

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Midland Park Homes 'B'	Construction of 5 no. 2 storey 2-bed dwellings on land to the side and rear with revised access from highway (plans as amended 09.06.2011 and 13.06.2011 re-aligning Plot 1 adjacent No. 52 and reducing height of Plots 2 - 5) - 52 Chadcote Way, Catshill, Bromsgrove, Worcestershire, B61 0JT	Residential Area	11/0182-SC 30.05.2011

Councillor Mrs. H. J. Jones has requested that this application be considered by the Committee, rather than being determined under delegated powers.

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WH	Comments received 19.04.2011: No objection subject to conditions.
EHM	Comments received 03.05.2011: No objection subject to conditions.
ENG	Comments received 19.04.2011: No objection subject to conditions.
SPM	Comments received 23.06.2011: "The above site is situated within the residential area of Catshill within the Bromsgrove Local Plan. The proposal is to develop five dwellings, therefore PPS1, PPS3, policy S3, S7, S8 and S14 of the adopted Bromsgrove District Local Plan (adopted Jan. 2004) and SPG1 apply."
Community Safety	No comments received as yet.
WMC	Comments received 20.04.2011: No objection.
Tree Officer	Comments received 18.05.2011: No objection subject to conditions.
Parish	Comments received 01.07.2011: "Object to this application on the grounds that the resulting development would appear over-crowded and cramped; access to the site via Chadcote Way is already haphazard due to cars being parked on the pavement and the insertion of five more dwellings will add to the existing nuisance and congestion."
Publicity	17 Neighbour notification letters posted 12.04.2011; expired 03.05.2011 Site Notice Posted 21.04.2011; expired 12.05.2011
	15 letters received. Concerns raised over the following: <ul style="list-style-type: none"> ▪ Overlooking / loss of privacy ▪ Loss of trees ▪ Increased traffic on Chadcote Way ▪ Under provision of parking ▪ Site access has poor visibility ▪ Children play in the area ▪ Drainage issues ▪ Unit 1 would be forward of the building line ▪ Loss of light ▪ Overdevelopment ▪ Overbearance

- Development out of keeping with character of surrounding area.
- Lack of Street lighting
- Garden Land not wasteland
- Wildlife impact
- Noise from properties
- Parking survey should be performed on a weekday evening
- Layout and density of buildings unacceptable

Following receipt of amended plans the following further publicity was performed:

23 Neighbour notification letters posted 22.06.2011; expires 13.07.2011

3 Site Notice Posted 21.06.2011 expired 12.07.2011

1 further letter of objection received raising issues as covered above.

The site and its surroundings

The application site relates to an area of former scrub land to the rear of number 35a Wildmoor Lane. The site is adjoined by existing residential development to its northern, southern and eastern boundaries. The site would be accessed from Chadcote Way which runs along its western boundary. The site is located in a Residential Area as defined in the BDLP 2004.

Proposal

It is proposed to erect 5 no. 2 bedroom dwellings on the site. A detached dwelling would be accommodated to the west of the site, adjacent to number 52 Chadcote Way, and a terraced development comprising four units would be erected towards the eastern end of the site. All of the units would be for sale on the general market.

Relevant Policies

WMSS	QE3, QE5, CF2, CF3, CF4, CF.5
WCSP	CTC.1, CTC.5, SD.3, SD.4, T.1
BDLP	DS13, S7, C17, TR11
DCS2	CP3
Others	PPS1, PPS3, PPG13, SPG1

Relevant Planning History

10/0295	Residential development of 5 No. 2 Bedroom dwellings, in the redundant scrub garden area, to the rear garden of 35 A Wildmoor Lane (as amended by drawings received 02.06.10) - refused 10.06.2010.
09/0879	Development of 7 no. 2 bedroom dwellings - Withdrawn.

Notes

This application represents a redesign of the application 10/0295, refused 10.06.2010, in order to overcome the stated highway reason for refusal. The following reason for refusal was given for 10/0295:

- The proposed development would not incorporate a safe means of access and egress and would therefore be contrary to policy T.1 of the Worcestershire County Structure Plan 2001, policies TR11 and S7 of the Bromsgrove District Local Plan 2004 and the advice contained within PPG13: Transport.

Assessment

The proposal represents a form of backland development and, in light of the recent amendments to PPS3, it is now necessary to determine if the site is classed as a greenfield site or as previously developed land (pdl). This will be a key consideration when establishing the principle of the development.

I consider that the other main issues to address are those related to policy S7 of the BDLP and the guidance contained in SPG1. These can be grouped under four main headings:

- Density, form and layout
- Visual amenity
- Residential amenity
- Highways and servicing issues

I am also mindful of the concerns raised by third parties. These are considered to fall within the main subject areas set out above thus I will not give them separate consideration in this report.

The principle of the development

The definition of pdl in PPS3 does not include land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although may feature paths, pavilions and other buildings, have not been previously developed.

It is understood that the site was formerly occupied by a brick built structure. Remains of this building were evident at the time of my site visit and its footprint appears on the Council's OS base plan. The structure is estimated to have a floor area of 75m². This building would however have only occupied a small proportion of the site and the remainder was formerly covered by trees and vegetation. I am not therefore minded to treat the site as pdl and I consider the proposal to represent the development of a greenfield site.

When considering the implications of this for the proposed development it is necessary to consider the characteristics and context of the site. It is noted from aerial photos and third party representations that the application site was formerly an area of scrub land containing numerous large trees, long grass and other vegetation. At the time of the officer site visit, however, it was evident that all the large trees have been removed from the site. The site is currently overgrown but appears to have been subject to fly tipping. It is not therefore considered to be of any ecological or amenity value and I do not have any concerns over it being lost to development.

I appreciate that the current condition of the site is somewhat contrived, but the Council's determination on the application must be based on the existing circumstances of the case rather than any previous situations.

The site is located within a built up area. There are numerous shops and services located along nearby Golden Cross Lane and there are a number of bus services running along Wildmoor Lane. The site is therefore considered to be a sustainable location and I consider it to be suitable for new housing development.

Further to the above matters, it should be noted that the development of this site would help to relieve development pressures (albeit to a modest extent) on more sensitive Green Belt sites.

Taking the above matters into consideration I am of the view that the development of a greenfield site can be justified in this instance.

Density, form and layout

The proposed development would be at a density of around 39 dwellings per hectare (dph). The surrounding area is comprised of development of mixed densities with higher ratios of around 60 dph located along Springs Avenue and Chadcote Way (to the north and west of the site), and lower ratios of between 20 and 30 dph located along Wildmoor Lane (to the east of the site). The proposed density is not therefore considered to be inappropriate within this context.

It is considered that the proposed density can be achieved at the site without resulting in over development. Private amenity space would be provided for each unit ranging from between 53m² in the case of Unit 2 up to 75m² at Unit 1. The average area of private amenity space per new dwelling would be 60m². Section 9 of SPG1 recommends that small house types (i.e. 1 bedroom flats and flats) provide a minimum area of 42m² and larger family houses with 6 habitable rooms a minimum area of 70m². The proposed dwellings would provide 2 bedrooms and 5 habitable rooms thus, having regard to SPG1, I am of the view that sufficient amenity space would be provided within the site.

Further to this, each unit would provide parking space to comply with the County Council's standards and areas of landscaping would be provided around the site, achieving a pleasant visual setting.

The form and design of the dwellings in the surrounding area is fairly mixed. The nearby dwellings along Wildmoor Lane are all of a very mixed form involving bungalows and two storey dwellings with hipped and pitched roofs. The nearby dwellings along Springs Avenue and Chadcote Way are all of a very simple pitched roof form and, with the exception of No. 52 Chadcote Way (which has a gable roof), there is very little design variation in this area.

Unit 1 would be located within the frontage along Chadcote Way set back 2m from No.52. The form and design of this unit would be very similar to most of the other buildings along this part of Chadcote Way and I am of the view that it would assimilate well within the street scene. From the proposed site plan this unit would appear to have an uncomfortable relationship with the adjacent dwelling (52 Chadcote Way). It should be

noted, however, that the part of the adjacent dwelling close to the boundary would only be at single storey. It is therefore considered that a sufficient visual gap would be provided between Unit 1 and this dwelling and I do not have any concerns over their relationship in the street scene.

The remaining dwellings do not fit within a street scene but I am of the view that they would bear a visual relationship with the surrounding dwellings along Springs Avenue, Wildmoor Lane and Chadcote Way. As previously noted, the adjoining part of Wildmoor Lane is of a very mixed character and I do not consider that there are any particular design features the development needs to have regard to. The dwellings along Springs Lane and Chadcote Way are all of a very uniform appearance and I am of the view that the form and design of the Units 2 - 5 would respect this character.

The surrounding area is of a mixed layout. The dwellings immediately adjoining the site are all set at the front of their plots forming distinct building lines. There is however a marked variation to this layout further south of the site whereby numbers 24 - 30 Chadcote Way are set around 40 metres back from the highway. Units 2 - 5 of the proposed development would mimic this development pattern and I am of the view that the layout of the proposal would be appropriate to the area.

Visual Amenity

As previously noted, the site is not considered to be of any public amenity value and I would not have any concerns over it being developed.

Although I acknowledge neighbour concerns over the loss of trees and vegetation from this area, and I consider this loss to be unfortunate, this matter is not relevant to this application. The Council's determination of the application must be based on the existing condition of the site.

I note that the Tree Officer has raised no objection to the proposals and that a further landscaping plan is to be conditioned to ensure this aspect of the development is of a sufficient standard. I am therefore of the view that this matter can be suitably addressed through the imposition of a condition on any planning permission granted requiring the submission of an appropriate landscaping scheme.

Residential Amenity

As previously noted, the site is surrounded by residential development and there are 17 properties adjoining the site. The proposed development therefore has potential to harm the amenity of the occupiers of these properties and it will be necessary to consider matters of overlooking, loss of light and overbearance.

Unit 2 would be located 1.6 metres away from the rear garden to No. 35 Wildmoor Lane and Unit 5 would be a similar distance away from the rear gardens to 1 and 1b Springs Avenue. I note the close proximity of these units to the adjoining gardens and the concerns raised by nearby residents in relation to loss of privacy, light and overbearing impact of the development. The side elevations of the proposed units, however, contain only obscure glazed windows and thus there would not be any direct overlooking of private gardens. I note that there are first floor windows in the front and rear elevations of

these dwellings but views of the adjoining gardens could only be gained from these at an angle. Given that these windows are set in from the boundary by 3.2 metres, I am of the view that any resulting views of the adjoining gardens would be from a sufficient enough distance for no unacceptable overlooking to occur. All non-obscure glazed windows would be located in excess of 21 metres away from the opposing windows in the nearby dwellings, thus, having regard to SPG1, I am not of the view that any loss of privacy would result.

In relation to the potential for loss of amenity through loss of light and overbearing proximity, it is noted that these grounds were not considered to represent reasons for refusal in the assessment of a similar block of buildings as part of application 10/0295. When considering the physical impact of the block of dwellings containing Units 2 - 5 on the surrounding occupiers, it is important to note the design of the building and its distance from the boundaries. The roof of the building would be set down at Units 2 and 5 (those closest to the boundary) and I am of the view that this would soften its physical presence. Furthermore, as noted above the building would be set off from the adjacent boundaries by 1.6 metres creating a buffer between the new dwellings and adjoining gardens. Additionally the applicant has attempted to soften the full impact of the gable side elevations by the partial hipping of the roof at this location. As such, whilst the southern location and close proximity of the proposals will impact on the residential amenity of the adjacent gardens to a certain extent, on balance, the impact is not viewed as sufficient to warrant refusal.

Highways and servicing issues

I note the concerns raised in the numerous representations received by the council in relation to the highways impact of the proposal. The Highways Engineer has been consulted and has not raised an objection in relation to the proposal. Having regard to this specialist advice, I am satisfied that the proposal has resolved the previously stated highways reason for refusal of the development of this site and, as such, I consider the proposal to be in accordance with policy TR11 and criterion (h) of policy S7 of the BDLP.

The Drainage Engineer has raised no objection to the proposal subject to the imposition of conditions to secure foul and storm drainage provisions.

Conclusion

The applicant has submitted designs that address the previously stated highways reason for refusal of application 10/0295, a development essentially of the same scale and character as this current application. I am mindful of the need for Planning Authorities to provide a consistent framework of assessment for development. As such, it is viewed that there are insufficient grounds for refusal and it is recommended that planning permission be granted.

RECOMMENDATION: that permission be **GRANTED**.

1. **C001** (Standard time - three years)
2. **C001A** (In accordance with approved plans)
3. **C003** (Materials)
4. **C007** (Drainage)

5. **C010** (Landscaping)

6. **HC4** Single access - new - footway

Before any other works hereby approved on the application site are commenced, the new entrance shall be set back 2 metres from the rear of the adjoining footway. On each side of the set back entrance splays shall be formed at an angle of 45 degrees with the highway boundary and the whole of the splayed areas shall be graded and cleared so that no part thereof exceeds a height of 0.6m above the relative level of the adjoining carriageway.

REASON: In the interest of highway safety in accordance with TR11 of the BDLP 2004.

7. **HC5** - Visibility splays

No other development (hereby permitted) shall commence until visibility splays have been provided on each side of the proposed access on a line joining a point 2.4 metres back from the nearside edge of the adjoining carriageway measured along the centreline of the access, to a point 25 metres in each direction measured along the nearside edge of the carriageway from the centre of the new access. Nothing shall be planted, erected and / or allowed to grow which exceeds a height of 0.6metres on the triangular area of land so formed in order not to obstruct the visibility described above.

REASON: In the interest of highway safety in accordance with TR11 of the BDLP 2004.

8. **HC8** - Vehicle access construction

Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be agreed in writing with the Local Planning Authority.

REASON: In the interest of highway safety in accordance with TR11 of the BDLP 2004.

9. **HC11** - Access closure - occupation - vehicular

Prior to the occupation of the building(s) hereby approved the existing vehicular access onto the adjoining highway shall be permanently closed. Details of the means of closure and reinstatement of this existing access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on the development hereby approved.

REASON: To ensure the safe and free flow of traffic using the adjoining County highway in accordance with TR11 of the BDLP 2004.

10. **HC25** - Access, turning and parking

The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

REASON: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway in accordance with TR11 of the BDLP 2004.

11. **HC36** - Cycle Parking (Multi Unit)

Prior to the first occupation of any dwelling hereby approved secure parking for 2 cycles to comply with the Council's standards shall be provided within the curtilage of each dwelling and these facilities shall thereafter be retained for the parking of cycles only.

REASON: To comply with the Council's parking standards in accordance with TR11 and TR13 of the BDLP 2004

12. **HC51** - Parking for Site Operatives

The development shall not begin until parking for site operatives and visitors has been provided within the application site in accordance with details to be submitted to and approved by the Local Planning Authority and such provision be retained and kept available during the construction of the development.

REASON: To prevent indiscriminate parking in the interests of Highways safety in accordance with TR11 of the BDLP 2004.

Informatives

1. **HN4** - Private Apparatus within the Highway

This permission does not authorise the laying of private apparatus within the confines of the public highway

The applicant should apply to the Worcestershire County Council's Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway.

Precise details of all works within the public highway must be agreed on site with the Highway Authority.

2. **HN5** - Alteration of highway to provide new or amend vehicle crossover

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 following the issue of a license under Section 184 and 278 of the Highways Act, 1980.

The applicant should contact Worcestershire County Council's Highways Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), regarding the issue of the necessary license authorising the access works to be carried out by the County Council's Approved Contractor at the applicant's expense.

3. **HN9** - No Drainage to Discharge to Highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and / or Vehicular turning area does not discharge onto the Public Highway. No drainage or effluent from the proposed development shall be allowed to discharge into any Highway drain or over any part of the Public Highway.

4. **HN12** - Protection of Visibility Splays

The applicant's attention is drawn to the need to ensure that the provision of the visibility splays required by this consent is safeguarded in any sale of the application site or part(s) thereof.

5. **HR2** - Direction Sign

The sign would give directions to private premises and is not authorised by the Road Traffic Signs Regulations and General Directions 2002. Notwithstanding the question of legality, the presence of such signs would establish a precedent resulting in a proliferation of similar signs. This would create an unacceptable distraction to highway users and prejudice observation of statutory signs erected by the Highway and Police Authorities.

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy, the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS	QE3, QE5, CF2, CF3, CF4, CF.5
WCSP	CTC.1, CTC.5, SD.3, SD.4, T.1
BDLP	DS13, S7, C17, TR11
DCS2	CP3
Others	PPS1, PPS3, PPG13, SPG1

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission