

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Peter Hannafin 'A'	Construction of an access track - Castlebourne, Stourbridge Road, Belbroughton	GB LPA LB	B/2008/0379 06.06.2008

Councillor B. Lewis F.CMI has requested that this application be considered by the Committee, rather than being determined under delegated powers.

RECOMMENDATION: that permission be **GRANTED**.

Consultations

Belbroughton PC WH	Objection: 22.04.2008 - unacceptable intrusion in the Green Belt. No objection, suggest conditions: 31.07.2006. Note: would require the applicant to enter into a Section 278 agreement under the Highways Act 1980, to undertake these works. With regard to alternative access arrangements, it is possible for some foliage to be cut back to assist visibility, but difficulty with the access is entering it due to the approach speed. The only long term answer would be the construction of a deceleration lane but there is a significant cost attached to this. Whilst this is a possible solution the applicant should suggest this, with engineering drawings to ensure that this could safely be achieved. There are few other measures that could realistically be implemented that the applicant could achieve. 31.10.2005.
Engineer LT PROW RA	No objection, subject to conditions - 29.04.2008. Consulted - Consulted - Consulted -
Publicity	3 Neighbour notifications sent - no comments received. Site notice posted 17.04.2008 (expired 08.05.2008). No comments received. Press notice posted 24.04.2008; expired 15.05.2008.

The site and its surroundings

This application refers to a large rendered "Gothic style" house with castellations and a folly linked to the main house by a high brick wall with archway. The original house was built in the mid 19th Century although a building / folly predated this more recent building.

In 1984, a large extension was added to the northern elevation, this extension included a swimming pool. The house is set in grounds set on a mound, which falls away steeply to the north-east and west forming original parkland grounds. Previous owners have planted a large number of conifer trees to the north-east of the site which are mature and well established. These trees have been planted in organised groups with cleared tracks between.

The main property is located off the south-east bound carriageway of the A491 Stourbridge Road, Belbroughton. The fields and open countryside at the rear of the property are within the applicants' ownership, as is property known as Fenn Farm.

The A491 Stourbridge Road is a dual carriageway with a narrow footway and grass verge on either side. The road is lit in the vicinity of the access point to Castlebourne; it has a slightly curved alignment and is subject to a 60 mph speed limit. The revised access is located nearly adjacent to Mearse Lane and requires a turning manoeuvre of 45 degrees to access the drive and steep slope to the house. The access drive is defined by what appears to be two sets of gates, both being later additions - one having a similar rendered appearance to the house and one of a metal security style.

I note that an access exists from Chapel Lane to the existing Fenn Farm building complex and that beyond the farm buildings a track exists in a southerly direction, branching out into the field beyond. Castlebourne house is clearly visible from this track.

Proposal

The proposal involves the construction of a new private track to the rear of Castlebourne, from Fenn Farm, off Chapel Lane. The proposed access track will run alongside the boundary of an intervening field and would, in part, utilise an existing field track and, as it nears Castlebourne, will then take a detour following the field boundary and line of an existing footpath and form a route between the existing conifer trees. As it emerges from the trees, the route will rejoin the current access drive at the front of the house.

The proposed drive would measure approximately 300 metres in length, be a maximum of 3 metres wide with intervening grass strip through the centre following the appearance of the existing track to the farm. The track is widened at bends and at one passing place to 5 metres. It is proposed to be constructed with a granular sub-base (200 mm) overlaid by a permeable gravel or similar stone material (50 mm) with grass to the centre the track which will pass through existing grazing land, which is also owned by the applicant and will be broken up by the inclusion of two cattle grids to restrict livestock. No kerbs, fencing or lighting are proposed for the access track.

I note that it is proposed to close the existing vehicular access to the A491 on completion of the new access driveway. The previous application was accompanied by a Highway Report which was considered previously by the Highways officer who suggested that the application be considered acceptable subject to conditions and a section 278 agreement, given the category of the road.

Relevant Policies

WMSS	QE3, QE5
WCSP	SD.2, CTC.1, CTC.19, D.38, D.39, RST.3
BDLP	DS2, DS6, DS9, DS13, C4
Others	PPS1, PPG2, PPG15

Relevant Planning History

B/2008/0344	Alterations to house (internal and external) LB - under consideration.
B/2006/0754	New access track - granted 13.09.2006.
B/2008/0877	Internal and external alterations - granted 22.12.2005.
B/2005/0870	New access track - refused 30.11.2005.
B/1993/0672	Erection of connecting staircase - Listed Building Consent - granted 08.11.1993.
B/1993/0671	Erection of connecting staircase - granted 08.11.1993
B15445	Construction of conservatory - Listed Building Consent - granted 02.10.1987
B15444	Construction of conservatory - granted 02.10.1987
B14625	Alterations to roof - Listed Building Consent - granted 11.11.1986
B14624	Alterations to roof - granted 11.11.1986
B11611	Erection of swimming pool - Listed Building Consent - granted 21.02.1983
B11541	Erection of swimming pool - granted 21.02.1983
B31	Alterations and extensions to tower block - granted 31.07.1974

Notes

This application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan consists of the Regional Spatial Strategy (June 2004), Worcestershire County Structure Plan (June 2000) and the Bromsgrove District Local Plan (January 2004).

The relevant policies are mentioned above. The main issue raised by the application is whether the proposal is an appropriate development in the Green Belt and, if relevant, the presence of any very special circumstances, the impact that the proposal would have on highway safety and footpaths, the character / setting of the Listed Building, and the impact of the development on the landscape.

Green Belt

The proposed access drive would lie in the Green Belt. Policy DS2 of the Bromsgrove District Local Plan sets out the instances where development is considered appropriate in the Green Belt as stemming from PPG2, and reflects paragraphs 3.1 and 3.2 of PPG2.

Paragraph 3.12 of PPG2 states that engineering operations and the making of material changes to the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt. The purposes of including land in the Green Belt include checking unrestricted sprawl of large built-up areas and assisting in the safeguarding of the countryside from encroachment as set out in paragraph 1.5 of PPG2.

In this case the stone surfaced driveway replaces for the most part an area of pastureland and is appropriately located to reduce any visual harm. The driveway itself would not damage the openness of the Green Belt, however it is important to consider whether there are any very special circumstances, which would outweigh the harm identified above.

Visual Amenity

Paragraph 3.15 of PPG2 goes on to state that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.

Landscape Protection Area

Policy CTC.1 of the WCSP sets out a general requirement that the Local Planning Authority, in considering development proposals, should take every opportunity to safeguard, restore, or enhance, as appropriate, the landscape character of the area in which they are proposed. Proposals for development and associated land use change or land management must demonstrate that they are informed by, and sympathetic to, the landscape character of the area in which they are proposed to take place. The revised track details would echo the existing farm track and with gravel and grass strip to the centre. Whilst I accept the track could be extended, I am also mindful of the ability to extend this track under agricultural rights. The re-sited track will run along the field boundary adjacent to a tree line and footpath previous which will further reduce any visual implications of the proposal.

The Previously approved application / this proposal

The entrance to the house will be made off the driveway track to Fenn Farm and both applications are the same in this respect. The difference lies with the last part of the track which previously took a route up towards the back of the house, up the steep bank, into the garage forecourt. This proposal differs as it continues a route adjacent to the field boundary and then diverts between the trees onto the line of the original entrance and rejoins the main front drive and the front of the house. I consider this a reasonable approach given the historic route to the house and its setting and added security to the occupants of the house.

Highway Safety

In support of the application, the applicant makes the point that the existing access off the A491 is dangerous, and that the proposed access would provide a safe access to the property and that the elimination of the vehicular use of the existing substandard access would significantly benefit the safety of users of the A491. Members will note that the previous application under reference B/2007/0754 was supported with a traffic survey. This survey evidenced the average speeds of vehicles in the location of the existing entrance are in excess of 53mph with the 85 percentile at 61.8mph.

The Highways officer has no objection to the closure of the present access subject to the necessary agreements being in place. The alternative arrangement for the access would, in my opinion, be beneficial to highway safety, in terms of the highway users and visitors to and from the site, thus compliant with policy T.1 of the WCSP and policy TR11 of the BDLP.

Footpath

The proposed drive follows the same route as the previously approved track, and then instead of heading towards the back of the house and up the slope / mound, follows the footpath into the trees and connects with the original track to the house through the trees. The driveway, whilst visible from the footpath, will not interfere or conflict with the footpath and its users and therefore I do not consider the application is detrimental to its setting, and is thus compliant with policy RST.3 of the WCSP.

Listed Building / Parkland

It is established in planning policy that the Local Planning Authority shall have special regard to the desirability of preserving a listed building or its setting or any feature of special architectural or historic interest, which it possesses; in this case the setting of the house and grounds.

In this case, I consider one of the main issues raised by the application is the impact of the proposal on the setting of this listed building. I note that the Conservation Officer raises no objection in principle to the proposal. However, he considers that it would be preferable if it were done in the form of two tracks with a central grass strip, which the applicant is happy to provide.

It is important to note that the existing access is not the original route to the main house and the two gates which currently exist have no permission. The application may be suitably conditioned to require the removal of these two later additions and a planting scheme to be established in their place to blend with the existing tree line. The original entrance to Castlebourne was via the lodge adjacent to the filling station on the A491. I do not consider this to be of particular merit to retain the current access arrangements to the property.

Conclusion

Concerns have been raised in respect to works being carried out on site but it is important to note that there is a consent valid on site for both the track and previously approved works to the house.

On the site visit, no trees had been removed and the application clearly states that none are to be removed. The proposal may be adequately controlled by the imposition of a condition for a further tree survey to be provided to clarify this matter.

In conclusion, it is considered that the proposed access would not conflict with one of the purposes of including land within the Green Belt and would not unduly harm the visual amenity of the Green Belt. It is considered that the potential benefits of the proposed access, by virtue of allowing the existing access to be closed, the resiting and design of the driveway and the positive impact of the proposal on the listed building carries enough weight to be considered very special circumstances and would outweigh any harm caused.

RECOMMENDATION: that permission be **GRANTED**.

1. Time 3 years
2. Material for driveway
3. H8D (closure of existing access)
4. Landscaping condition (C10) in respect to original access point
5. Further tree survey
6. Removal of Permitted development Re fences etc

Reasons:-

1. Time
2. To ensure a satisfactory appearance to the development
3. In the interests of Highway Safety
4. To ensure a satisfactory appearance to the development
5. To ensure a satisfactory appearance to the development
6. To ensure a satisfactory appearance to the development.

Note: section 278 agreement.

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

RSS	QE3 QE5
WCSP	SD.1, SD.2, D.38, D.39, CTC.1, T.1, RST.3
BDLP	DS2, DS6, DS13, TR11
Others	PPS1, PPG2, PPG15

It is the Council's view that the proposed development does not comply with the provisions of the development plan however very special circumstances exist which outweigh the harm caused and that, on balance, there are no justifiable reasons to refuse planning permission.