst in policy terms this would be a negative factor and one that does not comply with Policy BDP7. However, the proposal essentially replaces 2x 4bed units with 2 further 5 beds, but this is only an increase of 2 bedrooms overall in dwellings that largely resemble the approved scheme.

In the overall planning balance, given the extant permission, the small increase in bedrooms, 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.

The effect of the proposal on nearby designated and loss 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 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.

Following the approval of the two previous schemes, the impact on the setting of the Grade II listed Bartleet House and the loss of the designated heritage assets is considered acceptable. It is noted that the Conservation officer has not sought to provide comments on 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. The proposal would be adjacent to Oakland Grove and near 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 and 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 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 satisfactory 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 23.5 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 side of number 157 Birmingham Road, but it is noted that this property will lose part of its rear garden to facilitate the site proposal compared to the previous approval. 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.

The site abuts 1,9,11, 11a, 15 Oakland Grove, 151 and 157 Birmingham Road and 71, 73,75,77, 79 and 81 All Saints Road. The agent has provided a compliance plan, which indicates numerous separation distances between the existing and proposed properties. On the basis of the High Quality Design SPD, these distances are considered acceptable.

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.

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

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 Highways Officer has provided comments in relation to the proposal and notes that the site is 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 more than 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 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 impact on site street parking within Oakland Grove.

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

Given the above, and with the application of the recommended conditions, the scheme is compliant with Policy BDP16 of the Bromsgrove District Plan.

Drainage

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). North Worcestershire Water Management (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. 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 a full drainage investigation report should be produced to assess the viability of the site for infiltration drainage as well as other conditions.

Trees and Landscaping

It is considered that the attached details of the planted scheme and proposal for the tree pit watering systems are acceptable and will ensure a suitable level of longer-term sustainability. The planting scheme will create a suitable level of structure with the proposed size of the stock to be provided and interest throughout the year.

The Tree Officer has no objection to the proposal subject to a condition securing the proposed landscaping.

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. Ecology issues remain largely 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 proposal is therefore compliant with Policy BDP21 of the Bromsgrove District Plan.

Contamination

WRS have reviewed records and documents associated with the above application, the site is adjacent to a site with a contaminated land history and as such an unexpected contamination condition is recommended.

The Planning Balance and Conclusion

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, the 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.

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

RECOMMENDATION: That planning permission be **APPROVED**

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:

120_01B_LOCATION PLAN
120_10G_PROPOSED SITE PLAN
120_20D_PLOT 1
120_21B_PLOT 2
120_22B_PLOT 3
120_23C_PLOT 4
120_24B_PLOT 5+6
120_25C_PLOT 7
120_29A_PLOT 8
120_28_PLOT 3+7+8 GARAGE
Planting Proposals – M20 1425/L02B
Proposed Site Access and Internal Arrangements - SK01

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

- 3) Development shall be carried out in accordance with the materials specified on the submitted Materials Schedule unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

- 4) The landscaping scheme detailed Planting Proposals – M20 1425/L02B - 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 ensure the environment of the development is improved and enhanced.

- 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 is 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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