

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Mark Gay Cala Homes	Realignment of Fiery Hill Road. Fiery Hill Road, Barnt Green, Birmingham, Worcestershire, B45 8LF	12.11.2015	15/0652

RECOMMENDATION: That planning permission be Granted

Consultations

Highways Department- Worcestershire County Council Consulted 13.08.2015
Recommend conditions.

Landscape & Tree Officer Consulted 13.08.2015
No Comments Received To Date

Conservation Officer Consulted 13.08.2015
No conservation comments to make on the proposal.

Barnt Green Parish Council Consulted 13.08.2015
Summarised as follows:-

In the approved planning application - B/2013/0522 - a Transport Statement (July 2013) recognised a significant safety problem at the existing junction between Fiery Hill Road and Kendal End Road. It is also clear that the increased number of road users from the housing development at the northern end of Fiery Hill Road will exacerbate this problem. The report concluded that the development project of new housing at Fiery Hill Road promotes a much needed junction improvement. If it were much needed then, the need for it now is even greater.

The proposed relocation of the car park presents a number of problems:

1. The proposed increase in the number of car parking spaces would require a greater area of hard surface than previously planned. This would have a significant effect on drainage from the site.
2. The proposed relocation of the car park has been combined with the loss of the proposed pavement on the east side of Fiery Hill Road, which would have reduced the danger to pedestrians seeking to cross Fiery Hill Road.
3. If this undesirable relocation of the car park were approved, we consider that it should be made free to users and there should be no access between the car park and the housing development.
4. Given the conspicuous siting of the proposed car park at the entrance to Barnt Green a landscaping proposal should be included in the application

Existing, known flood problems within Barnt Green will be exacerbated by allowing further water to enter the drainage system running along Bittell Road as a result of the overall development.

Barnt Green Parish Council recommends that this planning application be refused.

Network Rail Consulted 13.08.2015

Network Rail believes the scheme encroaches on their land and as such separate consent from them will be required.

Drainage Engineers Internal Planning Consultation Consulted 24.09.2015

No objection to the application subject to the inclusion of a drainage condition.

Cllr C. A. Hotham Consulted 13.08.2015

Informal comments made in respect to the visibility splay and pedestrian crossings and the timing of the traffic survey that formed part of the application.

Public Consultation

38 letters of objection, a petition from occupiers of 15 properties in Oakdene Drive, Sandhills Road and Hewell Lane, and a letter from Barnt Green Residents Association raising concerns summarised as follows:-

Highway safety, T junction is currently dangerous, changes are not per original plans approved, concerns as to how the car park will be managed, concerns about the visibility splay, on street car parking is an issue in the area, don't want a vehicular access off Kendal End Road

Relevant Policies

Bromsgrove District Local Plan 2004 (BDLP):

BG3	Improvements to Car parking provision
S7	New Dwellings Outside the Green Belt
S35A	Development in Conservation Areas
S43	Traffic Calming Schemes
C5	Submission of Landscape Schemes
C17	Retention of Existing Trees
TR1	The Road Hierarchy
TR8	Off-Street Parking Requirements
TR11	Access and Off-Street Parking
TR13	Alternative Modes of Transport

Bromsgrove District Plan

BDP2	Settlement Hierarchy
BDP3	Future Housing and Employment Development
BDP5B	Other Development Sites
BDP12	Sustainable Communities
BDP16	Sustainable Transport
BDP20	Managing the Historic Environment

Others:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

Relevant Planning History

13/0522	Submission of Reserved Matters to 13/0121 (internal access, appearance, layout, scale and landscaping) for the	Approved	17.12.2013
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erection of 88 units, open space,
realignment of Fiery Hill Road and 24
space car-park.

15/0192	Erection of single dwelling. (Replacement of Plot 60 on approved application 13/0522)	Approved	27.05.2015
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Assessment of Proposal

Members will be aware that permission has been granted for residential development on the corner of Fiery Hill Road and Kendal End Road. Permission granted included a relocated T junction for Fiery Hill Road and the provision of a public car park to be located adjacent to the railway line. The public car park would be for local commuters using the train.

The residential development is currently underway, however, following site investigations the applicant found that constructing the approved access would present difficulties relocating essential services in the area. This could cause a considerable time delay to the development but also to local residents with road closures that would be essential to enable services to be moved.

The applicant is now reconsidering the approved access arrangements. A slight realignment of the Fiery Hill Road / Kendal End Road T junction is proposed. Leading up to the T junction, Fiery Hill Road would slightly kink approximately 2 metres away from its current alignment away from the railway line. This realignment would improve visibility at the junction (2.4 m x 45 m visibility splay). The realignment has been redesigned to be in accordance with highway standards which forces drivers to slow to almost stationary to be able to see adequately along Kendal End Road. This slower speed of vehicles on the minor road (Fiery Hill Road) significantly improves the safety of the junction, as it gives drivers more time to properly assess the situation. Pedestrian crossings are proposed to be re-positioned. County Highways have considered the revised access arrangements and do not object to the realignment works and recommend conditions.

The proposed public car park is now shown to be on the same side of the road as the residential development. However, boundary treatment and landscaping are proposed to be provided to ensure that the car park remains a public facility and does not become overspill car parking for the residential development. As a result of the proposed revisions, the number of car parking spaces would increase from 24 to 28.

Members may be aware that there is a mature oak tree adjacent to Kendal End Road. The originally approved T junction alterations would have been constructed within the root protection area of the tree. However, as a result of the proposed realignment, the works for the junction would be completely outside the root protection area and as such would not hinder the health and stability of the tree concerned.

There have been a number of objections from local residents in respect to the proposed realignment of the road raising concerns of highway safety in respect to visibility. However, officers would advise that an adequate visibility splay can be achieved and County Highways do not raise any concerns in respect to the revised access

arrangements. The proposed works would comply with policies TR11 and C17 of the Bromsgrove District Local Plan.

Other matters

Network Rail has made comments stating that the application site boundary encroaches on their land. Amended plans have now been submitted showing a revised application boundary line excluding any potential Network Rail land.

There have been general queries in respect to how the public car park would operate. The applicant has put forward options in terms of how it could be managed, but has confirmed that the public car park would be free (with a two yearly review). The applicant has also suggested a financial contribution towards the costs of a Traffic Regulations Order to facilitate parking restrictions along Fiery Hill Road. However, County Highways have not requested a financial contribution of any sort and given this is only a revised access application it is considered unreasonable to request a contribution towards highway improvements on this occasion.

Conclusion

The proposed realignment of the road would have adequate and acceptable visibility. The revised scheme would increase the number of car parking spaces in the relocated public car park. In addition, the proposed works would be located further away from the mature oak tree and as such would maintain the health and stability of the tree. The proposal would comply with policies set out in the Bromsgrove District Local Plan and County Highways are satisfied with the revised access arrangements. Officers consider the proposed works to be acceptable.

RECOMMENDATION: That planning permission be Granted subject to the following conditions and notes:

- 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 implemented in accordance with the plans to be defined.

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area.

- 3) Before the development approved under this permission is first brought into use, a scheme of landscaping and planting shall be submitted to, and approved by the Local Planning Authority in writing. The scheme shall include the following:-

- a) full details of all existing physical and landscape features on the site including the position, species and spread of all trees and major shrubs clearly distinguishing between those features to be retained and those to be removed;

b) full details of all proposed fencing, screen walls, hedges, floorscape, sections of earth moulding, tree and shrub planting where appropriate.

The approved scheme shall be implemented within 12 months from the date when any of the buildings are first occupied.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: 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.

- 4) Prior to the commencement of the development hereby permitted engineering details of the re alignment of Fiery Hill Road indicatively shown on drawing number P727/120D shall be submitted and approved in writing by the Local Planning Authority, and the development shall not be occupied until the scheme has been constructed in accordance with the approved details.

REASON: To ensure the safe and free flow of traffic onto the Highway.

- 5) No works or development shall take place until a scheme for foul and surface water drainage, along with a maintenance plan, has been submitted to, and approved in writing by the Local Planning Authority. The scheme 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 provide an appropriate level of runoff treatment. The approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

Notes

- 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 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010. The authority has helped the applicant resolve technical issues such as:

- access and parking provision,

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

- 2) No work on the site should be commenced until engineering details of the improvements to the Public Highway have been submitted to and approved by the

Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.

- 3) If it is the Developer's intention to request the County Council, as Highway Authority, to adopt the proposed roadworks as maintainable at the public expense, then details of the layout and alignment, widths and levels of the proposed roadworks, which shall comply with any plans approved under this planning consent unless otherwise agreed in writing, together with all necessary drainage arrangements and run off calculations shall be submitted to the County Council's Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP. No works on the site of the development shall be commenced until these details have been approved and an Agreement under Section 38 of the Highways Act, 1980, entered into.
- 4) It is not known if the proposed roadworks can be satisfactorily drained to an adequate outfall. Unless adequate storm water disposal arrangements can be provided, the County Council, as Highway Authority, will be unable to adopt the proposed roadworks as public highways.

The applicant is, therefore, advised to submit the Engineering details referred to in this conditional approval to the County Council's County Network Control Manager, Worcestershire County Council, County Hall, Spetchley Road, Worcester, WR5 2NP at an early date to enable surface water disposal arrangements to be assessed.

- 5) The applicants attention is drawn to the requirement that, in all cases where an agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief agreed with the Highway Authority and their design shall include any necessary amendments to the existing system. The design brief should be discussed with the Highway Authority prior to the commencement of the design.

Case Officer: Sharron Williams Tel: 01527 534061
Email: sharron.williams@bromsgroveandredditch.gov.uk