

Name of Applicant	Proposal	Expiry Date	Plan Ref.
BDHT	Demolition of existing garages and erection of new build dwelling including associated access, landscaping & garage.  Land Rear Of 8 - 14 (evens) Willow Gardens, Bromsgrove	21.05.2024	23/01401/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**.

This application was **DEFERRED** at the meeting of Planning Committee held on 8 April 2024 at the request of Members to allow the application to be considered at a future meeting of the Planning Committee with an Officer from Worcestershire County Council Highways in attendance.

### Consultations

#### **Worcestershire Highways - Bromsgrove**

Worcestershire Highways have no objection subject to planning conditions.

The site is located in a residential and sustainable location off an unclassified road, the site has a block of 17 garages and has 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 16 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 (unoccupied) 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 3 garages which are occupied. As part of the development proposals, a single garage is to be retained to serve a neighbouring property, whilst a new garage is proposed to be provided on-site for storage purposes associated with the new dwelling, garages are not counted towards the car parking allocation. It is noted there will be an overall reduction in vehicular use of the existing site access with the development proposals in place, and therefore the existing junction visibility and access is considered to be acceptable.

Further comments:

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).

### **North Worcestershire Water Management (NWWW)**

The site falls within flood zone 1 (low risk of fluvial flooding from a watercourse) but does have a high 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>. We hold no reports of flooding in the vicinity.

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 and pathways for surface water to pass through the site without increasing risk elsewhere. 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 conditions 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.

Finished floor levels within the development shall be set a minimum of 300mm above the surrounding ground levels or no lower than the nearest adjacent dwelling (whichever is the highest).

### **WRS - Contaminated Land**

Due to the required demolition of the garages which may post potential contaminated land (including asbestos containing materials, for which a survey should be undertaken) WRS recommend a condition for reporting of unexpected contamination.

## Public Consultation

9 letters sent 11.01.2024 (expired 04.02.2024)

Site notice posted 11.01.2024 (expired on 04.02.2024).

A total of 15 representations have been received including 14 objections which raise the following in summary matters:

- Parking, safety and congestion in Willow Gardens
- Construction traffic, parking and storage of plant and machinery
- Loss of access to the rear of garden or garage
- Noise pollution, dust and debris during the construction
- Security when the garages are removed and gardens are exposed during construction
- Proximity of the new dwelling to 3A Willow Road, imposing, obstruct light and reduce privacy and cause disturbance
- Garages are in disrepair
- Mud on the road

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 determination 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 adjacent site, land to the rear of Willow Road and New Road (Ref: 21/01343/PIP), has been granted permission in principle for a minimum of 1 dwelling and a maximum of 2 dwellings. A technical details application has not been submitted. Therefore, no details of layout are available.

### **The Site**

The application site is located on the western side of Willow Gardens. The site is bound to the north by 3A Willow Road, gardens of residential properties on New Road to the west and gardens of residential properties on Willow Gardens on the south and east.

An existing access drive approximately 30 metres long and 3.3 metres wide serves the site and proposed dwelling. The site includes 17 garages; 16 garages are to be demolished and 1 garage is to remain. 3 garages are currently occupied. The garages are in various states of repair but on the whole have fallen into a state of disrepair.

The proposed dwelling is to be sited at the northern end of the plot, adjacent to No.3A Willow Road, with parking and turning to the south. The proposed garden at 105sqm is located to the side of the dwelling. The proposed dwelling would have two bedrooms. The proposed compliance plan shows a 1.8m high fence as the boundary treatment, the boundary along the access road is not proposed to be changed.

### **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 on previously development 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 Highways confirm that the site is within a residential and sustainable location.

The site has an existing access which would be re-used to facilitate access for the proposed dwelling. Worcestershire Highways confirms that there is good visibility in both directions and raises no technical concerns or matters of highway safety.

The termination of the leases/site by BDHT is an operational decision and does not require planning permission.

The proposed site plan identifies two car parking spaces and a garage for the proposed dwelling. The Worcestershire Highways Streetscape Design Guide requires two car parking spaces as a minimum and does not include garages within this calculation. The parking and turning area shown on the proposed site plan would be suitable for manoeuvring.

Worcestershire Highways have requested planning conditions for cycling and conformity of submitted plans for layout. EV charging would be required as part of Building Regulations and there is no proposed planning condition.

The garage which serves No.12 Willow Gardens is to be retained.

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

The site falls within flood zone 1 (low risk of fluvial flooding from a watercourse) and is identified as having a high risk of surface water flooding. NWWM 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.

NWWM have requested a planning condition for surface water drainage details and finished floor levels.

#### Design, Layout and Appearance

The proposed layout of the bungalow, its garden area, garage and car parking is considered acceptable. The proposed dwelling would be single storey at c.6.4m to its apex with a hipped roof construction to respond to similar located bungalow. On the proposed site section, the proposed dwelling is shown as being slightly higher than No.3A Willow Road; however, this is annotated as ground level/finished floor level not being surveyed.

The proposed two-bedroom dwelling would comprise a gross internal floor area of 105sqm; 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.

The proposed garage has been designed of brick construction with a flat roof to reflect the surrounding existing outbuildings and adjacent retained garage.

### Residential Amenity

The proposed site plan has included separation distances to nearby residential properties. 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 closest residential property is 3A Willow Gardens to the north which is annotated as 2m from the northern elevation. The proposed dwelling includes for a utility door and bathroom. There are no roof lights proposed.

The rear of No.8 Willow Gardens is c.17m from the ground floor window of the proposed dwelling.

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 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 mostly 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 0.0140 units and provides for a net gain in biodiversity of 0.0312 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 in 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 important 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:

- 279\_PL-S2-01\_LOCATION PLAN
- 279\_PL-S2-10\_PROPOSED SITE PLAN
- 279\_PL-S2-11\_PROPOSED COMPLIANCE PLAN
- 279\_PL-S2-12\_PROPOSED SITE FLOOR PLAN
- 279\_PL-S2-13\_PROPOSED SITE PLAN CALCS
- 279\_PL-S2-14\_PROPOSED SITE SECTIONS
- 279\_PL-S2-20\_PROPOSED DWELLING ELEVATIONS
- 279\_PL-S2-21\_PROPOSED GARAGE

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. Finished floor levels within the development shall be set a minimum of 300mm above the surrounding ground levels or no lower than the nearest adjacent dwelling (whichever is the highest).

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

5. 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.

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 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.

7. The Development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on drawing PL-S2-11.

Reason: To ensure conformity with submitted details.

8. 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

9. Prior to first occupation in order to provide a net gain in biodiversity 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.

10. 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.

**Case Officer:** Rosie Paget Tel: 01527 881184  
Email: [rosie.paget@bromsgroveandredditch.gov.uk](mailto:rosie.paget@bromsgroveandredditch.gov.uk)