

BROMSGROVE DISTRICT COUNCIL

Access Homes LLP
C/O Cross & Craig Associates
Cross and Craig Associates
462 Vine House
Station Road
Dorridge
Solihull
B93 8HB

Grant of Planning Permission subject to Conditions

APPLICATION:	19/00501/FUL
LOCATION:	Site Adjacent To 73 Linthurst Newtown, Blackwell, Bromsgrove, Worcestershire
PROPOSAL:	New build scheme two detached dwellings.
DECISION DATE:	7th August 2019

Bromsgrove District Council as the Local Planning Authority grants planning permission in accordance with the Town and Country Planning Act 1990 and The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) for the proposal described above. This permission is subject to conditions which must be complied with and are set out below:

Conditions

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

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:

- 5537/10A (1:100) Planning Scheme Plot A
- 5537/11A (1:100) Planning Scheme Plot B
- 5537/12G (1:200) Site Layout
- 17095-08 (Visibility Splays)
- Preliminary Ecological Appraisal of land at side & rear of 73 Linthurst Newtown (20/06/2017)

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 all materials to be used externally on the walls, windows, doors 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) All proposed works shall be carried out in accordance with the recommendations as set out in the Preliminary Ecological Appraisal by Cotswold Wildlife Surveys dated 20th June 2017. In addition, to provide a net gain in biodiversity two schwegler bat boxes or equivalent shall be placed in each plot of the development on site in suitable locations at least 3 metres above ground level facing to the south or east and kept thereafter in perpetuity.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard to BDP21 of the Bromsgrove District Local Plan and Paragraph 109 of the NPPF.

- 5) No site clearance shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed boundary treatment and other means of enclosure, hard surfacing materials, new planting, trees and shrubs to be retained, together with measures to be taken for their protection while building works are in progress. If within five years of the development being finished, any of the soft landscaping is removed, seriously damaged, diseased or dies, they shall be replaced in the next planting season with others of a similar size or species any change to size or species will need to be agreed with the Council.

Reason: In order to protect the trees which form an important part of the amenity of the site.

- 6) All retained trees and their Root Protection Areas must be protected during clearance and construction phase in accordance with BS5837:2012, using suitable protective fencing and/or ground protection as appropriate. No storage of plant/materials within the Root Protection Areas of any retained trees. This fencing and /or ground protection shall be constructed in accordance with the guidance in the British Standard BS5837:2012 and shall remain as erected until the development has been completed.

Reason:: In order to protect the trees which form an important part of the amenity of the site.

- 7) No works of any kind shall be permitted within or through the Root Protection Areas of trees or hedges on and adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of concrete mixing plants or fuel tanks.

Reason: In order to protect the trees which form an important part of the amenity of the site.

- 8) Any excavations within the root protection areas must be carried out by hand and in accordance with BS5837:2012.

Reason: In order to protect the trees which form an important part of the amenity of the site.

- 9) Any section of the drive that falls within the BS5837:2012 recommended Root Protection Area of the Lawsons Cypress standing closely adjacent to the Western side of the existing site access should be installed by use of a suitable grade of No Dig construction largely over the existing ground levels.

Reason: In order to protect the tree which forms an important part of the amenity of the site.

- 10) Prior to the installation of the utility services a plan showing the intended routing of any ground installed utility services shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure the existing trees on site are sufficiently protected

- 11) 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 and in accordance with National Planning Policy Framework.

- 12) The Development hereby approved shall not be occupied until the proposed access gates have been set back 5 metres from the adjoining carriageway edge, and made to open inwards only.

Reason: In the interests of highway safety.

- 13) 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.

- 14) The development hereby permitted shall not be occupied until an electric vehicle charging point to serve each dwelling has been installed and once provided it shall be retained and maintained as such at all times.

Reason: To support sustainable communities

- 15) Prior to the commencement of development, details of cycle parking provision shall be submitted to and agreed in writing by the Local Planning Authority. The details agreed shall be implemented on site prior to the occupation and use of the building hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason In the interests of sustainability

- 16) Development shall not begin until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m from the edge of the carriageway. Nothing shall be planted, erected and/or allowed to grow on the triangular area of land so formed which would obstruct the visibility described above.

Reason: In the interests of highway safety.

- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1, Class A, B, C, D, E and F and Part 2, Class A shall be carried out without the prior approval of the local planning authority to an application in that behalf.

Reason: The site is located within the Green Belt and the proposed scheme has been designed to ensure that it preserves openness. It is therefore considered reasonable to ensure that the Council have control on future works to the dwellings to ensure that openness is preserved on site. In addition it is considered reasonable to ensure the rural character and design of the dwellings is not materially diminished between permission and completion having regard to paragraph 130 of the NPPF.



Ruth Bamford
Head of Planning and Regeneration

Reason

This proposal has been assessed against the following documents

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP2 Settlement Hierarchy
BDP4 Green Belt
BDP19 High Quality Design
BDP20 Managing the Historic Environment
BDP21 Natural Environment

Others

Lickey and Blackwell and Cofton Hackett Neighbourhood Plan
NPPF National Planning Policy Framework (2019)
SPG1 Residential Design Guide

The application site is located on land between No's 67 and 73 Linthurst Newtown. The site falls within the Green Belt, just outside of the settlement boundary, opposite the residential area. The site is currently a grass field which is well screened by a mature tree belt with the carriageway of Linthurst Newtown. These trees are protected under Bromsgrove District Tree Preservation Order (11) 2017 as Group (1) and T5.

The proposed development is for the construction of two dwellings. The development comprises of two detached three storey properties with three bedrooms, garages and associated parking. The proposed access for the dwellings will be sited from Linthurst Road and the dwellings would be sited in a linear form continuing the existing street scene.

Housing Land Supply:

The Council can currently demonstrate a Housing Land Supply of 4.02 years, therefore it is acknowledged that it cannot demonstrate a five year Housing Land Supply in accordance with Paragraph 73 of the NPPF. Paragraph 11(d) of the NPPF is therefore engaged, which specifies that where the policies which are most important for determining the application are out of date (in this case Policies BDP.2 & BDP.3 are relevant), permission shall be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

It is considered that the relevant factors on which this decision turns are:

- Whether NPPF Green Belt policy indicates that development should be restricted?
- Whether or not the proposal represents a sustainable form of development?

Conformity with Green Belt policy is subsequently assessed below under Policy GB.4 and the Principle of Infill Development. In summary, the proposal is not considered to be an inappropriate form of development in the Green Belt due to its compliance with Paragraph 145(e) of the NPPF.

With regard to whether or not the proposal represents a sustainable form of development, Paragraph 79 of the NPPF seeks to avoid the creation of isolated homes in the countryside. Blackwell is identified as a small settlement in Policy BDP.2. The application site is located immediately adjacent to the settlement boundary of Blackwell and therefore is well located with regard to access to local services, including Blackwell First School, convenience store and social club. There is also a bus stop in very close proximity to the site.

In summary, the location and accessibility of the site is therefore considered to be reasonably sustainable in relation to its proximity to services and the nature of the route to them.

Policy BDP.4 (Green Belt) and the Principle of Infill Development:

The site sits just outside of the defined Blackwell village envelope on Green Belt land between the motorway and the settlement boundary. Blackwell is a small settlement as defined in BDP2 of the District Plan. Furthermore, the majority of Blackwell including the properties on the other side of the road is designated for residential uses on the BDP Policies Map.

The National Planning Policy Framework (Paragraph 145) states that the construction of new buildings, other than in connection with a small number of exceptions, should be regarded as inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. One of the exceptions identified is limited infilling in villages. Policy BDP.4 of the Development Plan sets out the exceptions to inappropriate development, one of which is infilling in settlements.

The term 'limited infilling' is not defined, however it normally comprises of the development of a modest size gap in an otherwise substantially built-up frontage which is broadly linear in formation. In this instance, the existing site is a break within a ribbon of development along both sides of Linthurst Newtown.

The linear form of development will create 2 dwellings which bridge this gap in the street scene between numbers 67 and 73 Linthurst, Newtown. Given the small scale of the proposed development, this is considered to be limited. The site is located opposite the Blackwell Club and close to the local convenience store and therefore is considered to be both physically and functionally linked to the settlement.

It is therefore considered that the proposed development would constitute 'limited infilling' and would thus represent appropriate development in the Green Belt within the context of Green Belt policy.

Heritage & Design Issues:

The application site forms part of the original plot to No. 73 Linthurst Newtown. Whilst neither No 73 or No 67 Linthurst Newtown are designated heritage assets and do not fall within a conservation area, both No 73. Linthurst Newtown and No 67 Linthurst Newtown are considered to be non-designated heritage assets; therefore the application site falls within the setting of two non-designated heritage assets and is subject to the provisions of Policy BDP.20 (Managing the Historic Environment).

Following concerns raised by the Conservation Officer, the applicant has agreed to revise the scheme by amending the design of both plots. This revision has included the removal of the garages to reduce plot width, the reduction of the roof pitch on the porch of Plot B; the removal of the roof lights and the re-centering of the chimneys to reflect local building types. It is considered that the proposals accord with the provisions of Policy BDP.20 and the Bromsgrove High Quality Design Supplementary Planning Document.

BDP7 states that proposals should focus on 2-3 bed properties. The two proposed dwellings are shown to be 3 bedrooms and are therefore considered to be compliant with this policy.

Natural Environment:

Residents have raised concerns in respect of natural habitats and impact on ecology on site. The Wildlife and Countryside Act 1981 (WCA) protects a number of species and their habitats in England, Scotland and Wales. The LPA are required to have details on the likely impact to protected species on site to make a planning decision. In this instance a Preliminary Ecology Appraisal has been submitted by a qualified ecologist. The report submitted has not identified any protected species on site however has outlined various mitigation measures to ensure the developer does not commit an offence to any possible protected species. These measures can be conditioned as part of the application. In order to provide a net gain in biodiversity, it is also considered necessary to condition the requirement for bat boxes on the development. Should during the construction process any protected species be identified which have not been found on the survey, all works will be required to cease whilst the correct license is obtained from Natural England.

The site is currently well screened from the road by a mature group of trees which are protected under TPO (11) 2017. The most easterly standing tree being a Lawsons Cypress. The Arboricultural Officer has raised no objection to the scheme, subject to the imposition of suitable conditions. This includes tree protection measures arising from works to the proposed access driveway.

The footprint of the proposed dwellings would not directly impact with any other trees or hedge lines on the site. However it is necessary to ensure that due to their amenity value all trees that are subject to TPO (11) 2017 are adequately protected in accordance with Policy BDP.21 (Natural Environment).

I find the proposed siting of the dwellings acceptable subject to protection measures throughout construction and conformation on the method of construction of the driveway access.

Highways & Accessibility:

The application site is located in a sustainable location with a bus stop in very close proximity to the site. There is also a footpath on the opposite side of the street and a speed limit of 30mph.

Third parties have raised a number of concerns in relation to highway safety and the location of the proposed development on a dangerous bend. However, the proposal has been thoroughly assessed by WCC Highways who have concluded that there

would not be an unacceptable impact arising from the development subject to a number of conditions.

The layout provides 2 car parking spaces for each dwelling which is acceptable and in accordance newly adopted Streetscape Design Guide. There is space for the vehicles to turn and leave the site in forward gear. The provision of the off street car parking spaces will help to ensure that vehicles do not contribute to on street parking in the adjacent road.

Conditions are required to ensure that the recommended pedestrian and vehicular visibility splays are retained to ensure highway safety.

Residential Amenities:

The dwellings along this part of the street are sited close to the road however the proposed properties benefit from being set back within the plots. The separation distance achieved between these properties exceeds that outlined in the High Quality Design SPD. Therefore the proposed dwellings would not cause demonstrable harm to the amenity of this dwelling. Given the location of the proposed dwellings and their relationship with the neighbouring properties, within a large plot no concerns are raised in respect of loss of light, overbearance or overlooking to the neighbouring properties.

Lickey, Blackwell & Cofton Hackett Neighbourhood Plan:

The Lickey & Blackwell & Cofton Hackett Neighbourhood Plan was submitted in autumn 2018 and is currently subject to independent examination. Paragraph 007 Ref ID: 41-007-20190509 of National Planning Practice Guidance provides guidance on the weight that should be attributed to emerging neighbourhood plans when determining planning applications. Factors to consider include the stage of preparation and the extent to which there are unresolved objections to relevant policies. Section 70(2) of the TCPA (1990) as amended provides that the Local Planning Authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application.

Due to the stage in the preparation of the Plan and the fact that it is still subject to examination, has unresolved objections, the examiner has yet to issue their report and it would require a referendum, I find that it can only be attributed limited weight in the determination of this application in accordance with national guidance.

Other Matters:

A number of objections have been received from the neighbouring properties and the Parish Council include a wide range of issues on the impact on the Green Belt, design, highways and flooding. These have been addressed in this report. Issues have also been raised on the pressure for future development in the locality and impact on the local services such as schools and GPs. Each application is assessed on its individual merits and therefore this approval will not set a precedent locally. Furthermore the addition of two properties in the village is not considered significant to overwhelm the existing services.

Conclusion:

The proposal for two dwellings is considered to constitute limited infill in the settlement of Blackwell and therefore accords with one of the exceptions to

inappropriate development in the Green Belt listed at Paragraph 145 of the NPPF and BDP.4.

The applicant has agreed to revise the design of the house types in order to address the concerns raised by the Conservation Officer relating to the potential adverse impacts on the adjacent undesignated heritage assets and to reflect local building character.

For the reasons set out in this report, it is considered that the proposal does accord with the provisions set out in relevant national and local planning policy.

Informatives

- 1) In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The authority has helped the applicant resolve technical issues such as:
 - o the impact of the development in the street scene,
 - o impact of the development upon amenity of neighbours,
 - o improving the design of the proposed development.
 - o Others

The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.

- 2) No Drainage to Discharge to Highway
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.
- 3) Alteration of highway to provide new or amended vehicle crossover
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, Ringway Infrastructure Service who can be contacted by email worcestershirevehicle.crossing@ringway.co.uk. The applicant is solely responsible for all costs associated with construction of the access.

For your information

Appealing the Decision

If you feel that the conditions are not acceptable you can appeal to the Secretary of State through the Planning Inspectorate. This appeal should be made by 5th February 2020 unless supported by special circumstances. The appropriate form and further information on how to appeal can be found at <http://www.planningportal.co.uk/planning/appeals/planningappeals> or by contacting

the planning Inspectorate Customer Services Team on 0303 444 5000. If you want a planning appeal to follow the inquiry procedure you should notify the Local Planning Authority and also the Planning Inspectorate at least 10 working days before submitting your planning appeal.

Purchase Notices

If Bromsgrove District Council or the Secretary of State has refused planning permission or granted it conditionally, the landowner may claim that the land is incapable of reasonable beneficial use, and for this reason may serve the Council a purchase notice requiring them to purchase the land. In certain circumstances, a claim may be made against Bromsgrove District Council for compensation. Further information about purchase notices can be found at:
<http://www.legislation.gov.uk/ukpga/1990/8/part/VI>