

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr. N. Wicklen 'A'	Proposed erection of three new bungalows and one two storey dwelling and alterations to existing house to provide access (as augmented by survey received 01.03.2010 and amended by plans received 30.03.2010 and 08.04.2010) - 46 Alcester Road, Hollywood, B47 5NB	RES	10/0195-CE 29.04.2010

**Councillor S. R. Peters has requested that this application be considered by the Committee, rather than being determined under delegated powers.**

**RECOMMENDATION:** that, subject to the satisfactory views of Worcestershire Highways, permission be **APPROVED**.

### Consultations

WH	<p>Consulted - view received 01.04.2010.</p> <ul style="list-style-type: none"> <li>▪ The two-storey dwelling requires 2 parking spaces.</li> <li>▪ The access road width is acceptable but there is insufficient manoeuvring space into the parking spaces.</li> <li>▪ Cycle parking spaces are required.</li> <li>▪ Further comments included below.</li> </ul> <p>Re-consulted on amended plan received 08.04.2010 (expires 15.04.2010). Awaiting response.</p>
Strategic Planning	<p>Consulted - view received 26.03.2010.</p> <ul style="list-style-type: none"> <li>▪ The above site is situated within a residential area. The proposal is for windfall housing development; therefore PPS1, PPS3, policies S3, S7 and S8 of the BDLP and SPG1 apply.</li> <li>▪ PPS3 states that "good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. To facilitate efficient delivery of high quality development, Local Planning Authorities should draw on relevant guidance and standards and promote the use of appropriate tools and techniques..." Building for Life is one of the tools suggested in PPS3 for assessing the design element of housing development.</li> <li>▪ The issue of scale, density and infill development in SPG1 are of particular relevance in this application. Paragraph 5.5 states that "To be acceptable, infill development must be well designed and of a suitable scale so that it can be easily assimilated whilst avoiding problems with adjoining properties."</li> <li>▪ Advice on housing supply included below.</li> <li>▪ The application falls below the thresholds set out within SPG11 and therefore a contribution towards play space is not required.</li> <li>▪ PPG13 Transport is also of relevance to this application together with BDLP policy DS13 Sustainable Development.</li> </ul>

Tree Officer	Consulted - view received 31.03.2010. No objection subject to conditions.
Drainage Engineer	Consulted - view received 31.03.2010. No objection subject to conditions requiring the submission of details of the disposal of storm water. The buildings and the extensive drive will generate a surface water discharge that will be difficult to contain due to the clay nature of the site. The developer should seek a porous structure to the drive with underlying attenuation in some form of soakaway linked system. (No discharge on to the highway is permissible.) Attenuation is also required to prevent the adjacent properties being adversely affected by excess surface water. No floor risk assessment required. Re-consulted on amended plan received 08.04.2010 (expires 15.04.2010). Awaiting response.
Environmental Health	Consulted - view received 24.03.2010. It is considered that the proposed end-use of residential housing is a sensitive end-use and would be particularly vulnerable to the presence of any contamination. Conditions suggested. Further comments included below.
West Mercia Police	Consulted - view received 26.03.2010. No objection. It is advisable to construct this development by 'Secured by Design' standards.
Wythall Parish Council	Consulted - view received 12.03.2010. Objection on grounds of backland development, access at side of property and access onto busy road close to already dangerous bend and New Road.
Wythall Residents Association	View received 17.03.2010. Objection on grounds that the ingress / egress to the site is onto a major road near a dangerous bend, over-development and an incompatible land use.
Publicity	19 letter sent 10.03.2010 (expired 31.03.2010). 60 objections received raising the following issues: <ul style="list-style-type: none"><li>▪ Loss of light (especially in winter). This will result in increased energy use to light and heat neighbouring houses and will reduce ground water evaporation in gardens.</li><li>▪ Having the tallest building at the southern end of the site will cast the biggest shadow over existing properties and the proposed bungalows.</li><li>▪ Fails to comply with 2:1 separation distance to height ratio specified under SPG1.</li><li>▪ Loss of privacy and minimum privacy for new properties.</li><li>▪ Harm to outlook / loss of view. Overbearing impact of brick walls and roofs adjacent to the boundaries of adjoining properties.</li><li>▪ Development is too close to surrounding properties.</li><li>▪ Area is residential.</li><li>▪ Intrusive back land development, overdevelopment and detrimental to local landscape.</li><li>▪ Higher density of housing.</li><li>▪ Contrary to SPG1 which seeks to protect the spacious quality of particular areas in the District where trees and generous garden areas have produced an environment of particular quality.</li><li>▪ SPG1 suggests that shared accesses are unsatisfactory because of access issues and the disturbance and lack of privacy to the house in front.</li></ul>

- The entrance to the development would be off the busy Alcester Road close to a dangerous sharp bend and the junctions to New Road and Hollywood Lane. Alcester Road is heavily congested during the day and it is difficult to exit New Road. Drivers ignore speed limits.
- West Mercia Police has confirmed 17 reported collisions on this part of the Alcester Road in recent years (not all accidents are recorded). There have been fatalities. Proposal would increase risk of accidents.
- Vehicles entering the site would have to wait in the road until a vehicle entering the site has left.
- Large vehicles and emergency services would not be able to use the driveway. A fire officer has suggested the access road is too narrow for a fire appliances to negotiate. Fire engines would park on Alcester Road and run a hose up to the property (unacceptable to fire fighters in relation to health and safety and could compromise residents' safety).
- The highways authority need to do a survey to check safety.
- Possible need for speed restrictions and traffic lights.
- Vehicles may not be able to use drive in bad weather.
- Insufficient parking will lead to vehicles being parked on Alcester Road, on grass verges or the pavement. This will increase the danger for pedestrians, traffic and neighbours.
- SPG1 states that small groups of dwellings should be self sufficient with regard to on and off street parking provision.
- Existing driveways could be blocked.
- Household waste vehicles would not enter the drive. As many as 10 bins could be left by the side of Alcester Road. This would cause an obstruction to pedestrians and road users and create an eyesore. Refuse vehicles emptying the bins would block main road.
- How would construction vehicles access the site?
- Access road may cause damage to 48 Alcester Road.
- There is no pedestrian access.
- Disturbance to wildlife including loss of food source for bats.
- Loss of trees which give landscape screening and contribute to character of the area. A TPO should be placed on the mature healthy trees and hedges.
- No space for replacement planting.
- Removal of mature trees and replacement of grass with hard standing will exacerbate existing drainage issues in adjoining properties. The loss of trees will affect underground springs and raise the water table. Damage may be caused to the foundations of existing homes.
- The extra water running off the driveway will add to the flooding on the main road.
- Increased noise and light pollution and exhaust and gas emissions.
- Noise, disruption, safety issues and potential damage of adjoining properties during construction.
- Reduced spacing between buildings could impact on permitted extension rights of neighbouring properties.

- Lighting provision could disturb neighbours.
- Access to the rear fences of adjoining properties increases risk of theft and vandalism. Development would be out of site of main road.
- If permission is granted, the access should be gated, fencing / walls and new planting provided and permitted development rights removed. Construction working times should be limited and construction vehicles should not allowed to park on nearby roads.
- Development is contrary to a number of paragraphs within SPG1.
- Plans do not accurately reflect the size of adjoining gardens.
- Loss of value to adjoining properties.
- It is requested that the scheme be amended so that 26 and 28 Orchard Way do not have to accommodate the bulk of the proposed bungalows.

### The site and its surroundings

46 Alcester Road is a two storey detached dwelling located to the south side of Alcester Road. The dwelling has two and single storey extensions to both sides and a rear conservatory. It is set a minimum 15 metres back from the road and at higher level. A mature garden extends some 98 metres to the rear of the dwelling. It slopes gently up away from the house and contains a large number of trees. Adjacent to the rear boundary is a single detached garage. The site is located in a recognised residential area and is surrounded by residential properties on all three sides.

### Proposal

This application proposes the erection of 3 no. 2-bedroom bungalows and a 4-bedroom two-storey house within the rear garden of the application site. The existing vehicular access point onto the site will be repositioned towards the centre of the front boundary and a new driveway created. The existing extensions to the east side of the house will be demolished to make way for a new private driveway to the 4 proposed dwellings. A small single storey extension will be added to the front of the existing dwelling beneath an existing canopy.

### Relevant Policies

WMSS	CF2, CF3, CF4, CF6, QE3, T2, T7
WCSP	SD.1, SD.2, SD.3, SD.4, SD.5, CTC.1, CTC.5, D.5, T.1, T.3, T.4
BDLP	DS4, DS13, S3, S4, S7, S8, C4, C10A, C17, TR8, TR11, ES6, ES7
Others	PPS1, PPS3, PPS9, PPG13, PPS23, SPG1, SPG11

### Relevant Planning History

None.

### Notes

The application site lies within an established residential area and falls within the definition of previously developed land, as defined in Planning Policy Statement 3:

Housing. PPS3 states that the priority for development should be previously developed land. I am therefore of the view that principle of residential development on the site is acceptable. The main issues in the consideration of this application are housing supply, the impact the proposal will have on the character and appearance of the locality, the amenities of adjoining occupiers, highway safety and parking, loss of trees and ecological, drainage and security issues. I have noted the comments of consultees and third parties arising from the consultation and publicity exercises.

### **Housing supply**

As Members will be aware, a moratorium on new housing development was put in place in 2003 through the adoption of SPG10 to manage a situation of housing oversupply. The Strategic Planning Officer has advised that guidance provided in SPG10 has now been superseded by policies contained in PPS3: Housing, the adopted Regional Spatial Strategy (RSS) and the revised housing figures published by the Inspectorate in response to Phase 2 Revision of the RSS. This revised guidance means that SPG10 is no longer enforceable and windfall development of this scale would not result in an oversupply of housing.

### **Density, form and layout**

PPS3 states that 30 dwellings per hectare should be used as a national indicative minimum, where no local policies are in place. The proposed development has a density of 25 dwellings per hectare. Whilst this falls short of the minimum specified under PPS3, I am satisfied that it makes an efficient use of the land and respects the density of the surrounding area. Policy S7 of the Bromsgrove District Local Plan 2004 relates to new dwellings outside the Green Belt and requires such proposals to have a density appropriate for the site and a form and layout appropriate to the area. Policy S8 of the BDLP states that proposals for the subdivision of plots will not be permitted where they would be detrimental to the traditional pattern or amenity of the locality. This part of Hollywood is already strongly characterised by backland and infill development and I therefore consider the principle of the proposed backland development to be acceptable. The proposed access road will run in line with nearby Hollywood Gardens and will not harm the pattern of development in the locality. Properties in the surrounding area vary considerably in terms of their design and form and include bungalows and two storey dwellings. The design of the 4 proposed dwelling has been kept simple and reflects features to nearby properties such as the proposed bay windows to the two storey dwelling. I therefore consider the density, form and layout of the development to be appropriate for this area.

The proposed alterations and small extension to the existing dwelling will have minimal impact on the amenities of the street scene.

### **Residential amenities**

Policy S7 states that new housing must not adversely affect the existing amenities of adjoining occupiers. Supplementary Planning Guidance Note 1: Residential Design Guide sets out separation distance standards required to protect the amenities of adjoining properties in terms of light, privacy and outlook. In terms of privacy, the proposed two storey house meets these standards. SPG1 advises that as a general

guide a minimum distance of 12.5 metres should be achieved between two storey conventional houses where windows overlook adjacent blank walls. This is to prevent overshadowing and a visually intimidating effect. It is also suggested that a 2:1 separation distance to building height ratio should be achieved. The proposed house, which is 7.7 metres in height, will be positioned approximately 14 metres from the rear wall of 7 Hollywood Gardens and approximately 10 metres from the rear conservatory to this property. I acknowledge that these separation distances fail to comply with guidance set out in SPG1. However, given the orientation between the 2 houses and the hipped design of the proposed roof, I do not consider that the impact to the level of daylight received by and outlook from 5 and 7 Hollywood Gardens would be so significant to warrant the refusal of the application on these grounds.

The proposed bungalows will be located approximately 11 metres from the rear wall of adjoining properties on Orchard Way although this distance is reduced where properties have conservatories. The height of the bungalows has been kept to a minimum at 4.7 metres and the roofs are hipped with subservient gables to the rear and front elevations. Taking into consideration the existing boundary treatments of 1.8 metre high fences and planting, I am of the view that loss of light to the properties on Orchard Way and the impact to their outlook will not be such to adversely affect the amenities of the adjoining occupiers. Following the receipt of amended plans, the single window to the rear elevation of the bungalows will be to a bathroom. Although this will be just 2 metres from the boundary with the Orchard Way dwellings and 44 Alcester Road, I am satisfied that the privacy of adjoining occupiers can be protected with the use of obscure glazing. The separation distance of 5 metres between the bungalows and the boundary with the Hollywood Gardens and 48 Alcester Road properties is in compliance with SPG1 and is sufficient to prevent undue overlooking. Plot 1, a bungalow, will be just 8 metres from the rear wall of 48 Alcester Road and at a higher level. Given the height of the bungalow, I am of the view that any impact to the level of light received by this property will be minimal.

I appreciate that the creation of a driveway adjacent to the rear gardens of adjoining properties will cause some level of disturbance. However, I do not consider that the level of disturbance that could be reasonably generated by 4 dwellings will be significant. Disturbance associated with the construction phase of the development is unavoidable and is not a reason to refuse planning permission. I have been advised by the applicant's agent that lighting along the driveway is not proposed.

The amount of garden provision for the existing dwelling and 4 proposed dwellings is considered adequate given the number of bedrooms to each property.

### **Highway safety and parking**

Policy TR11 of the BDLP requires development to incorporate safe means of access and egress appropriate to the nature of the local highway network and sufficient off-street parking. The application site is approximately 60 metres from a sharp bend in Alcester Road and between the turnings to Hollywood Lane and New Road. Local residents have raised concern about the implications of the proximity of the development to this bend and the road junctions and the level of parking to be provided. Concern is also raised regarding the use of the proposed drive by emergency services and vehicles entering the site having to wait on the main road whilst another vehicle exits the drive. In response to

this, the Highway Engineer has advised that the site is located sufficiently far from the bend to have no impact on driver activity or to impact the function of the access. The injury history indicates that there has been 1 incident of note in the last 3 years. The circumstances surrounding this would not have been altered by the proposed development. The proximity of the development to the two road junctions is not an issue as the development will have a private shared drive which will not have a high traffic generation. There is sufficient separation distance to ensure that the junctions and the private drive do not conflict with each other. The width of the driveway is compliant with Worcestershire County Council's adopted design standards and will enable emergency vehicles to access all properties. There is no requirement within the standards to provide turning facilities for delivery vehicles. However, such vehicles will make infrequent visits and the lack of provision for such vehicles is unlikely to cause significant problems. I am therefore of the view that the proposed development does not pose a threat to highway safety.

In accordance with adopted parking standards, the proposed 2 bedroom bungalows require 1 parking space and the 4 bedroom house requires 2. These standards are more up to date than SPG1 which suggests a requirement for visitor parking provision. The bungalows each have the required one space. Amended plans have been submitted showing 2 spaces to the proposed dwelling. The Highway Engineer's comments on the amended plan are currently awaited and will be reported to Members at the meeting of the Committee.

Refuse bins will be collected at the end of the driveway. I understand the concerns raised by local residents regarding impact of having so many bins on the highway on collection day. A condition is suggested below requiring the provision of a designated storage area for bins at the front of the site.

### **Trees**

The proposed development will involve the removal of 21 trees from the application site (leaving 9 to be retained). The trees to be removed are Silver Birches, Cypresses, a small Acer, Spruces, a Pine, fruit trees and a few other small trees. Policy C17 of the BDLP states that development proposals should retain existing trees wherever possible. I appreciate that the trees to the application site are an attractive feature for the surrounding properties. However, in my opinion, the trees to be lost have minimum intrinsic value in their own right. The surrounding area is not characterised by the level of tree coverage found on the site and, as such, the loss of so many trees will not be damaging to the overall character of the locality. Some level of replacement planting will be required through the landscaping condition suggested below. I am therefore of the view that, in this instance, the refusal of the application could not be justified on loss of trees. The Tree Officer has raised no objection to the scheme subject to conditions to ensure the protection of the remaining trees.

### **Ecological issues**

Planning Policy Statement 9: Biodiversity and Geological Conservation states that the aim of planning decisions should be to prevent harm to biodiversity and geological conservation interests. Where a proposed development would adversely affect those interests, suitable mitigation measures will need to be secured or, where significant harm

cannot be prevented, adequately mitigated against or compensated for, then planning permission should be refused. Article 12 (1) of the EC Habitats Directive requires Member States to take requisite measures to establish a strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites or resting places. This directive is implemented by the Conservation (Natural Habitats, etc.) Regulations 1994.

A number of responses to the publicity exercise raise concern regarding the impact of the proposed development on local wildlife including bats and an owl. The applicant has submitted a Baseline Ecological Survey which concludes that no evidence of bats was found in the house although, there is a small risk that bats may gain access under the tiles externally. The trees within the garden provide nesting opportunities for birds but are not suitable for roosting bats. The survey makes a number of recommendations to limit the impact on / protect any species present and to provide suitable biodiversity gain. A condition is suggested below requiring the development to be carried out in accordance with the recommendations.

### **Drainage issues**

Responses to the publicity exercise have raised concern that the proposed development, by reason of an increase in hard surfaces and the removal of trees, will result in increased drainage problems at adjoining properties and an increase of surface water discharged onto the highway (which is at a lower level to the site). The Drainage Engineer has raised no objection to the proposed scheme subject to the submission of further information. An amended plan has been submitted which provides details of the proposed storm water management system for the site. The Drainage Engineer's comments on the amended plan are currently awaited and will be reported to Members at the meeting of the Committee.

### **Security issues**

It is acknowledged that the proposed access drive will provide unrestricted access to rear boundaries of adjoining properties. However, the 4 proposed dwellings all have direct views of the drive which, in my opinion, will provide a good level of natural surveillance. West Mercia Police has not raised any concerns regarding the layout of the development. On this basis, I am satisfied that the development does not present an unreasonable security risks to adjoining occupiers and I do not consider it necessary to require gates across the proposed drive.

### **Potential land contamination issues**

Planning Policy Statement 23: Planning and Pollution Control requires Local Planning Authorities to pay particular attention to development proposals for sites where there is a reason to suspect contamination and to those for particularly sensitive uses such as housing likely to be used by families with children. In accordance with Annex 2 PPS23, a developer must submit sufficient information to determine the existence or otherwise of contamination, its nature and the risks it may pose and whether these can be reduced to a satisfactory level. As the application has not been accompanied by such information, the Council's Environmental Health Officer has recommended that any permission

granted be subject to conditions requiring the submission of a risk assessment and site investigation. Where appropriate, remediation work will be required.

### Other matters

The proposed development falls below the threshold for play space provision / contributions as specified under SPG11 and also for education contributions.

The impact of development on the value of adjoining properties is not a material consideration to a planning application.

### Conclusion

Having considered all material considerations to this application, including the impact of the proposal on the character and appearance of the locality, the amenities of adjoining occupiers and highway safety, I find the proposed development acceptable.

**RECOMMENDATION:** that, subject to the satisfactory views of Worcestershire Highways, permission be **APPROVED**.

1. Time limit.
2. C03 (materials to be submitted).
3. Prior to the occupation of the proposed development, the south west facing elevation of the existing dwelling will be made good in materials to match the existing building and as detailed on Drawing Number: SHDC/10/01/05.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that order with or without modification), no development permitted under Article 3 and described within Classes A, B, C, E or F of Part 1 shall take place without the prior written consent of the Local Planning Authority.
5. Prior to the occupation of Plots 1, 2 and 3, the bathroom windows to these dwellings shall be fitted with obscure glass and have a top hung casement opening only, and shall remain so in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
6. The development hereby approved shall be carried out in accordance with the recommendations set out in Part 11 Recommendations of the Baseline Ecological Survey by Elizabeth Mckay B.A. (Hons) MIEEM CEnv dated March 2010. This includes the provision of bat and bird boxes.
7. Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the developer shall erect protective fencing around the Root Protection Areas of the trees on and adjacent to the application site as illustrated by Figure 2 or Figure 3 as appropriate at positions in accordance with Section 5.2.2 of British Standard BS5837:2005 to the satisfaction of the Local Planning Authority. This fencing shall be maintained to the satisfaction of the Local Planning Authority until all development, the subject of this permission, has been completed.
8. No works of any kind, including changes in ground levels, installation of utility services, passage, storage or use of machinery or washing out of mixing or fuel tanks shall be permitted within the Root Protection Areas of trees on and adjacent to the site without the prior specific written permission of the Local Planning Authority.

9. No materials of any kind shall be stored, installed, burned or disposed of within the Root Protection Areas of trees on and adjacent to the site without the prior specific written permission of the Local Planning Authority.
10. No trees or hedges (other than those shown to be removed) shall be lopped, topped, felled or uprooted without the specific written permission of the Local Planning Authority.
11. C10
12. Unless otherwise agreed in writing by the Local Planning Authority, development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until:
  - a. A preliminary risk assessment has been submitted to and approved in writing by the Local Planning Authority. This study shall take the form of a desk top study and site walkover and shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and any other relevant information. The preliminary risk assessment report shall contain a diagrammatical representation (conceptual model) based on the information above and shall include all potential contaminants, sources and receptors.
  - b. Where necessary, a scheme for detailed site investigation and risk assessment must be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11."
  - c. Where necessary, a detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11."
  - d. Where necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be submitted to and approved in writing by the Local Planning Authority. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
  - e. Where necessary, the approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
  - f. Where necessary, following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any buildings.

13. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.
14. The disposal of storm water from the proposed buildings and hardstanding shall be by means approved by the Local Planning Authority prior to the commencement of development. The approved system shall be operational before building works commence.
15. Prior to the commencement of the development hereby approved, details of a bin storage area at the front of the site shall be submitted and approved in writing by the Local Planning Authority. The storage area shall be provided prior to the occupation of the development.

### Reasons

3. To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004 and policy CTC.1 of the Worcestershire County Structure Plan 2001.
4. To protect the amenities of the locality and residential amenities of adjoining occupiers in accordance with policies DS13 and S7 of the Bromsgrove District Local Plan and policy CTC.1 of the Worcestershire County Structure Plan 2001.
5. To protect the privacy of adjoining occupiers in accordance with policy S7 of the Bromsgrove District Local Plan.
6. To ensure there are sufficient protection and mitigation measures to address the potential presence of protected species on site in accordance with policy C10A of the Bromsgrove District Local Plan 2004.
7. - 10. In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004 and policies CTC.1 and CTC.5 of the Worcestershire County Structure Plan 2001.
12. - 13. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ES7 of the Bromsgrove District Local Plan 2004.
14. In order to secure satisfactory drainage conditions in accordance with policy ES6 of the Bromsgrove District Local Plan 2004.
15. In the interests of highway safety in accordance with policy TR11 of the Bromsgrove District Local Plan January 2004 and policy T.1 of the Worcestershire County Structure Plan 2001.

### Notes

1. The applicant is advised that the landscaping scheme required under condition 11 should include replacement tree planting and appropriate screening of not less than 1.8 metres in height along the boundaries where the site adjoins existing private gardens.
2. There is no Public Surface Water Sewer and no surface water will be allowed to discharge to the foul water sewer.
3. The disposal of foul sewerage shall be to the mains in Alcester Road. This shall be via the existing connection or an entirely new outfall. Both options require consent from the water authority and Worcestershire County Council.
4. The development should be constructed in accordance with secured by design standards.
5. The granting of planning consent does not supersede the applicant's responsibilities for biodiversity under the Wildlife and Countryside Act 1981 (as amended), the Countryside and Rights of Way Act 2000, the Natural Environment and Rural Communities Act 2006 and the Badgers Act 1992.

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

WMSS CF2, CF3, CF4, CF6, QE3, T2, T7  
WCSP SD.1, SD.2, SD.3, SD.4, SD.5, CTC.1, CTC.5, D.5, T.1, T.3, T.4  
BDLP DS4, DS13, S3, S4, S7, S8, C4, C10A, C17, TR8, TR11, ES6, ES7  
Others PPS1, PPS3, PPS9, PPG13, PPS23, SPG1, SPG11

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.