

Name of Applicant	Proposal	Expiry Date	Plan Ref.
BDHT	Demolition of existing garages and erection of new build dwelling including associated access and landscaping. Land Rear Of 17-19 Willow Gardens, Willow Gardens, Bromsgrove	11.04.2024	23/01400/FUL

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

RECOMMENDATION: That planning permission be **GRANTED**.

Consultations

Worcestershire Highways - Bromsgrove

Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Transport Planning and Development Management Team Leader on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure) (England) Order, 2015 has no objection subject to conditions.

Site observations:

The site is located in a residential and sustainable location off an unclassified road, the site as an existing vehicular access with good visibility in both directions. Willow Gardens has footways and street lighting on both sides of the road and no parking restrictions are in force in the vicinity. The site is located within walking distance of amenities, bus route and bus stops. It is noted there will be a loss of 13 garages, the applicant has provided a justification and reasoning why the loss of these garages should be accepted by highways. There is no legal right for the applicant to provide the 13 garages to accommodate local residential car parking. The applicant has provided a car parking survey which confirms the streets in the vicinity (within 300m) have the capacity to provide parking for the 9 garages which are occupied.

Notwithstanding the evidence submitted by the residents regarding on-street parking pressures, I have reconsidered my stance and agree with the applicant / agent that the site could be closed at any point by the owners to prevent parking occurring on-site, irrespective of the two planning applications coming forward. If the applicant is willing to provide parking away from the site then this would be welcomed but not a requirement. It is noted local residents, ward members have concerns regarding the displacement of parking, however, as highlighted above there is no legal requirement for the applicant to provide alternative parking for that is being lost.

It should be noted garages are not counted as car parking spaces in line with the Streetscape Design Guide Page 43.

Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained.

Following receipt of amended plans County Highways were re-consulted and provided the below in summary comments:

Site layout:

- The proposed dwelling has been reduced from a two-bedroom property to a one[1]bedroom property. A study has also been provided to the dwelling.
- Visibility from the existing vehicular access is deemed to be acceptable.
- The width of the drive is in excess of 3.1m - acceptable.
- Car and cycle parking has been provided in accordance with WCC Streetscape Design Guide.
- Swept path analysis has been provided for the vehicular access and the turning area within the site - acceptable.

Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained.

North Worcestershire Water Management

The site falls within flood zone 1 (low risk of fluvial flooding from a watercourse) but does have a low-medium risk of surface water flooding which could exceed 300mm depth; this information can be viewed here: <https://www.gov.uk/check-long-term-flood-risk>.

I acknowledge that the proposals result in an overall reduction in impermeable area and therefore there should be no increase in flood risk as a result of the development, provided appropriate drainage arrangements are incorporated. This should include attenuation to comply with the current climate change allowances. Where possible infiltration should be utilised, and ground investigation surveys will be required to confirm feasibility. Where ground conditions do not allow for infiltration, the storm water sewer may be utilised subject to confirmation from STW Ltd. No storm water may enter the foul sewer network.

Should you be minded to grant permission, please include the following condition on your decision notice:

No works in connection with site drainage shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

WRS - Contaminated Land

Due to the required demolition of garages, which may pose potential contaminated land issues (including the presence of Asbestos Containing Materials, for which a survey should be undertaken), WRS recommend a condition is applied to the application should permission be granted for the development, to ensure potential contaminated land issues are appropriately addressed.

Public Consultation

12 letters sent 09.01.2024 (expired 02.02.2024)

Site notice posted 12.01.2024 (expired on 05.02.2024).

A total of 13 objections which raise the following in summary matters:

- Right of access to No.4, 6, 8, 12 New Road, and 14, 19 Willow Gardens
- Loss of privacy, outlook, peaceful enjoyment under Human Rights Act, fear of crime
- The access is narrow
- Parking, safety and congestion on Willow Gardens and surrounding roads and visual impact of parking
- Boundary treatments and security
- Pavement access for those with mobility impairments
- Noise and pollution from the demolition, timings of construction

Following a consultation of the amended plans a further 8 objections were received raising the following additional matter:

- Overdevelopment

A number of other issues have been raised which are not material planning considerations and therefore have not been reported to Members.

A petition with 17 signatures has also been received with the following heading: 'Objections to planning for 2 private bungalows on garage sites'...Due to impacting over spill onto New Road from Willow Gardens'.

Councillor Marshall

Councillor Marshall has requested that this application be determined by the Planning Committee due to his concerns regarding the cumulative residual impact of displaced parking on the neighbouring area.

Relevant Policies

Bromsgrove District Plan (BDP) 2017

BDP1 - Sustainable Development Principles

BDP2 - Settlement Hierarchy

BDP7 - Housing Mix and Density

BDP16 - Sustainable Transport

BDP19 - High Quality Design

BDP21 Natural Environment

BDP22 Climate Change

BDP23 - Water Management

Others

National Planning Policy Framework (2023)
Bromsgrove High Quality Design SPD

Relevant Planning History

There is no relevant planning history for the site.

The Site

The application site is located on the eastern side of Willow Gardens. The site is bound to the north by the garden of No.12 Church Road, to the east by the gardens of No.s 14-18 Church Road, to the south by the gardens of No.s 4-12 New Road and to the west by the gardens of No.s 17-19 Willow Gardens.

An existing access drive approximately 28 metres long and 3.1 metres wide serves the site and proposed dwelling. The site includes 13 garages which are proposed to be demolished. The garages are in various states of repair but on the whole have fallen into a state of disrepair.

The proposed dwelling is located within the east of the plot with parking and access to the west of the plot. The proposed garden area is 143sqm, located to the side of the dwelling. The proposed dwelling would have one bedroom. The proposed compliance plan identifies a 1.8m boundary fence around the dwelling; however, the boundary at the access remains unchanged. A short access point has been shown on plan to No.12 Church Road. Any accesses that are located along the access road may be unaffected; however, this would be a civil matter.

Amended plans have been received and consulted upon and it is those plans which are now considered as part of this application.

Assessment of Proposal

The Council cannot currently demonstrate a 5-year supply of housing land. Paragraph 11(d) of the National Planning Policy Framework (NPPF) states that where policies that are most important for determining the application are out-of-date, planning permission for new housing 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 refusing the development; (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. The Council therefore falls short of a 5-year supply of land for housing and paragraph 11(d) as set out above is engaged. The consideration of the proposal under this element of the NPPF is drawn together in the conclusions section below.

Principle of Development

Policy BDP2 (Settlement Hierarchy) supports development of previously developed land/buildings within existing settlements. The application site is within the residential area and is previously developed land in a sustainable area. The principle of re-developing the site for residential development is therefore acceptable.

Highways

Worcestershire County Council Highway Authority (WCCHA) confirm that the site is within a residential and sustainable location. The existing access from Willow Gardens, an unclassified road, would continue to provide access to the site and WCCHA confirm that the access has good visibility in both directions. WCCHA confirm the width of the access drive at 3.1m is acceptable. WCCHA have deemed the proposed two car parking spaces and proposed cycle parking according with the WCCHA Streetscape Design Guide. WCCHA have reviewed the submitted swept path analysis for the access and turning area and has deemed this acceptable.

There are no technical objections from WCCHA for the proposed development. The state of repair of the garages and the termination of the leases/closure of the site by BDHT is an operational decision and does not require planning permission.

WCCHA have requested planning conditions for cycle parking and a prior to occupation condition requiring the parking and turning facilities to be provided. EV charging would be required as part of Building Regulations and there is no proposed planning condition.

Whilst concerns have been raised by residents in respect of the existing car parking situation in Willow Gardens and the surrounding area; this is not something which the planning system can control. Planning permission is not required to cease the operation of the garages and whilst it was acknowledged on the Officer's site visit that indiscriminate parking is evident, this would be a County Council or Police matter to enforce as required.

Flood Risk and Drainage

North Worcestershire Water Management (NWWM) confirm that the site is located in flood zone 1 (low risk of fluvial flooding from a watercourse) but does have a low-medium risk of surface water flooding. NWWM confirm that there would be an overall reduction in impermeable area and that there is no increase in flood risk as a result of the proposed development. NWWM have requested a planning condition for surface water drainage.

Design, Layout and Appearance

The proposed layout of the bungalow, its garden area, and car parking is considered acceptable. The proposed dwelling would be single storey at c.5.14m to its apex with a hipped roof construction.

The proposed one-bedroom dwelling would comprise a gross internal floor area of 88sqm; which exceeds the technical housing standards. The internal arrangements provide suitable space for the future occupiers.

The proposed materials include brick, brown roof tiles, brick header and cills, grey windows and doors and black eaves, verge, fascia and rainwater goods. A suitable planning condition could be imposed for materials.

The proposed dwelling is shown to include solar panels on its southern and western elevations, which is supported by Policy BDP22.

Residential Amenity

The proposed dwelling would be single storey including only ground floor accommodation. There would also be boundary treatments surrounding the plot which would prevent harmful overlooking from its ground floor windows into neighbouring gardens.

The submitted site sections show the side elevation of the proposed bungalow c.12.5m from the rear of 14-18 Church Road and c.19.4m from the rear of 19 Willow Gardens. The Council's High Quality Design SPD provides separation distances for two storey dwellings only and therefore the site's layout and separation is considered in the context of the proposal being a single storey bungalow.

The siting and scale of the proposed dwelling would not cause an adverse loss of privacy or overlooking to nearby residential properties. The proposed garden area is located to the side of the dwelling and is appropriate in area and overall depth. The hipped roof construction means that the roof slopes away from the neighbouring properties reducing its impact.

The proposed boundary details are considered appropriate and a 1.8m close boarded fence is a common boundary between residential properties. During construction, when the garages are demolished, there may be temporary fencing erected and this would be a matter for those residents affected to discuss with the Applicant and/or their appointed contractors.

Ecology

A Preliminary Ecological Assessment and Biodiversity Impact Assessment was submitted to support the application. The site comprises a sealed surface including buildings. The report states that the only notable species which could be affected are hedgehogs and a methodology for site works has been provided. The Biodiversity Impact Assessment gives a baseline of zero and provides for a net gain in biodiversity of 0.038 units through the proposed garden. A planning condition to secure bat/bird boxes can be attached and also boundary treatments which considered hedgehog access gaps.

Other Matters

Noise and disturbance during construction has been raised by an objection, this is a likely and inevitable consequence of most development but is generally short-term and is not a reason to withhold planning permission.

Conclusions

The Council cannot currently demonstrate a five year housing land supply and therefore paragraph 11 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.

Limb i) does not apply.

In view of limb (ii) the proposal would make a small contribution to the Council's housing supply, offering some employment opportunities during construction. The site is located within a sustainable residential area and the principle of development is acceptable. The overall site layout, design and appearance are considered acceptable and deliver a high-quality home. There are no technical concerns with the proposal that would significantly and demonstrably outweigh the benefits of the proposal as a whole.

RECOMMENDATION: That planning permission be **GRANTED**.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following plans and drawings:

- Location Plan and Block Plan PL-S1-1B
- Proposed Site Plan PL-S1-10B
- Proposed Compliance Plan PL-S1-11B
- Proposed Site Floor Plan PL-S1-12B
- Proposed Site Plan Calcs PL-S1-13B
- Proposed Site Sections PL-S1-14B
- Proposed Elevations PL-S1-20C

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

3. No works in connection with site drainage shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. If a connection to a sewer system is proposed, then evidence shall be submitted of the in principle approval of Severn Trent water for this connection. The scheme should include run off treatment proposals for surface water drainage. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

4. 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.

5. The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking as shown on Approved Plan 11B has been provided and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

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

6. The Development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on drawing PL-S1-11B.

Reason: To ensure conformity with submitted details.

7. The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments to be erected. The boundary treatment to serve the development shall include integral hedgehog access gaps where appropriate. The boundary treatments shall be completed in accordance with the approved details.

Reason: In order to secure a well-planned development

8. Prior to first occupation in order to provide a net gain in biodiversity, the amenity area, and two schwegler bat and/or bird boxes or equivalent shall be placed on site in suitable locations at least 3 metres above ground level facing to the south or east and kept thereafter in perpetuity.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan and Paragraph 180 of the NPPF.

9. 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 immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation

scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.
2. 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.
3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
4. Following completion of measures identified in the approved remediation scheme a verification 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 on site.

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.

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