

**APPLICATION REFERENCE: PL/2016/03174/MINFDW****Site Address:** Land Adjacent To 12 Bellamy Close Shirley Solihull

<b>Proposal:</b>	Erect 2 No. three bedroom bungalows.
<b>Web link to Plans:</b>	<b>Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at:</b>  <a href="http://publicaccess.solihull.gov.uk">http://publicaccess.solihull.gov.uk</a>

<b>Reason for Referral to Planning Committee:</b>	<b>Called in by Ward Councillors.</b>
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<b>Recommendation:</b>	<b>APPROVALSUBJECT TO CONDITIONS</b>
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**EXECUTIVE SUMMARY**

This application seeks permission for the erection of two detached three bedroom bungalows within an existing residential area. The principle of development is therefore acceptable and in compliance with Policy P5 of the Local Plan. This report will demonstrate that the proposal will have an acceptable impact upon residential amenity, highway implications and landscape impacts, and as such neutral weight should be attributed to these issues in the decision making process. However, it will also set out that the proposal will an on-balance harmful impact upon the character and local distinctiveness of the area, to which negative weight should be attributed.

Balanced against these neutral/harmful impacts are the effects of paragraph 14 of the NPPF having been invoked as a result of the Council not being able to demonstrate a 5 year housing supply, whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of granting planning permission. In this instance this provokes the question of whether or not the benefits of providing an additional residential unit within the Borough at a time where there is no identified housing supply figure and a drive at national level to “boost significantly” the supply of housing (NPPF, para 47), outweigh the impacts of the development upon the character and local distinctiveness of the area. This is clearly a very finely balanced matter though this report will conclude that in this instance the harm created to the character and local distinctiveness of the area is not so significant or demonstrable to be attributed more weight than to the recognised need to boost housing supply numbers as advocated by paragraph 14 of the NPPF.

## **KEY PLANNING ISSUES**

The following key planning issues are material to the determination of this application:

- Principle of development/5 year housing land supply
- Character impact
- Residential amenity
- Highways
- Landscape

## **CONSULTATION RESPONSES**

### **Statutory Consultees**

None applicable

**Non Statutory Consultees** The following Non-Statutory Consultee responses have been received:

SMBC Drainage - No objection

SMBC Highways – Final comments awaited

SMBC Landscape - No objections subject to submission of additional information to be provided via an update note

## **PUBLICITY**

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

21 responses were received which raised objections to the proposal, including objections from Councillor Sandison and Councillor McLoughlin.

All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

- Access to the site is not wide enough for emergency vehicles
- Parking around Bellamy Close and surrounding road is already an on-going problem and further traffic would intensify the problem
- Cars parking along Bellamy Farm Road cause visibility issues at junctions onto Longmore Road
- Current insufficient parking spaces for existing residents of Bellamy Close
- With the access being narrow the unloading of building materials would cause highway safety issues

- Dwellings would be tucked away in corner and would block existing rear access ways to terraced properties
- Building the properties will cause noise and disturbance to residents
- Development will appear too built up
- Properties would not be bungalows they would be two storey dwellings
- Dwellings would be tucked away in corner of site and not respect streetscene
- Tree on site where removed prior to submission of application, concerns further trees will be removed
- Concerns over loss of habitat for wildlife
- Proposed access way would cut across front gardens of neighbouring properties and concerns over land ownership
- Neighbour notification letters were delayed due to festive period and not received until 10 days after date on letter
- Site is dedicated recreational land under the original Bellamy Close development and is land for children to play on
- Additional housing is not require given recent approval for large housing developments
- High density of development would have negative impact on neighbouring amenity
- Plans are not to scale and show no measurements

## **PLANNING ASSESSMENT**

This report considers the proposal against the relevant policies of the National Planning Policy Framework (“NPPF”) 2012, the National Planning Practice Guidance and the adopted planning policies of Solihull Council. The policies of the Solihull Local Plan “SLP” 2013 that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations.

The relevant policies of the Local Plan area:

Policy P5 – Provision of land for housing

Policy P7 – Accessibility and ease of access

Policy P8 – Managing demand for travel and reducing congestion

Policy P10 – Natural environment

Policy P14 – Amenity

Policy P15 – Securing design quality

### Principle of Development/5 year housing land supply

The proposal seeks the erection of two detached bungalows within an area of existing open land to the side of 12 Bellamy Close. The site is set within an accessible and sustainable location in the building up area of Solihull, within an area characterised by relatively high density development. Therefore, in general land use terms and subject to compliance with designed and layout criteria, the proposal is considered to comply with Policy P5 of the Solihull Local Plan and this weighs positively within the planning balance.

Furthermore, concerning Policy P5 of the Local Plan this sets the housing requirement for the Borough and it is noted that this has been partially quashed in relation to the overall housing target figures through a successful High Court challenge. There is therefore no housing requirement figure available against which the Council are able to measure their housing land supply. The recent Tidbury Green appeal has confirmed that this and therefore the Council are not able to demonstrate a five year supply of housing land. Therefore under paragraph 49 of the NPPF the Council's policies in relation to the supply of housing are out-of-date and paragraph 14 is involved. This states that where relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweighs the benefits, when assessed against the policies of the Framework when taken as a whole.

Paragraph 53 confirms that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Policy P15 of the Local Plan seeks to secure high quality development that has regard to the local distinctiveness of the area, but does not preclude development on garden land.

Given that the Council are unable to demonstrate a five year supply of housing and given the drive at a national level to 'boost significantly' the supply of housing (NPPF, Para 47), and having regard to the requirements of para. 14 of the NPPF it is considered that the provision of additional housing within the borough should be afforded positive weight.

#### Character impact

The surrounding areas is characterised by residential properties varying from terraced properties to semi-detached and detached dwellings. The immediate surrounding properties of Bellamy Close are all two storey terraced properties set within a well-defined and distinct pattern of development consisting of dwellings with a small front garden area fronting Bellamy Close.

Private amenity space to the dwellings is situated to the rear and is relatively uniform in plot size providing 10-12m back garden depths to each terraced property. Bellamy Close offers very little off street parking as a result of the small areas to the front of dwellings and as such on street parking is characteristic of the close.

Within this setting it is noted that the proposal differs from the characteristics of the immediate vicinity, namely Bellamy Close. The most notable differences being:

- Detached properties are proposed rather than the traditional terraced properties
- The dwellings would be bungalows, albeit with accommodation within the roof spaces and as a result would have a greater footprint than the neighbouring properties
- The plots would differ from the typical surrounding grain to the rear of the site and grain of Bellamy Close in that the plots would be shallower in depth, but offer a greater width

- The building design would be a half-hipped design where as neighbouring properties are traditionally gable ended
- The development would offer off street parking specifically serving the two bungalows where as existing occupants of Bellamy Close predominantly have no provision for off street parking.
- Bungalows would not directly front Bellamy Close due to being accessed between existing properties via a private access drive

Notwithstanding the above differences, it is noted that the land use is acceptable, and the proposed new dwellings would be situated in a back land location and would be subservient in design to the neighbouring properties surrounding the site.

The dwellings would not be clearly visible from Bellamy Close due to their location and it is considered that the design elements which make the appearance different from neighbouring units are those which contribute to reducing the bulk and massing of the proposed dwellings as a whole, namely the half hipped roof details, bungalow style and reduced heights of the buildings.

It is considered that the dwellings themselves are well designed and through the use of a suitably worded condition to secure materials, could be built of materials that respect the local vernacular.

Considering the pros and cons of the proposal in design and character terms as set out above, it is considered that the proposal will have, to a certain extent, an on-balance detrimental impact upon the street scene and character of the area. Within this regard the proposal is contrary to Policy P15 of the Local Plan and this weighs negatively in the planning balance.

#### Residential amenity

The proposal would have the potential to impact upon the amenities of the occupiers of the adjoining sites through overlooking and loss of light through overshadowing and overbearing impact. During the course of the application amended plans were received which altered the design of the properties to remove the rear facing dormer windows, create a half hipped roof design and bring the footprint of the bungalows forward in the site by approximately 1.0m.

The removal of the rear facing dormer windows from the scheme results in the first floor accommodation to the bungalows only having velux windows and these would be set at a height above floor level, at 1.8m, which would avoid having a detrimental impact on the neighbouring amenities in terms of loss of privacy through overlooking. All other windows to the bungalows would be at ground floor level and given existing boundary treatments around the site and positioning of the dwellings within the plots there are no concerns regarding overlooking.

Turning to the impact of the proposed new dwellings in terms of loss of light through overshadowing is noted that the buildings would be a minimum of 6.0m from the front boundary with no.12 Bellamy Close and the separation to the rear boundary would vary between 6 to 9m. Overall it is considered that the front and rear separation distances are sufficient to avoid overshadowing or having an over bearing

impact. In addition the nearest dwelling on Bellamy Farm Road to the southwest would be 12m away and set at an angle, as such no detrimental impact would occur.

Turning to the impact of the development on the closest neighbour, no. 14 Bellamy Close it is noted that the separation between the bungalow and the boundary fence would be 1.5m. The proposed new bungalow would project past the rear elevation of no.14 by 5.0m however taking account of the separation between the dwelling and the boundary, the reduction in height of the building through the inclusion of a half-hip roof detail and the reduction in height of the building throughout the projection past the rear elevation it is considered that the impact on the amenity of no.14 in terms of loss of light would be acceptable.

The amenity space afforded to the proposed new dwellings is considered sufficient. It is noted that the depth of the rear garden falls short of the usually requested 11m rear garden at depths varying from 6m up to 9m however the width of the gardens accounts for this at 11.5 and 12m in width. Furthermore it is noted that as the dwellings would be bungalows it is reasonable to expect a marginal reduction in amenity space. As set out above the separation distance between the proposed bungalows and dwellings to the rear of the site on Bellamy Farm Road is considered sufficient to avoid overlooking to private amenity spaces.

One objection makes reference to the land being designated open space under the original approval for Bellamy Close as a whole, however there is no information to confirm this statement and the land is now privately owned by the applicant.

Having regard to the above the proposal is compliant with the requirements of P14 of the Local Plan and neutral weight should be given to this issue in the decision making exercise.

### Highways

The new dwellings would be accessed via a private access drive to be created and situated between the properties 12 and 14 Bellamy Close. The frontage of each unit would be served by hard standing to accommodate two cars. This level of parking is considered sufficient to meet the reasonable future occupiers of the proposed dwellings.

Concerns have been raised by neighbours with regards to existing parking issues on Bellamy Close and the potential impact that two additional dwellings could have with regards to this. It is noted that the existing parking arrangements for dwellings on Bellamy Close is such that the majority of dwellings park on the road as off street parking is not provided. It is noted that this is an informal arrangement and no dedicated resident parking spaces are provided, and no traffic regulation orders are in place to prevent this. Therefore whilst it is noted that some parking will be lost to facilitate access into the application site from Bellamy Close, the current parking is an ad-hoc and informal arrangement and is therefore afforded little protection.

Neighbours have also raised concerns regarding to the development blocking off existing accesses and rights of way which run to the rear of the run of terraces and allow for the movement of wheelie bins from the rear of the properties to the front. It

is noted that these would potentially be blocked by the development however it is considered that any right of way over the land for such activities would be a private matter with the applicant to be discussed outside of this application.

The Council's Highway Engineer has requested further details relating to the ability of vehicles being able to enter and leave the site in a forwards gear via the submission of tracked vehicle turning information. The final comments relating to this currently remain outstanding and will be reported to the meeting via an update note.

Taking account of the above and given its sustainable location, subject to positive comments being received by the Council's Highway Engineer concerning on-site vehicle turning, it is considered that the proposed development would be compliant with policies P7 and P8 of the adopted Local Plan and neutral weight should be given to this issue in the decision making exercise.

### Landscape

The application site is a redundant parcel of land which is currently overgrown. It was noted at the time of the site visit that a number of trees had already been felled on site and stumps and trunks were visible on site.

The Council's landscape architect has reviewed the submitted information and has advised that additional information is required in relation to the large mature tree that remains in the southern corner of the application site and the potential impact of this tree on the development. Members will be updated on this via an update note at committee however subject to the information submitted being acceptable, and subject to the inclusion of relevant conditions in relation to landscaping it is considered that the proposal would not be contrary to Policies P10 and -14 of the Local Plan and neutral weight should be given to this issue in the decision making exercise.

### **CONCLUSION**

The application represents the erection of two detached bungalows within an existing residential area. The principle of the development in land use terms is therefore acceptable.

The proposal will have an acceptable impact upon residential amenity, highway implications and landscape impacts, and as such neutral weight is attributed to these issues in the decision making process. However, for the reasons as previously set out in this report, the proposal will an on-balance harmful impact upon the character and local distinctiveness of the area, to which negative weight must be attached.

Balanced against these neutral/harmful impacts are the effects of paragraph 14 of the NPPF having been invoked as a result of the Council not being able to demonstrate a 5 year housing supply. In such instances planning permission should be granted unless any adverse impacts of doing so would **significantly** and **demonstrably** outweigh the benefits of granting planning permission. In this instance this provokes the question of whether or not the benefits of providing an additional residential unit within the Borough at a time where there is no identified

housing supply figure and a drive at national level to “boost significantly” the supply of housing (NPPF, para 47), outweigh the impacts of the development upon the character and local distinctiveness of the area.

This is clearly a very finely balanced matter. Officers, however, consider that in this instance the harm created to the character and local distinctiveness of the area is not so significant or demonstrable to be able to attach more weight to that issue than to the recognised need to boost housing supply numbers as advocated by paragraphs 14 and 47 of the NPPF.

## **RECOMMENDATION**

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

1. CS00 – Compliance with all plans;
2. CS05 – Commencement within 3 years;
3. CS06 – materials to be submitted;
4. CW06 – Sewage and drainage details;
5. CH01 – Details of access;
6. CI01 – Provision and retention of parking spaces;
7. CL04 – Hard and soft landscaping scheme to be submitted
8. CL06 – Implementation of landscaping scheme.

Notes:

EN01 – Noise during construction.