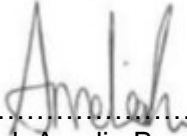



OFFICER'S OBSERVATIONS

Decision Date:
Decision Code:
Notice Type:
Normal / AVCG

Reference No	PAP/2024/0084
Location	88 Birchmoor Road Polesworth B78 1AB
Application Type	Outline Application
Proposal	Outline application for the demolition of the existing bungalow and replacement with one bungalow (all matters reserved)
Applicant	Mrs Diane Rochelle
Case Officer	 Signed: Amelia Bow Date: 24/06/2024
Authorised Officer	 Signed: Andrew Collinson Date: 24/06/2024

For Office Use Only	Yes	No	N/A
Monitoring completed?			
If P.D. removed, email forwarded to Central Services?			
If condition monitoring required, email to Enforcement Team (PG)			

The Site

The application site is a detached bungalow located in the development boundary of Polesworth which is a Category 1 Market Town in the adopted North Warwickshire Local Plan 2021. The surrounding street scene is residential dwellings with an array of dwelling types. 88 Birchmoor Road is the end property of a row of 4 detached bungalows. To the south and west of the site is open countryside. The site is currently dilapidated and is subject to vandalism.

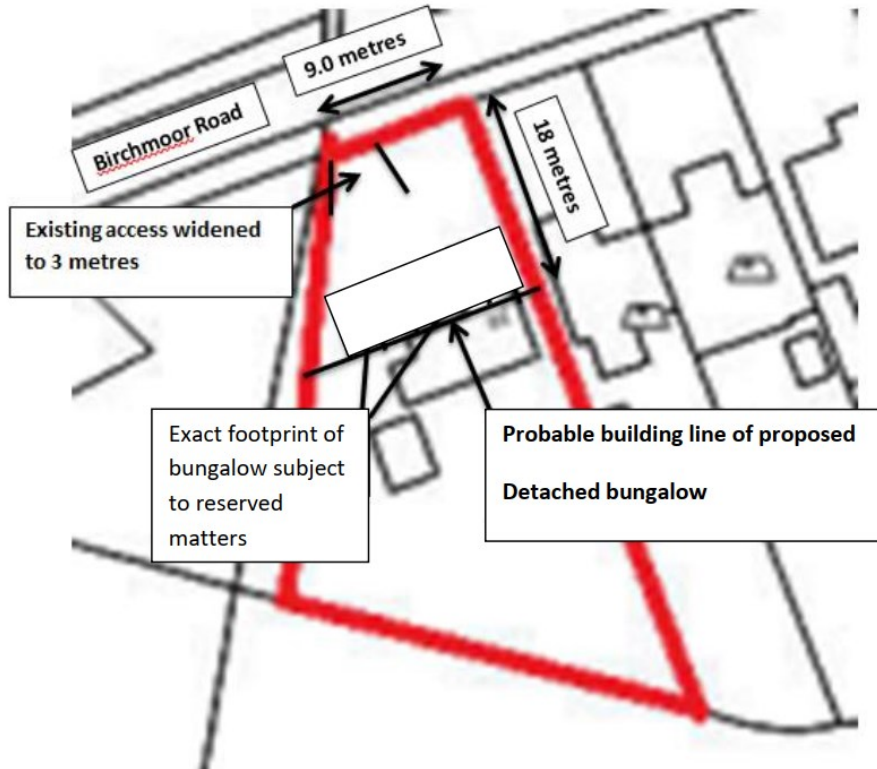
The Proposal

Outline planning permission is sought for the demolition of the existing bungalow and the replacement with one bungalow. All matters are being reserved. The Local Planning Authority can request further details in relation to reserved matters under article 5(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 if it is considered that the outline application ought to include such details. Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated. This is shown on the below plan.

Plans

The applicant has provided an indicative plan of the potential line of the proposed bungalow along with the widened access. Whilst only illustrative, the drawings submitted will need to be considered in the submission and determination of subsequent reserved matters.

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Background

Planning History

The existing bungalow was granted planning permission in June 1960. There is no other known planning history on the Cross System Check.

Wizard	Reference Number	Decision	Decision Date	Address	Notes
Planning	HIS/1900/1269		---	88 Birchmoor Road Polesworth Tamworth Warwickshire	BUNGALOW

Development Plan

North Warwickshire Local Plan (Adopted September 2021):

- LP2- Settlement Hierarchy
- LP7- Housing Development
- LP29- Development Considerations
- LP30- Built Form
- LP34- Parking

Other Relevant Material Considerations

Government Advice: National Planning Policy Framework 2023 (NPPF).

Supplementary Planning Document: Provision of Facilities for Waste and Recycling for New Developments and Property Conversions (Adopted January 2023)

Adopted Residential Design Guide 2003

Constraints

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Smoke Control Zone
Radon Gas (1-3%)
Development Boundary
Coal Development Low Risk

Consultations and Representations

Warwickshire County Council Highways Authority- No Objection 12/06/2024.

North Warwickshire Borough Council Environmental Health Officer- Comments (no objection nor support) 21/03/2024

- Contaminated land- The proposed development does not appear to lie on land that is known or suspected to be contaminated. However, the historic use of the land as agricultural land may have an impact on future land users due to historic use. I recommend the attachment of a Pre-commencement condition requiring a Phase 1 Preliminary Risk Assessment study by a competent person prior to the commencement of the proposed development.
- Noise and vibration- Due to the location of the proposal in an area that is surrounded by noise sensitive residential properties which are likely to be impacted by noise and vibration during the proposed development. Pre-commencement condition recommended.
- Construction management plan recommended.

2 neighbour objections

- Building of 2 semi-detached dwellings is completely out of character and appearance. There is no mention of the plans regarding the existing end bungalow- will the bungalow be taken down and another built in its place? Building taller buildings will overlook homes and compromise light. Concern over work traffic (11/03/2024).
- The addition of 2 houses would result in overlooking. The level of light would be reduced if houses were to be built rather than bungalows. Replacing 88 Birchmoor Road with houses would not be in keeping with the area (25/03/2024).

The initial proposal was for the demolition of 88 Birchmoor Road and the replacement with two bungalows which were to be semi-detached. There was confusion over the demolition and what was being erected in its place. Therefore, it was agreed with the applicant that the description of development would be changed to reflect more accurately what was being proposed. Reconsultation then took place following the change in description of development however, the Highways Authority objection and neighbour objections still stood. The proposal then changed again to include the replacement with only one bungalow. Further reconsultation took place. The Highways Authority Objection was removed but, the neighbour objections still stand.

In accordance with the Council's Scheme of Delegation, Ward Councillors and the Chair of the Planning & Development have been consulted and consider that the application can be determined under delegated powers.

Observations

Principle of Development

The site is located in the development boundary of Polesworth which is a Category 1 Market Town as identified in LP2 of the North Warwickshire Local Plan. LP2 states that in Category 1 settlements, development within development boundaries will be supported in principle. Whilst there are no issues in principle with the development in accordance with LP2, the Development Plan has to be taken as a whole meaning that I must consider other matters in relation to the proposal including character and appearance, neighbouring amenity and highways safety.

Character of the Area

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As this is an outline planning application, the design of the bungalow including the specific dimensions, the appearance of the building and landscaping are not being determined. The purpose of an outline application is to understand whether the principle of development is acceptable. As such, the key consideration is whether a bungalow in this location would reflect and respect the character of the area. Local Plan Policy LP30 (Built Form) states '*All development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting.*'

Paragraph 135 of the NPPF concentrates on guiding the overall quality of the area through good design, landscaping and layout that is '*sympathetic to local character and history, including the surrounding built environment and landscape setting*'. Part d of paragraph 135 goes on to say that developments should '*establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials.*'

88 Birchmoor Road is the end dwelling of a line of 4no. bungalows. 84 and 86 Birchmoor Road are semi-detached and 82 is detached. As 88 Birchmoor Road is currently a bungalow, a replacement bungalow in this location would not be at odds with the surrounding street scene. It is considered that the proposed bungalow will continue reflect the surrounding area well and as such, is supported in principle.

I consider that a replacement bungalow in this position is a better design choice than a 2no. storey building due to the impact a taller building would have on 82, 84 and 86 Birchmoor Road. In bringing these matters together, I support the principle of a replacement bungalow at this location. The height of the proposal needs to be limited to a single storey which can be controlled through a condition and subsequent reserved matters.

Neighbour Amenity

Local Plan Policy LP29 (Development Consideration) points 9 states that development should '*avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution; and in this respect identification of contaminated and potentially contaminated land will be necessary prior to determination of proposals depending on the history of the site and sensitivity of the end use...*'.

To the east of the property are 3no. bungalows, 82-86 Birchmoor Road. As I have expressed above, I consider that a replacement bungalow at this site is a justified choice. It will not lead to a detrimental impact with regard to overshadowing and overlooking which a taller building would. At this stage, there are no illustrative plans provided to indicate if and where windows in the gable walls will go however, the positioning of windows is something that will be carefully considered at reserved matters stage for appearance and layout to ensure there is not a detrimental impact on neighbouring properties. Furthermore, hard and soft landscaping can be agreed at the reserved matters stage which will help to screen the bungalow to address neighbouring property concerns.

Opposite the site is a block of 6no. dwellings. There would be a minimum separation distance of 35m between the bungalow at 88 Birchmoor Road and the dwellings opposite. It is not considered that the proposal would have a negative impact on the amenity of these residents as the current situation will continue to exist as it does, as there is not an intensified use of the site.

As it stands, I do not consider that privacy and impact on neighbouring amenity is detrimental to refuse the outline planning application.

Amenity Space

There is not a specific policy within the Local Plan which sets out desired garden dimensions however, the usual standards that are applied are 25m² per bedroom. Currently, it is unknown how many bedrooms the bungalow will contain. Published guidance by the Government sets out the minimum private (rear) garden size is 100m² for most dwellings, particularly those which are 3 bedrooms or more.

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The current size of the site is 1,021m². Due to the expanse of land to the rear of 88 Birchmoor Road, whilst it is acknowledged that the proposed dimension of the bungalow needs to be determined at reserved matters stage, I consider that the size of the site is sufficient to provide adequate space for future occupiers of the bungalow, even if there are to be some alterations to the proposed building line.

I consider that future residents will have ample amenity space to enjoy their surroundings. I am satisfied that the proposal accords with LP29 in that it takes into account the needs of all users.

Highway Safety

Local Plan Policy LP29 (Development Consideration) point 6 states that development should '*provide safe and suitable access to the site for all users.*'. Policy LP34 (Parking) requires development proposals to have particular regard to adequate vehicle parking provision. This requires 2 spaces per residential property over 2 bedrooms.

The indicative plans show that the parcel of land could comfortably accommodate 2 vehicles to the front on each property to accord with LP34.

Paragraph 114 part d of the NPPF says it should be ensured that '*safe and suitable access to the site can be achieved for all users.*'

An objection was initially raised by Warwickshire County Council when the proposal was for two bungalows as they believed that it was unclear whether suitable visibility splays would be achievable without the use of 3rd party land. The Highway Authority therefore required a speed survey to be carried out to determine the 85th percentile speeds and the extent of the available visibility splays in either direction.

The proposal has been amended and now only includes the replacement of the existing bungalow. There is no intensification of the site and the Highways Authority have dropped their initial objection. The access is currently wide enough to accommodate cars entering and exiting the site, one car at a time. The proposals indicate that the existing access will be widened by 3m which will ensure that the access is 9m wide. Given that the access has been in use for 88 Birchmoor Road, I do not consider that the replacement dwelling at this site will cause a detrimental impact on achieving safe access for the site.

Environmental Health

Environmental Health have commented that a condition should be added which states no development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. They have also commented that no development shall take place until a scheme for protecting nearby dwellings from noise from the proposed develop has been submitted to and approved by the local planning authority. Given the scheme is to erect one dwelling and there is ample space within the curtilage to accommodate materials being dropped off and stored, I do not consider such a condition is necessary. The applicant is reminded of their duty under the Control of Pollution Act 1974 in the notes section.

I have asked the applicant whether any surveys have been undertaken regarding ground related hazards and potential contamination sources particularly given the subsidence that has taken place at 88 Birchmoor Road for the dwelling to become in its current state. A structural survey and a ground conditions survey has been undertaken and an Enviro All-in-One residential search report which concluded that there is the potential of coal mining related risks and that the site could lie within an area affected by infilled land. Given the nature of the site, a pre-commencement condition will be attached to the decision for a Phase 1 Preliminary Risk Assessment study to be undertaken. This pre-commencement condition has been accepted by the applicant.

Biodiversity

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There are a number of trees to the rear of the property however, these are located along the southern boundary of the property. It is not considered that the replacement bungalow will affect these trees. The proposed built line of the bungalow is not considered to cause a detrimental impact on the trees. There are a number of shrubs to the front of the property which are maintained by the current owners. The new bungalow may result in the lost of these shrubs however, it can be considered during the reserved matters stage for landscaping that appropriate planting can be determined. As such, it is no considered that biodiversity harm is enough to refuse this outline application.

Conclusion

In bringing the above matters together, I support the development of a replacement bungalow in principle on this site. It is not considered that a bungalow would be at odds with the surrounding character, and I am satisfied that through the reserved matters stage that appearance, access, landscaping, layout and scale will ensure a suitable and sustainable development. The outline planning permission cannot be implemented until all reserved matters have been granted planning permission. There are no issues with the principle of development to cause me to not support the application.

RECOMMENDATION

That the application be **Granted** subject to conditions:

1. This permission is granted under the provisions of Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015 on an outline approval, and the further approval of the Local Planning Authority shall be required with respect to the undermentioned matters hereby reserved before any development is commenced:
 - (a) appearance
 - (b) landscaping
 - (c) layout
 - (d) scale
 - (e) access

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

2. In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of all reserved matters.

REASON

To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development hereby approved shall not be carried out otherwise than in accordance with the Site Location Plan, received by the Local Planning Authority on 02/05/2024.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

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5. The maximum number of dwellings hereby permitted shall not be greater than one, unless approved otherwise in writing by the Local Planning Authority.

REASON

To protect the character of the area and ensure that a detailed scheme harmonises with the immediate and wider surroundings.

6. The details to be submitted under Condition 1 shall ensure that:
 - a) The dwelling is a single storey, bungalow design.
 - b) Full details of the facing and roofing materials to be used for the dwelling are provided.
 - c) Full details of all of the boundary treatments are provided.
 - e) Full details of the space to be provided within the curtilage of the dwelling for three 240 litre waste bins.
 - f) Full details of electric vehicle charging facilities are provided.

REASON

In the interests of the visual amenities of the area; to reduce adverse amenity and environmental impacts.

Pre-commencement

7. No development shall take place until a Phase 1 Preliminary Risk Assessment has been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that risks from land contamination or gas to future users of the land and neighbouring properties are minimised.

8. Pursuant to Condition 7, if the Phase 1 Preliminary Risk Assessment indicates potential land contamination or gas that may pose a risk to the development or any other land user, a Phase 2 Site Investigation and Risk Assessment shall be carried out to determine whether there are any unacceptable risks to people, property or the environment.

REASON

To ensure that risks from land contamination or gas to future users of the land and neighbouring properties are minimised.

Notes

1. Although outline permission has been granted, the illustrative drawing submitted needs to be carefully considered. Before submitting any scheme for approval of reserved matters, you are advised to talk to the Local Planning Authority.
2. The developer is reminded that the Control of Pollution Act 1974 restricts the carrying out of construction activities that are likely to cause nuisance or disturbance to others to be limited to the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, with no working of this type permitted on Sundays or Bank Holidays. The Control of Pollution Act 1974 is enforced by Environmental Health.
3. Radon is a natural radioactive gas which enters buildings from the ground and can cause lung cancer. If you are buying, building or extending a property you can obtain a Radon Risk Report

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online from www.ukradon.org if you have a postal address and postcode. This will tell you if the home is in a radon affected area, which you need to know if buying or living in it, and if you need to install radon protective measures, if you are planning to extend it. If you are building a new property, then you are unlikely to have a full postal address for it. A report can be obtained from the British Geological Survey at <http://shop.bgs.ac.uk/georeports/>, located using grid references or site plans, which will tell you whether you need to install radon protective measures when building the property. For further information and advice on radon please contact the Health Protection Agency at www.hpa.org.uk. Also if a property is found to be affected you may wish to contact the Central Building Control Partnership on 0300 111 8035 for further advice on radon protective measures.

4. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coalauthority.
5. You are recommended to seek independent advice on the provisions of the Party Wall etc. Act 1996, which is separate from planning or building regulation controls, and concerns giving notice of your proposals to a neighbour in relation to party walls, boundary walls and excavations near neighbouring buildings. An explanatory booklet can be downloaded at <https://www.gov.uk/guidance/partywall-etc-act-1996-guidance>
6. Before carrying out any work, you are advised to contact Cadent Gas about the potential proximity of the works to gas infrastructure. It is a developer's responsibility to contact Cadent Gas prior to works commencing. Applicants and developers can contact Cadent at plantprotection@cadentgas.com prior to carrying out work, or call 0800 688 588 8117
7. Prior to the occupation of the approved dwelling(s), please contact our Street Name & Numbering officer to discuss the allocation of a new address on 01827 719277/719477 or via email to SNN@northwarks.gov.uk. For further information visit the following details on our website
https://www.northwarks.gov.uk/info/20030/street_naming_and_numbering/1235/street_naming_and_numbering_information
8. The submitted plans indicate that the proposed works come very close to, or abut neighbouring property. This permission does not convey any legal or civil right to undertake works that affect land or premises outside of the applicant's control. Care should be taken upon commencement and during the course of building operations to ensure that no part of the development, including the foundations, eaves and roof overhang will encroach on, under or over adjoining land without the consent of the adjoining land owner. This planning permission does not authorise the carrying out of any works on neighbouring land, or access onto it, without the consent of the owners of that land. You would be advised to contact them prior to the commencement of works.
9. The applicant's attention is drawn to The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012, which requires that any written request for compliance of a planning condition(s) shall be accompanied by a fee. Although the Local Planning Authority will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows a period of 8 weeks, and therefore this timescale should be borne in kind when programming development.
10. In dealing with this application, the Local Planning Authority has worked with the applicant in a positive and proactive manner. As such it is considered that the Council has implemented the requirement set out in paragraph 38 of the National Planning Policy Framework.