

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr + Ms C + J Hopkins + Sangha	Removal of conditions 10 & 11 and variation of conditions 2 & 12 of application ref: 20/00335/FUL in order to remove hedgerow along the western boundary and alter landscaping scheme. 56 Braces Lane, Marlbrook, Bromsgrove, Worcestershire, B60 1DY	18.01.2021	20/01343/FUL

Councillor Jones has requested that this application be considered by Planning Committee rather than being determined under delegated powers

RECOMMENDATION: That planning permission be **Granted subject to conditions.**

Consultations

Arboricultural Officer

No objection to the loss of the existing hedge and the replacement with a Hornbeam Greenscreen as the replacement Greenscreen would retain a suitable appearance and provide suitable screening.

Publicity

Five neighbour letters sent 06.04.2020 (expired 18.12.2020)

Two letters of objection were received raising concerns relating to:

- Impact to wildlife
- Impact to character and appearance of the area
- Land ownership

Cllr Jones

Councillor Jones has requested that this application is considered by Planning Committee as she considers that the loss of the hedge should be resisted.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP19 High Quality Design

BDP21 Natural Environment

BDP16 Sustainable Transport

Others

NPPF National Planning Policy Framework (2019)

NPPG National Planning Practice Guidance

Bromsgrove High Quality Design SPD

Relevant Planning History

20/00335/FUL	Construction of two-storey, four-bedroom detached house with associated access and landscaping	Granted	30.06.2020
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Assessment of Proposal

This application follows a previously approved planning application at the site for a single detached dwelling (planning ref: 20/00335/FUL). This application was granted planning permission on the 30th June 2020, following consideration at Planning Committee, and therefore remains extant.

The current application seeks to amend the landscaping on site, so as to remove an existing hedgerow along the western boundary, and replace this with an alternative boundary treatment. The proposed boundary treatment would comprise 1.8 metre high "Green Screen" panels towards the front of the site, 1.8 metre tall close boarded fence towards the middle of the site, and existing timber post and panel fences to be retained at the rear.

The implications of these changes require the variation of two conditions that were placed on the original planning permission (relating to the approved list of plans for the proposal, and the approved landscaping plan), and also the removal of two further conditions (which relate to the retention of the hedgerow through protection measures during construction).

For the reference of Members, Condition 2 and 12 attached to approved planning permission 20/00335/FUL state:

Condition 2: *The development hereby approved shall be carried out in accordance with the following plans and drawings:*

Location Plan - drawing no. 01A

Proposed Site Plan - drawing no. 10C

Proposed Plans & Elevations - drawing no. 20C

Landscape Proposals - drawing no. M20/ 1433 / L01

Swept-Path Analysis -Large Car - drawing no. SP01 rev C

Site Access / Junction Visibility Splay Assessment - drawing no. SK01 rev D

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

Condition 12: *Prior to the first occupation of the development hereby permitted, the hard and soft landscape scheme indicated on drawing no. M20/ 1433 / L01 shall be implemented in its entirety. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species.*

Reason: In the interests of visual amenity.

These are proposed to be altered to:

Condition 2: *The development hereby approved shall be carried out in accordance with the following plans and drawings:*

Location Plan - drawing no. 01A

Proposed Site Plan - drawing no. 10C

Proposed Plans & Elevations - drawing no. 20C

Landscape proposals- drawing no. M20/ 1433 / L01B

Swept-Path Analysis -Large Car - drawing no. SP01 rev C

Site Access / Junction Visibility Splay Assessment - drawing no. SK01 rev D

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

Condition 10: *Prior to the first occupation of the development hereby permitted, the hard and soft landscape scheme indicated on drawing no. M20/ 1433 / L01B shall be implemented in its entirety. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species.*

Reason: In the interests of visual amenity.

Condition 10 and 11 that were attached to approved planning permission 20/00335/FUL and are proposed to be removed state:

Condition 10: *Prior to the installation of any section of the access drive way and parking area that incurs into the BS5837:2012 recommended Root Protection Area of the hedge on the Western boundary of the site shared with 191A Old Birmingham Road, a specification of the method of construction to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with these approved details.*

Reason: To protect the health of the existing hedgerow, in the interest of visual amenity.

Condition 11: *The hedge line on the Western boundary of the site with 191A Old Birmingham Road should be protected in accordance with BS5837:2012 recommendations throughout any ground or development work on the site.*

Reason: To protect the health of the hedgerow, in the interests of visual amenity.

Given that the principle of development has been established, and the changes relate solely to the landscaping on site, the planning considerations that are most relevant to this application are the impact to the character and appearance of the area and biodiversity.

Character and Appearance of the Area and Biodiversity

Policy 19 of the Bromsgrove District Plan (BDP) seeks development of a high quality that would enhance the character and distinctiveness of the local area. Furthermore, this policy states that all trees that are appropriate should be retained and integrated into the new development, and sufficient soft landscaping should be incorporated. In addition to this Policy 21 of the BDP seeks to protect and enhance features of the natural environment, as well as maintain the favourable conservation status of populations of protected species.

The Council's Tree Officer originally raised objection to the removal of the existing hedgerow and the replacement with a Green Screen feature, as the existing hedgerow was deemed to offer a greater degree of visual amenity and biodiversity benefits.

During the course of the application the originally proposed Ivy Green Screen has been substituted for a Hornbeam Green Screen. The applicant has provided further supporting information, including comments from a consultant ecologist which advocate the use of a Hornbeam feature, as this species retains its leaves throughout the year and provides shelter and habitat for birds and small mammals, and provides food for caterpillars and moths, and seeds for a number of birds.

The applicant has also put forward supporting information from an independent tree consultant who has assessed the existing hedgerow to be “low quality” given the collective canopy of the hedge does not have greater collective landscape value and is limited to the site and close surroundings. Furthermore, these comments state that amenity of the site would be enhanced as the height of the replacement Green Screen is greater than the existing hedge, and the use of the Hornbeam species instead of the existing Privet and shrub mixes is more suitable.

Following the change to the proposed Green Screen species and the receipt of supporting information the Council’s Tree Officer has removed his objection to the proposal and has stated that the replacement Green Screen would retain a suitable appearance and screening value while providing a suitable level of bio diversity within the site and area.

Other Matters

The applicants have stated that the existing hedge is required to be removed in order to create adequate turning space on site to allow vehicles to access and egress the site in forward gear. A statement has been provided from Cotswold Transport Planning which states that the hedgerow needs to be removed in the interests of highway safety. It is noted that Worcestershire County Council Highways raised no objections to the original proposal which retained the hedge, however acknowledged that turning area was constrained and only just acceptable. Given that Policy BDP16 of the BDP requires development to provide safe and convenient access, this policy supports the proposed improvement of the turning area on site.

With regards to the residential amenity of the neighbouring property, 191A Old Birmingham Road, given that the height of the proposed replacement boundary treatment would exceed the existing hedgerow, there would be no adverse impact to privacy.

Neighbour Representations

Two letters of objection were received from neighbouring properties in relation to this application. The comments raised concerns with the impact of the replacement boundary treatment on the character and appearance of the area and to biodiversity. These issues have been considered above. Matters relating to land ownership and boundary disputes were also raised. This falls outside of planning and is therefore not material to the consideration of this application.

Conclusion

The current application seeks to remove an existing hedgerow along the western boundary, and replace this with an alternative boundary treatment. Whilst it is appreciated that the existing hedgerow offers a more natural boundary feature of a greater width, it is also noted that this feature is not protected by a preservation order and therefore could be removed independently from the approved scheme at any time. Permitted

development rights would be available to construct a boundary feature of any material and finish along this boundary as a replacement feature. The revised landscaping scheme therefore needs to be considered in the context of this fall back position.

The proposed boundary treatment would comprise 1.8 metre high "Green Screen" panels at the front of the site, where it would be visible. The green appearance and substantial height of this replacement feature would greatly mitigate the loss of the existing hedgerow from an appearance point of view. Furthermore the proposed Hornbeam species planted on the framework would offer biodiversity benefits. It is also considered that the replacement of the existing hedge would allow safer access and turning arrangements for vehicles, and would provide adequate screening to protect the privacy of the neighbours.

Based on the above, having regard to third party comments and those received from Councillor Jones, it is considered that permission should be granted for the variation of conditions 2 & 12 and the removal of conditions 10 & 11 of previously approved application 20/00335/FUL.

RECOMMENDATION: That planning permission be **Granted subject to conditions**

Conditions:

- 1) The development to which this permission relates must be begun not later than the 30 June 2023.

Reason :- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:
Location Plan - drawing no. 01A
Proposed Site Plan - drawing no. 10C
Proposed Plans & Elevations - drawing no. 20C
Landscape proposals- drawing no. M20/ 1433 / L01B
Swept-Path Analysis -Large Car - drawing no. SP01 rev C
Site Access / Junction Visibility Splay Assessment - drawing no. SK01 rev D

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

- 4) 4) The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of footway shall be provided on both sides of the access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

Reason: In the interests of highway safety.

- 5) The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

Reason: In the interests of highway safety.

- 6) The Development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

Reason: To encourage sustainable travel and healthy communities.

- 7) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking for two cycles has been provided in accordance with drawing no. 10C. The cycle parking shall thereafter be kept available for the parking of bicycles only.

Reason: To encourage sustainable modes of travel.

- 8) The Development hereby approved shall not be first occupied until the access, parking and turning facilities have been provided as shown on drawing 10C.

Reason: To ensure conformity with submitted details.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order) no form of boundary enclosure within Schedule 2, Part 2, Class A shall be erected along the southern boundary of the site without express planning permission first being obtained from the Local Planning Authority.

Reason: To ensure there is adequate turning space within the site; in the interests of highway safety.

- 10) Prior to the first occupation of the development hereby permitted, the hard and soft landscape scheme indicated on drawing no. M20/ 1433 / L01B shall be implemented in its entirety. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of

similar sizes or species.

Reason: In the interests of visual amenity.

- 11) No works or development shall take place until a site drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall include details of surface water drainage measures, including for hardstanding areas, and shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall include the details of field percolation tests. The surface water drainage measures shall provide an appropriate level of runoff treatment. The development shall be implemented in accordance with the approved strategy prior to the first use of the development and thereafter maintained.

Reason: To ensure adequate drainage of the site.

- 12) The first floor windows to be installed on the east and west side elevations of the property as shown on approved plan no. 20C shall be fitted with obscure glazing, and any opening lights shall be at high level and top hinged only. The obscure glass and the openings shall be maintained in the said window in perpetuity.

Reason: To protect the amenities of neighbouring residents

- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order) no development included within Schedule 2, Part 1, Class A shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To protect the amenity levels of neighbouring occupiers at 191A Old Birmingham Road.

Informatives

1) The applicant is advised to be aware of their obligations under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) to avoid disturbance of nesting wild birds and protected species such as bats when carrying out these works.

2) It is advised that finished floor levels should be set no lower than the existing adjacent properties.

Case Officer: Charlotte Wood Tel: 01527 64252 Ext 3412
Email: Charlotte.Wood@bromsgroveandredditch.gov.uk