

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Ian Wagstaff	Erection of 3 no. two storey dwellings with parking and turning area.  99 Wildmoor Lane, Catshill, Bromsgrove, Worcestershire, B61 0PQ	19.01.2016	15/1006

**Councillor Helen Jones has requested that this application be considered by the Planning Committee rather than be determined by delegated powers.**

**RECOMMENDATION:** That subject to the receipt of amended plans, to the satisfaction of Worcestershire Highways, planning permission be Granted

### Consultations

**Highways Department- Worcestershire County Council** re-consulted 12.01.2016  
No objection in principle subject to conditions and the receipt of satisfactory amended plans showing secure and covered cycle parking for each dwelling and the passing bay being demarcated in a different material with white line/hatching to deter parking.

**Landscape & Tree Officer** re-consulted 12.01.2016  
No objection subject to an Arboricultural Method Statement being submitted and approved and all trees/hedgerows protected as per the methods detailed within it.

**Catshill And North Marlbrook Parish Council** re-consulted 12.01.2016  
The Parish Council has considered the re-application and are mindful to accept, with a note that there is an issue with the positioning of refuse bins on collection day as use of the area at the front of the site would cause a blockage to either the access driveway or public footpath causing a highway issue.

**Worcester Regulatory Services- Contaminated Land** Consulted 02.12.2015  
No objection.

**Drainage Engineers** Consulted 02.12.2015  
No objection-all items covered by Building Regulations approval.

**Severn Trent Water** Consulted 02.12.2015  
No objections subject to full drainage plans being submitted and approved.

### Publicity

A total of eighteen neighbour notification letters were sent on 02.12.2015 to properties surrounding the application site and two site notices were displayed on 03.12.2015; one on Wildmoor Lane and one at the proposed access point on Mayfield Close. Neighbours were also notified again following the receipt of the amended plans on 12.01.2016.

Four responses have been received. Those considered relevant to the application relate to :

- Overlooking/impact on privacy
- Impact on light
- Safety issues relating to the access drive
- Bin storage
- Increased noise

### **Relevant Policies**

#### **Bromsgrove District Local Plan 2004 (BDLP):**

DS13 Sustainable Development  
S7 New Dwellings Outside the Green Belt  
S8 Plot Sub-division  
TR11 Access and Off-Street Parking

#### **Others:**

SPG1 Residential Design Guide  
NPPF National Planning Policy Framework  
NPPG National Planning Practice Guidance

### **Relevant Planning History**

14/1009	Proposed 5 dwellings on land to the rear of 99 Wildmoor Lane, Bromsgrove, B61 0PQ	16.02.2015 Withdrawn
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### **Assessment of Proposal**

This application relates to a previously developed site on the west side of Wildmoor Lane, Catshill, Bromsgrove. The parcel of land is located to the rear of numbers 99 and 101 and forms part of the rear garden of 99 being currently laid to tarmac, slabbing and some overgrown lawn and accommodating sheds, garages and other brick built shelters housing being used for storage of timber and other domestic paraphernalia. Also being stored on the site is a caravan, shipping container and a trailer. The site would be accessed off Mayfield Close to the south. The Oak, Walnut and Spruce trees along the northern boundary of the site are protected by a Tree Preservation Order. Also to the north of the site is the parcel of land to the rear of 103 Wildmoor Lane which has planning permission for 4 dwellings in total under reference numbers 11/0871, 14/0921 and 15/0187.

The proposal would include the erection of three, two-storey dwellings (two semi-detached three bedroom properties with parking and one detached four bedroom property with detached garage). Following amended plans being received, the dwellings would each have sufficient amenity space considering the guidance within SPG1 and the semi-detached properties would be positioned far enough from the protected trees so as not have a detrimental effect on their roots or canopy. The two-storey rear elevation of these properties would be 21 metres away from the rear elevations of the properties in Mayfield Close which conforms to guidance within SPG1. The detached dwelling would have the frontage facing south and would be sited a sufficient distance away from the rear of the properties on Wildmoor Lane and Mayfield Close and plot 3 of the new development being constructed adjacent (ref 14/0921) considering SPG1. In addition, a

blank flank wall would face the properties on Wildmoor Lane and two high level bathroom windows would be in the rear elevation to prevent any overlooking issues despite the garden depth being only 6.5 metres which is insufficient given guidance within SPG1 suggests that garden lengths should be a minimum of 5 metres per storey. However, in this case, given the windows in the first floor rear elevation of unit 3 serve non habitable rooms and the position of 103 Wildmoor Lane being at an angle to this elevation, there would be no loss of privacy to the dwelling. Also the rear garden of number 103 is approximately 40 metres long (which is far greater than the garden size suggested for new dwellings in SPG1) with the main usable amenity area being located at the opposite end of the garden (close to the dwelling) and not at the end of the garden where the new unit would be located. I would therefore consider that the new dwelling would not result in sufficient overlooking or perceived overbearing to warrant refusal for this reason alone. Given that separation distances have been achieved in terms of guidance within SPG1, any loss of light or privacy would also not be significant enough to warrant refusal.

The issue of highway safety and in particular the concern that the access would not be wide enough can be alleviated somewhat by the creation of a passing area which would need to be kept available at all times. Details of the layout of this have been requested by the Highways Officer and I will update members at your Committee on this issue.

The Parish Council has considered the amended drawings and are now mindful to accept the application but still raise issue with regard to the bins causing obstruction to the public highway on bin collection day. This can be expected in many modern residential developments and would not be considered as a reasonable reason to warrant refusal of planning permission on this issue alone.

Given the above, I would consider that subject to appropriate conditions, the issues raised have been overcome and the proposed development would therefore be considered acceptable.

**RECOMMENDATION:** That subject to the receipt of amended plans, to the satisfaction of Worcestershire Highways, planning permission be Granted

### **Conditions:/Reasons for Refusal**

1. The proposal must be started within 3 years from the date of this notice.  
Reason: To comply with National Legislation.
2. The proposal shall be carried out as shown on the plans, schedules and other documents listed below;  
OS Location Plan scaled 1:1250  
2014-05-31 Rev B  
2014-05-32 Rev C  
2014-05-33  
2014-05-34 Rev A  
2014-05-40  
2014-05-41  
Design and Access Statement Nov 2015  
Water Management Statement Dec 2014  
Protected Species Survey Nov 2014

Reason: To make sure the development is carried out exactly as shown on the plans, to ensure that it relates to the area in which it is being built and protects how that area looks, in order to comply with policy DS13 of the Bromsgrove District Local Plan January 2004.

3. Full drainage plans shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The drainage plans approved shall be implemented before the first use of the dwellings hereby permitted and shall be retained thereafter.

Reason: To ensure satisfactory drainage and reduce the risk of flooding elsewhere as a result of the development and to minimise the risk of pollution in order to comply with policy DS13 of the Bromsgrove District Local Plan January 2004.

4. Prior to installation on site you must give details of, or send a sample of the type, colour and finish of the materials that you are going to use on the roof and or wall of the development to the Council. The Council will agree these details with you in writing and you must use these materials when you build the development.

Reason To make sure that the development relates to the area in which it is being built and protects how that area looks in order to comply with policy DS13 of the Bromsgrove District Local Plan January 2004.

5. Prior to the first occupation of the dwellings bat boxes and ridge tiles should be installed on site as per recommendations made within the Protected Species Survey Assessment-Project Number 2014/242 dated 2014.

Reason: In order to conserve and enhance biodiversity in accordance with paragraph 118 of the National Planning Policy Framework 2012.

6. The existing entrance shall be set back 2.4 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. For its first 5m measured back from the carriageway edge the access shall be constructed in a bound material.

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

7. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities 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.

8. 6 car parking spaces shall be provided on site (plus 2 garages) and shall be reserved solely for that purpose and such spaces be made available for the use before the development hereby approved is occupied.

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.

9. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, an Arboricultural Method Statement to detail construction works within the Root Protection Area of the trees and a Tree Protection Plan in accordance with British Standard BS5837:2012 shall be submitted to and approved by the Local Planning Authority. All trees or hedgerows shown retained on the approved plans both on and adjacent to the application site shall be protected in accordance with the methods detailed in the approved Arboricultural Method Statement.

REASON: In order to protect the trees, hedges & landscaping features which form an important part of the amenity of the site and adjacent properties in accordance with policies C17 and DS13 of the Bromsgrove District Local Plan January 2004.

### **Informatives**

- 1) The applicant is cautioned that trees on and/or adjacent to the application site are subject to a Tree Preservation Order. Failure to meet and adhere to any conditions relating to tree protection, particularly those required before commencement of works, may be viewed as a breach of the Preservation Order and result in prosecution, the service of a Stop notice or other legal action. If in any doubt, the applicant is strongly advised to contact the Local Authority Tree Officer before carrying out any works.
- 2) The attention of the applicant is drawn to the need to keep the Highway free from any mud or other material emanating from the application site of any works pertaining thereto.
- 3) 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.
- 4) Dropped kerbs to enable access onto properties for vehicles must only be constructed by Ringway Infrastructure Services, Worcestershire County Councils approved contractor. The applicant is solely responsible for all costs associated with construction of the access. For further information, please contact Ringway direct on 01905 761160 or email : [worcestershirevehicle.crossing@ringway.co.uk](mailto:worcestershirevehicle.crossing@ringway.co.uk)
- 5) 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.

Plan reference

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

**Case Officer:** Miss Ruth Lambert Tel: 01527 881373  
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