



Report to: Planning Committee, 18th April 2019

Report of: Deputy Director - Economic Development and Planning

SUBJECT: APPLICATION 19/00037/FUL: DEMOLITION OF SINGLE STOREY SIDE EXTENSION AND ERECTION OF THREE BED DETACHED DWELLING WITH NEW ACCESS ON LAND AT 67 CANADA WAY

1. Recommendation

1.1 The Deputy Director - Economic Development and Planning recommends that the Planning Committee grant planning permission, subject to the conditions set out in section 10 of this report.

2. Background

2.1 The application has been referred to the Planning Committee at the request of Councillor Amos to consider the implications of the scale/mass of the proposed development on garden/green space.

2.2 The application was registered on the 13th February 2019 and was due for a decision on the 10th April 2019. However, the target date for determination has now been extended to 22nd April 2019 to enable the application to be considered by the Planning Committee.

3. The Site and Surrounding Area

3.1 The proposal relates to a plot of land currently used as garden area to the south of 67 Canada Way, which is a two-storey detached house that is broadly similar in original design and appearance to neighbouring properties.

3.2 The site is located within an established residential area that has an open plan layout and is located close to a comparatively sharp bend in Canada Way adjacent to a public footpath that provides pedestrian access to the local centre shops. There is also footpath access to the rear of the site and neighbouring properties.

3.3 The property is set back from the highway behind a front lawn with a driveway that extends alongside the dwelling behind a pair of solid timber gates to a garage at the rear providing off-road parking for three cars.

3.4 The property has been extended by the addition of a single storey flat-roofed dining room extension to the side elevation adjacent to the public footpath.

4. The Proposal

- 4.1 The proposal is to demolish the single storey side extension and to divide the current plot into two in order to allow for the erection of a new detached three bedroom dwelling of approximately the same dimensions as the host and surrounding properties. However, it would differ in terms of design and appearance as the ground floor would project beyond the first floor beneath a pitched roof across the full width of the front elevation.
- 4.2 The property would have two off street parking spaces to the front of the property with an area of lawn that would be enclosed by a boundary hedgerow adjacent to the public footpath. The proposed dwelling would have a garden area to the rear that would contain a garden shed to provide cycle storage.
- 4.3 In accordance with Article 15 (7) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), full details of the application have been published on the Council's website. As such, Members will have had the opportunity to review the submitted plans and documents in order to familiarise themselves with the proposals prior to consideration and determination of the application accordingly.

5. Planning Policy

- 5.1 The Town and Country Planning Act 1990 ('the Act') establishes the legislative framework for consideration of this application. Section 70(2) of the Act requires the decision-maker in determining planning applications/appeals to have regard to the Development Plan, insofar as it is material to the application/appeal, and to any other material consideration. Where the Development Plan is material to the development proposal it must therefore be taken into account. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application/appeal to be determined in accordance with the Plan, unless material considerations indicate otherwise.
- 5.2 The Development Plan for Worcester now comprises:
- The South Worcestershire Development Plan (SWDP) 2016;
 - The Worcestershire Waste Core Strategy 2012.

South Worcestershire Development Plan

- 5.3 The following policies of the SWDP are considered to be relevant to the proposal:

SWDP 1 Overarching Sustainable Development Principles
SWDP 13 Effective Use of Land
SWDP 21 Design
SWDP 27 Renewable and Low Carbon Energy
SWDP29 Sustainable Drainage Systems

Material Considerations

1. National Planning Policy Framework

- 5.4 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It constitutes guidance for local planning authorities and decision takers and is a material planning consideration in determining planning applications.
- 5.5 An updated version of the National Planning Policy Framework (NPPF) was published and came into effect on 24th July 2018. The terminology and paragraph numbers may differ somewhat but the broad objectives of the revised NPPF is consistent with that of the previous original NPPF. All the policies in the NPPF constitute Government's view of what sustainable development in England means in practice: an economic role, contributing to a strong, responsive, competitive economy; a social role, supporting vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment with accessible local services that reflect the community's needs; and an environmental role, protecting and enhancing our natural, built and historic environment. Economic, social and environmental improvement should be sought jointly and simultaneously.
- 5.6 Paragraph 38 of the NPPF encourages Local Planning Authorities to approach decision taking in a positive way and to foster the delivery of sustainable development. Local Planning Authorities are advised to approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

2. National Planning Practice Guidance

- 5.7 On 6th March 2014 the Government also published National Planning Practice Guidance (NPPG) to complement the NPPF. This has been revised and updated in the meantime and comprises, amongst other matters, air quality, design, housing and economic land availability assessment, noise, travel plans, transport assessments and statements in decision-taking, flood risk and coastal change, use of planning conditions, flexible options for planning permissions, and planning obligations.

3. Supplementary Planning Documents

- 5.8 South Worcestershire Design Guide SPD (SWDG SPD), was adopted by the City Council on 6th March 2018. The key aim is to encourage a higher standard of design in all aspects of the built environment across south Worcestershire. The guide does not set prescriptive standards; rather it identifies principles of good design that are considered to be best practice. The SWDG SPD has been prepared to supplement policies in the SWDP, in particular SWDP 21 Design. As such, it is a material consideration for the decision taker in the determination of planning applications and planning appeals.

4. Worcestershire's Local Transport Plan (LTP4) 2018 – 2030

5.9 LTP4 set out issues and priorities for investment in transport infrastructure, technology and services, focussed on supporting travel by all modes. In accordance with national and local objectives, a series of local transport-specific objectives are identified in the LTP4:

- "To support Worcestershire's economic competitiveness and growth through delivering a safe, reliable and efficient transport network.
- To limit the impacts of transport in Worcestershire on the local environment, by supporting enhancements to the natural environment and biodiversity, investing in transport infrastructure to reduce flood risk and other environmental damage, and reducing transport-related emissions of nitrogen dioxide, particulate matter, greenhouse gases and noise pollution. This will support delivery of the desired outcomes of tackling climate change and reducing the impacts of transport on public health.
- To contribute towards better safety, security, health and longer life expectancy in Worcestershire, by reducing the risk of death, injury or illness arising from transport and promoting healthy modes of travel.
- To optimise equality of opportunity for all of Worcestershire's citizens with the desired outcome of creating a fairer society.
- To enhance the quality of life for Worcestershire's residents by promoting a healthy, natural environment, for people, wildlife and habitats, conserving our historic built environment and preserving our heritage assets."

5. Worcestershire County Council Streetscape Design Guide (2018)

5.10 The 'Streetscape Design Guide' (SDG) was produced to aid architects, engineers, planners, developers, designers and other professionals in preparing transport infrastructure related to new developments. It is to be considered in conjunction with Manual for Streets 1 and 2, as well as the Design Manual for Roads and Bridges.

5.11 Chapter 4 relates to 'Planning for Parking' and seeks to provide an approach as to how car parking in Worcestershire should be provided to support development in a manner which embraces the NPPF. It is considered that if the applicant is the end user that they are well placed to assess operational demands but all sites must be considered against a planning use class to ensure they equally address the needs of future users. Therefore applications should provide a suitable evidence base to ensure vehicles are not displaced onto the highway to ensure highway safety is not compromised and maintain the free flow of traffic to the benefit of the local economy. This document only reflects a small part of managing vehicle demands and therefore should be read alongside the Local Transport Plan (above) which contains policies to promote sustainable travel through the provision of physical infrastructure and travel planning initiatives.

5.12 Car and cycle parking standards are provided within the SDG which replace those contained in WCC's Interim Car Parking Standards (2016). With regard to car parking standards for residential development the SDG states as follows:

'There is no direct relationship between car parking provision and choice of transport mode, so a minimum provision for residential need should be made to ensure suitable in curtilage storage.

The following are the minimum requirements:

1 Bedroom Unit	1 Space, 1 cycle space
2 – 3 Bedroom Units	2 Spaces, 2 cycle spaces
4 – 5 Bedroom Units	3 Spaces*, 2 cycle spaces

* In Rural parishes of Redditch this should be increased to 4 spaces. These are the minimum requirements. They apply to both Affordable/Social Housing and Market Housing. The requirements apply to flats/apartments and houses. Cycle parking must be sheltered, secure and easily accessible.'

6. The New Homes Bonus

- 5.13 The 'New Homes Bonus' is a Government scheme which is aimed at encouraging local planning authorities to grant planning permissions for the building of new homes in return for additional revenue. The Government provides additional funding for new houses by matching funding the additional council tax raised for new homes with an additional amount for affordable homes for six years. Having regard to Section 70 (2) of the Town and Country Planning Act 1990, the New Homes Bonus is statutory and a local finance consideration in the determination of planning applications. As such, it is a material planning consideration.

6. Planning History

- 6.1 The site has been the subject of the following application:

Planning Application 73/1212 - Erection of an extension to a dining room. Approved under delegated powers on 7th September 1973.

- 6.2 The current planning application was also the subject of a pre-application enquiry (Ref: PE/00191/18).

7. Consultations

- 7.1 Formal consultation has been undertaken in respect of the application. The following comments from statutory and non-statutory consultees have been received in relation to the proposals:-

Public Path Order Officer: Notes that the route of Worcester city footpath WR-784 is immediately adjacent to the southern boundary of the development site. No objection provided that the applicant notes the above and adheres to the following obligations:

- No disturbance of, or change to, the surface of the paths or part thereof should be carried out without our written consent.
- No diminution in the width of the rights of way available for use by the public.
- Buildings materials must not be stored on the rights of way.

- Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the rights of way.
- No additional barriers are placed across the rights of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.
- The safety of the public using the rights of way is to be ensured at all times.

Highway Authority: No objection, subject to the following condition:

"The Development hereby approved shall not be occupied until the access including pedestrian visibility and parking facilities for both dwellings to include cycle parking for both dwellings shown on the submitted *Highways Plan* have been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.

REASON: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway."

The Ramblers Association: "Footpath WR-784 passes along the southern boundary of the application site but is exterior to it. Thus this proposal will have no physical impact on pedestrian movement on the footpath.

Whilst the proposed two-storey dwelling appears to be right up to the boundary the more open nature of the site to the south suggests that the visual impact will be acceptable.

We are concerned, however, that the footpath should not be obstructed during construction work by the storage of builders materials, If it is necessary to erect scaffolding on the footpath during construction, this should be kept to as short a time as possible. These two issues should be the subject of appropriate conditions to minimise inconvenience to users of the footpath."

Neighbours: One letter of objection has been received from the resident of 4 Weyburn Close on the following grounds:

"Having yet another driveway leading onto Canada way on that bend is a bad idea, its already an accident waiting to happen with cars regularly parking both sides of the bend on double yellow lines, I've already witnessed a 13-year-old boy be flung in the air while trying to cross the road while cars are parked on the bend and I do not wish to witness that again but I fear it will if something is not done soon."

- 7.2 Members have been given the opportunity to read all representations that have been received in full. At the time of writing this report no other consultation responses have been received. Any additional responses received will be reported to members verbally or in the form of a late paper, subject to the date of receipt.
- 7.3 In assessing the proposal due regard has been given to local residents comments as material planning considerations. Nevertheless, I am also mindful that decisions should not be made solely on the basis of the number of representations, whether they are for or against a proposal.

The Localism Act has not changed this, nor has it changed the advice that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning reasons.

8. Comments of Deputy Director - Economic Development and Planning

8.1 I consider that the main issues raised by the application relate to:-

- The principle of the proposed development;
- Impact on highway safety;
- Impact on neighbouring amenity;
- Standard of amenity proposed; and
- Design of the proposed dwelling.

These issues will now be considered in turn:

Principle of proposed development

- 8.2 The site is within an established residential area and the proposal would therefore be considered to be compatible with the adjoining uses. The development of this land would comprise 'infill/windfall' development given the nature of the plot being adjacent to the existing house and currently used as garden area. The principle of residential development on this site is therefore considered to be acceptable and in accordance with guidance set down in the NPPF and policy SWDP 13 which states that developments should be in character with the locality in terms of the built and natural environment.
- 8.3 A further consideration in favour of the development of this parcel of land is that the property directly opposite the site (38 Canada Way) has constructed a two storey extension which also fills the width of this plot virtually doubling the size of the existing house.
- 8.4 Notwithstanding the above, it is important to consider whether the site has the capacity to be developed for an additional dwelling including any impacts on the amenities enjoyed by neighbouring residents and future occupants and the impact on the highway network.

Impact on the highway safety

- 8.5 The site is located on the corner of a public footpath and close to a comparatively sharp bend in Canada Way on an established residential estate. The proposed new dwelling would be served by a new driveway access providing two off street parking spaces, which is in line with the Worcestershire County Council Streetscape Design Guide (2018) parking standards for a three bedroom dwelling.
- 8.6 However, the Highway Authority has requested the applicant to submit a revised plan to show vehicle and cycle parking for both the existing and proposed dwellings in line with the above standards, together with proposals to improve pedestrian visibility to the access to the proposed dwelling.

Amended plans have been received showing the provision of two off street parking spaces along with the reduction in the height of the front boundary hedge to 0.6 metres maximum height to increase visibility as required and a shed in the rear garden to provide sheltered and secure cycle parking spaces.

- 8.7 Although the property would be constructed close to the public footpath, the PROW Officer does not object to the proposal but offers advice which should be provided to the applicant which describes how access to the path should not be compromised during the construction. This can be added as an informative to any planning permission granted.
- 8.8 The proposal would therefore comply with the Worcestershire County Council Streetscape Design Guide (2018) parking standards and is considered acceptable in this regard and in terms of highway safety in relation to the introduction of a driveway access onto Canada Way.

Impact on neighbouring amenity

- 8.9 The NPPF states that as one of its core principles planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Similarly, Policy SWDP 21 requires amongst other matters that new development should provide an adequate level of privacy, outlook, sunlight and daylight, and should not be unduly overbearing. Pertinent advice is also contained in the South Worcestershire Design Guide SPD (SWDG SPD), which was adopted by the City Council on 6th March 2018.
- 8.10 The site is adjacent to a number of residential properties and in accordance with the expectations of policy SWDP 21, it is necessary to ensure that the scheme would not result in harm to the amenities enjoyed by neighbouring residents.
- 8.11 In my opinion, the proposed dwelling would clearly have a visual impact on neighbouring properties. However, the siting of the dwelling would satisfy the distance separation requirements set out in the Design Guide SPD to the extent that it would not block the outlook from any windows of habitable rooms to an unacceptable degree or be close enough to cause unacceptable loss of privacy. I also consider that the scale of the proposed development would ensure that it would not appear overbearing when seen from neighbouring properties. Whilst a new dwelling would be introduced into an area currently occupied by a single storey side extension, nevertheless this change in view would not amount to an oppressive outlook from the neighbouring houses or gardens when the distance separations are taken into account.
- 8.12 The site is located directly to the south of the host property and due to this orientation, it is important to consider any potential loss of light which may result to the host property. The proposed dwelling would be constructed in the same building line as the neighbouring property and therefore there would not be any breach in the 45-degree code and thus no loss of light. It also follows that given the siting, there would not be an unacceptable loss of outlook or privacy.

- 8.13 There would be sufficient separation distance between the rear elevation of the proposed property and that of the properties behind on Westmount Close to ensure there would be no detrimental impact on their amenities.
- 8.14 I am satisfied that there would be no adverse impact on the amenities of neighbouring residents in terms of loss of privacy through actual or the perception of overlooking, noise/disturbance from the intensification in the residential use of the site or unfettered movement of vehicles, or its visual impact. In my opinion, the proposal is acceptable and consistent with the design quality SPD and the aims and interests that policy SWDP 21 and the NPPF seek to protect and promote in this regard.

Standard of amenity proposed

- 8.15 The host property would be left with approximately 80 sq.m. of amenity space equating to greater than 20 sq.m. per bedroom in accordance with design quality SPD. A similar area would also be provided to serve the new property and would be largely the same as the other properties within the locality.
- 8.16 The proposed amenity space would also be considered acceptable when considering the plot sizes of other surrounding properties on the estate. In my opinion, the proposal would offer an acceptable level of residential amenity for future occupants in terms of the provision of private amenity space, privacy and car parking in accordance with the aims and interests that policy SWDP 21, design quality SPD and the NPPF seek to protect and promote in this regard.

Design of the proposed dwelling

- 8.17 The proposed dwelling has been designed with reference to the character of the host dwelling using matching roof form and pitch and matching materials. In my opinion, the proposed dwelling would sit comfortably within the streetscene and the wider estate. The applicant has confirmed that solar panels would also be incorporated within the design on the rear facing roof slope, which would comply with policy SWDP 27 and supply 10% of the total energy required to run the property.
- 8.18 On balance, it is considered that the design is appropriate to the site setting and will sit well within the site context and would thus be in accordance with policy SWDP 21.

Human Rights

- 8.19 Article 8 of the Human Rights Act 1998 (as amended) states that everyone has the right to respect for his private and family life. A public authority cannot interfere with the exercise of this right except where it is in accordance with the law and is necessary (amongst other reasons) for the protection of the rights and freedoms of others. Article 1 of Protocol 1 of the Act entitles every natural and legal person to the peaceful enjoyment of his possessions.
- 8.20 The law provides a right to deny planning permission where the reason for doing so is related to the public interest. Alternatively, having given due consideration to the rights of others, the local planning authority can grant planning permission in accordance with adopted policies in the development plan.

8.21 All material planning issues raised through the consultation exercise have been considered and it is concluded that by approving this application the council will not detrimentally infringe the human rights of an individual or individuals.

9. Conclusion

9.1 The NPPF identifies a series of the components that are considered critical to achieving sustainable development. In my opinion, the above assessment of the planning application proposals against the planning policy framework demonstrates that the application responds to the requirements of the adopted planning policy within the development plan and addressed material considerations relevant to the determination of the application.

9.2 The built form has been designed to address the site and to ensure that the amenity of neighbouring residents is not compromised with careful placement of windows and built form. Whilst it would introduce a new addition to the road and would be a prominent addition in the street, nevertheless this is not in itself considered to be harmful.

9.3 Having regard to the totality of the policies in the Framework, I consider the proposed development is sustainable when looking at its social, economic and environmental credentials in the round. Overall, it is considered that the proposals constitute an environmentally, socially and economically sustainable form of development that accords with the Framework and the Development Plan as a whole.

10. Recommended Conditions

10.1 In the event that members resolve to grant planning permission the following conditions are recommended:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To conform with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

For the following reason:-

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2) Unless where required or allowed by other conditions attached to this permission/consent, the development hereby approved shall be carried out in accordance with the information (including details on the proposed materials) provided on the application form and the following plans/drawings/documents –

Design and Access Statement

Energy and Water management Statement

Photographs of existing frontage

Location Plan scaled 1:1250

Highways Plan scaled 1:200 received 12/3/19

Proposed elevations scaled 1:100 received 12/3/19
Block Plan scaled 1:200 received 12/3/19
Proposed Street Scene scaled 1:100 received 12/3/19
Proposed Ground Floor Layout Plan scaled 1:100 received 12/3/19
For the following reason:-

For the avoidance of doubt and to secure a satisfactory form of development in accordance with policy SWDP21 of the South Worcestershire Development Plan and aims and objectives of the National Planning Policy Framework.

- 3) Prior to the first use/occupation of the development hereby permitted, the details set out in the submitted Water Management Statement shall be fully implemented and remain thereafter.

For the following reason:-

To ensure that an appropriate sustainable drainage system is provided to serve the development in accordance with policy SWDP 29 of the South Worcestershire Development Plan 2016 and the aims and objectives of the National Planning Policy Framework.

- 4) The details of renewable or low carbon energy generating facilities to be incorporated as part of the development as detailed within the Energy Statement shall provide at least 10% of the predicted energy requirements of the development through the use of renewable/low carbon energy generating facilities. The approved facilities shall be provided prior to any part of the development hereby permitted being first occupied.

For the following reason:-

To ensure the proposed development includes sufficient renewable/low carbon energy generating facilities to comply with Policy SWDP 27 of the South Worcestershire Development Plan 2016 and the aims and objectives of the National Planning Policy Framework.

- 5) All planting and seeding/turfing hereby approved, shall be carried out in the first planting season following the first occupation of the development. All planting shall be watered as necessary and competitive weed growth controlled to ensure successful establishment. Any trees or plants that die, or are removed; or become seriously damaged or diseased within a period of five years from the completion of the planting, shall be replaced in the next planting season with others of similar size and species.

For the following reason:-

To ensure the proposed development does not have an adverse effect on the character and appearance of the area in accordance with policies SWDP 21 and SWDP 25 of South Worcestershire Development Plan 2016 and the aims and objectives of the National Planning Policy Framework.

- 6) The development hereby approved shall not be occupied until the access including pedestrian visibility and parking facilities for both dwellings to include cycle parking for both dwellings shown on the submitted Highways Plan have been provided. These areas shall thereafter be retained and kept available for their respective approved uses at all times.

For the following reason:-

In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting, substituting, amending, extending, consolidating, replacing or modifying that Order), no (restricted works)(additions, extensions or external alterations) (new windows or other openings) (building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house) [other than those expressly authorised by this permission] shall be constructed/carried out on the application site following the completion/first use of the development hereby permitted.

For the following reason:-

To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policy SWDP 21 of the South Worcestershire Development Plan and the aims and objectives of the National Planning Policy Framework.

Informatives

1. This permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email worcestershirevehicle.crossing@ringway.co.uk Tel: 01905 751651. The applicant is solely responsible for all costs associated with construction of the access.
2. It should be noted that, under section 34 of the Road Traffic Act 1988, any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public rights of way for private vehicular access in connection with the development, has a right to do so. They may wish to seek legal advice on the matter. The County Council is responsible for maintaining rights of way to a standard suitable for their usual public use.

The applicant should note the National Planning Policy Framework published in July 2018 by the Ministry of Housing, Communities and Local Government, particularly paragraph 98, to ensure that planning policies protect and enhance public rights of way and access.

The developer should also be aware of the Department of Environment Circular 1/09 (part 7) which explains that the effect of development on a public right of way is a material consideration in the determination of applications for planning permission and that the grant of planning consent does not entitle developers to obstruct a public right of way. WCC would recommend that Public Rights of Way (PROWs), potentially affected by planned works, are clearly designated on all associated planning maps, diagrams or schematics as a matter of course.

Ward: **Bedwardine**
Contact Officer: **Ruth Lambert –Tel: 01905 722175**
Email: **ruth.lambert@worchester.gov.uk**
Background Papers: **None**