

**Mrs Gillett** Proposed New Dropped Kerb & Access GB 12/0543  
To Provide Separate Access & Car  
**“B”** Parking To The Lodge LPA 21.08.12  
Heanor, Beacon Hill, Rednal, B45 9QL TPO

**RECOMMENDATION:** that permission is **GRANTED**

Consultations

WH Response received 26.07.12: No objection *sfc*

Ramblers Association Consulted 06.07.12 - No comments received.

PROW Consulted 06.07.12 - No comments received.

Tree Officer Response received 12.07.12:

No objection to the proposed development subject to acceptable plans being provided showing the profiles of the existing ground levels and the depth of excavation target levels and grading required under this proposal.

Further comments received 08.08.12 in response to an amended plan:

*“I am happy with this proposed plan. They have extended the area to be protected by the ground support system from the first plan provided highlight an intention to use this material. The wider the use of ground support material will provide more protection for the trees and root plates therefore I have no objections on tree related grounds to this proposed plan”*

Publicity No adjoining occupiers

Site Notice posted 25.07.12 expires 15.08.12

Press Notice published 13.07.12 expires 03.08.12

No representations received

## The site and its surroundings

The application site relates to a detached dwelling located on Beacon Hill, Rednal, Bromsgrove which is situated within a Landscape Protection Area and within the Green Belt as defined in the Bromsgrove District Local Plan 2004. A residential dwelling is situated to the south of the site. There are a number of protected trees located along the eastern boundary of the site.

## The proposed development

It is proposed to create a new vehicular access to the property via the lowering of a 4.6 metre wide section of kerb and the creation of a new stone chipping driveway. The existing rear access road to the Lodge will be permanently closed off. The proposed driveway would be located beneath the canopy of a number of protected trees.

Part 2, Class B of the Town and Country Planning (General Permitted Development) Order 1995 states that

*'The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).'*

Beacon Hill is a classified road and thus planning permission is required for the construction or alteration of a means of access.

## Relevant Policies

WMSS: QE3  
WCSP: T.1, CTC.5, D38, D39.  
BDLP: TR11, DS2, DS13, C1, C4, C17, C19  
DCS2: CP22  
Others: NPPF

## Relevant Planning History

12/0310 - Proposed New Dropped Kerb & Access To Provide Separate Access & Car Parking To The Lodge - Withdrawn

## Appraisal

The main considerations in this application are;

- 1) whether the proposal will maintain a safe means of access and egress to the site for the interests of highway safety.

- 2) whether the proposal would have a detrimental effect on the Landscape Protection Area
- 3) whether the proposal would have a detrimental effect on the Green Belt
- 4) whether the proposal would have a detrimental affect on protected trees

1) *Access and egress*

Policy TR11 of the BDLP requires that all development incorporates safe means of access and egress appropriate to the nature of the local highway network and includes sufficient off-street parking. It is considered that Policy TR11 is consistent with the policy objectives of the NPPF. I note the absence of an objection from the Highways Authority in relation to this matter. It is therefore considered that the proposal would maintain a safe means of access and egress to the site in the interest of highways safety and would be in accordance with Policy TR11 and the NPPF.

2) *Landscape Protection Area*

The site is within a Landscape Protection Area and although landscape protection is not explicitly included in the NPPF, Paragraph 17 (Core Principles) states that the intrinsic value and character of the countryside should be recognised.

Policy C1 of the Bromsgrove District Local Plan identifies Landscape Protection Areas as local designations of areas where it is considered that the character of the countryside and the quality of the landscape merits special protection. It is noted that Policy C4 identifies specific criteria for assessing development proposals within Landscape Protection Areas by stating that any proposed development should not have a materially detrimental effect on the landscape.

Special attention is given to development on prominent slopes and the proposed site's location on a hillside, whilst providing panoramic views to the south-east, requires careful design that is sympathetic to the landscape. It is therefore necessary to ensure that all new development is sympathetic in form, scale and materials used.

In this instance the proposal relates to a dropped kerb and its effect on the landscape is considered to be *de minimis*. It is therefore considered that the proposal would not cause any conflict with Policy C4 of the BDLP.

3) *Green Belt*

The proposed dropped kerb represents an engineering operation. The NPPF defines engineering operations as not being inappropriate in the Green Belt

provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. In this instance the proposal is considered to have no impact on the openness of the Green Belt. The proposed access would involve the laying down of hardstanding which would have an urbanising effect on the Green Belt contrary to the purposes of the Green Belt to protect the countryside from encroachment. The area of hardstanding is however small and I am mindful of the permitted development rights that exist in respect on domestic hardstanding under Part 1, Class F of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Thus, although the proposal may represent an inappropriate form of development in the Green Belt, the level of harm caused is very minor and the permitted development fallback position would represent a very special circumstance outweighing this harm.

#### 4) *Tree Issues*

The trees located adjacent to the proposed access are protected by TPO ref. 1463. Members will note that a previous application at this site (12/0310) was withdrawn as the application did not have due regard to the protected trees.

This application indicates that excavations beneath the canopies of the protected trees will be hand dug and a specialist 'Geocell' tree dimensional cellular system sub base layer will be laid down beneath the stone chipping surface. This construction method has been approved by the Council's Tree Officer and no objection is raised.

The application is therefore considered to be in accordance with policies C17 and C18 of the Bromsgrove District Local Plan which seek to retain existing trees and woodland.

#### Conclusion

It is considered the proposal will maintain a safe means of access and egress to the site in the interests of highway safety. The proposal would not cause any harm to the Landscape. The proposal is considered to be inappropriate development in the Green Belt due to its urbanising effect on the site, however it is considered that very special circumstances exist in the form of a permitted development fallback position. This would outweigh the identified harm. The proposal would have no adverse impact on the protected trees on the site.

Taking these matters into consideration the proposal is found to be in accordance with the relevant policies of the adopted Development Plan and the NPPF. Accordingly it is recommended that planning permission is granted.

**RECOMMENDATION:** that permission is **GRANTED**

**Conditions:**

1. C001 (time limit)
2. C001A (In accordance with approved plans)
3. HC8 (Vehicle access construction)
4. HC13 (Modified Access Closure - use of site - vehicular)

### Notes

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

WMSS: QE3  
WCSP: T.1, CTC.5, D38, D39.  
BDLP: TR11, DS2, DS13, C1, C4, C17, C19  
DCS2: CP22  
Others: NPPF

It is the Council's view that the proposed development does not comply with the provisions of the Development Plan and the National Planning Policy Framework 2012 however very special circumstances exist that justify the granting of planning permission.

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 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.