

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	15.01.2016	15/0652

This application was deferred at the meeting of Planning Committee on 2 November 2015 at the request of Members in order to enable further discussions to take place between Worcestershire Highways and the applicant with regard to the submitted highway speed survey accompanying the application.

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

This proposed layout is far more favourable as it greatly reduces the impact of the development on the feature Oak tree on the boundary of Kendal End Road. Envisage that the installation of the pavement to the Eastern side of the junction of Fiery Hill Road with Kendal End Road will cause a slight incursion into the BS5837:2012 recommended root protection area of a small Ash tree growing within Network Rail grounds on the embankment to the nearby line, but feel not enough to cause it any health or stability issues.

The proposed landscaping scheme around the car park and adjoining area is also acceptable using a suitable choice of shrub, hedge and tree species.

Therefore would be more in favour of this proposal than the one to alter the position of the road in terms of tree and landscape related matters.

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. Also recommend conditions and informatives.

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

39 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

11/0741	Residential development of upto 88 dwellings, open space, realignment of Fiery Hill Road, with appearance, landscaping, layout and scale reserved	Approved	24.7.15
13/0121	Variation of condition 4 to 11/0741 to allow the minor material amendment consisting of details of site boundary and car parking layout	Approved	24.6.13
13/0522	Submission of Reserved Matters to 13/0121 (internal access, appearance, layout, scale and landscaping) for the erection of 88 units, open space, realignment of Fiery Hill Road and 24 space car-park.	Approved	17.12.2013
15/0192	Erection of single dwelling. (Replacement of Plot 60 on approved application 13/0522)	Approved	27.05.2015

Proposed Development

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.

Development of the site 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 designed to be in accordance with highway standards and would force 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. In addition, works approved under the original application to relocate the public footpath along Kendal End Road under the railway bridge would still take place as part of these proposed works.

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.

The approved T junction alterations would be constructed within the root protection area of a mature oak tree that is situated adjacent to Kendal End Road. 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.

Assessment of Proposal

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. This application was considered at Planning Committee on 2 November 2015. Several public speakers addressed the Committee and raised concerns regarding the quality and timing of the highway speed survey submitted as supporting information for the planning application. The application was subsequently deferred to enable further discussions to take place between the County Highway Department and the applicant with regard to the traffic survey undertaken.

Since Committee the applicant has carried out additional speed surveys. At the time of drafting this report, a Highways Review had just been submitted. Conclusions from the Review are as follows:-

- The relocation of the footway under the bridge to the southern side of Bittell Road will provide far more visibility to/from Fiery Hill Road than that required under latest guidance.
- The junction does not have an existing safety issue, rather the opposite; a review of the PIA (personal injury accident) data demonstrates that the junction is safe with only 1 PIA over a 10 year period.
- The only PIA that has occurred was slight between a right turning cyclist and right turning car. Visibility was not an issue.
- The modest increase in traffic due to the proposed development will add only 1 vehicle per minute and have a negligible impact on traffic, imperceptible to any observer.
- The relocation of the realignment of Fiery Hill Road could be considered safer as vehicle speeds past the relocated junction will be slower.
- Latest survey data identifies a 7 day 85th percentile speed of traffic approaching Fiery Hill Road from the bridge as just 27 mph.
- The survey also shows a ten year traffic flow of over 29 million vehicles and just one PIA, demonstrating just how safe the junction is in reality rather than perception.
- The proposed junction provides a greater percentage of visibility (more than required) than the consented scheme.

The Review and additional plans have been referred onto County Highways who have confirmed that the application provides a significant improvement in visibility and the proposal will result in a benefit for future residents and existing road users. The proposal is supported by speed data, but even without this data, the overall benefit to the community makes this application acceptable subject to conditions.

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). A condition has been added to clarify that the public car park shall be retained as such in perpetuity and that a management plan be submitted in respect to its upkeep.

The Council's Landscape Officer supports this alternative access arrangement as impact on the health and safety of the oak tree would be minimised.

Conclusion

The proposed realignment of the road would have adequate and acceptable visibility and this alternative access arrangement is supported by County Highways. 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 is therefore considered 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 M00311\S278\100 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.

- 6) Prior to the commencement of the development full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to the Local Planning Authority and Network Rail.

Reason: To protect the adjacent railway and to prevent unacceptable risks from pollution and land instability in accordance with guidance set out in the NPPF.

- 7) The car park hereby approved shall remain in perpetuity as a public car park facility. Before the development is first brought into use, full details of a management plan for the ongoing maintenance of the car park on Fiery Hill Road shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure the safe and free flow of traffic onto the highway.

- 8) Before the development is first brought into use, details of the external lighting to be used for the car park shall be submitted to and approved in writing by the Local Planning Authority. Such plans shall include scaled plans and drawings illustrating the design of the light units and columns. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried out in accordance with the approved details and shall be maintained as approved.

Reason:- To ensure a safe environment for users of the car park in accordance with general principles set out in the National Planning Policy Framework.

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.
- 6) The applicant is advised that they will also need to provide the following to Network Rail Asset Protection Team prior to the commencement of any works on site:

(1)

Network Rail requests that the developer submit a risk assessment and method statement (RAMS) for the proposal to the Network Rail Asset Protection Engineer once the proposal has entered the development and construction phase. The RAMS should consider all works to be undertaken within 10m of the operational railway. We require reviewing the RAMS to ensure that works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and the operational railway. The developer should contact Network Rail Asset Protection prior to works commencing at

AssetProtectionLNWSouth@networkrail.co.uk to discuss the proposal and RAMS requirements in more detail.

(2)

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail land and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. Any future maintenance must be conducted solely within the applicant's land ownership.

(3)

If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement should be submitted to the Network Rail Asset Protection Engineer.

- o All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling.
- o The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

If vibro-impact equipment is to be used a risk assessment and method statement shall be submitted to Network Rail prior to any vibro-impact works on site.

(4)

Network Rail will need to review all excavation and earthworks works to determine if they impact upon the support zone of our land and infrastructure as well as determining relative levels in relation to the railway. We would need to be informed of any alterations to ground levels, de-watering or ground stabilisation. When under-taking ground works, developers should take all necessary measurements from the boundary with Network Rail land and not the distance from their works to the nearest railway tracks.

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