

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Leigh Powell	Proposed dwellings 44 Church Street, Hagley, Stourbridge, Worcestershire DY9 0NA	16.02.2016	15/1080

**Councillor Colella has requested that this application is considered by Planning Committee rather than be determined under delegated powers.**

**RECOMMENDATION:** That planning permission be Granted.

### Consultations

**Highways Department- Worcestershire County Council** Consulted 13.01.2016  
Recommends that any permission which the District Planning Authority may wish to give include highway conditions.

**Worcester Regulatory Services- Contaminated Land** Consulted 13.01.2016  
WRS have reviewed the above application for potential contaminated land issues of which none have been identified. WRS therefore have no adverse comments to make in relation to contaminated land.

**Landscape & Tree Officer** Consulted 13.01.2016  
The revised layout now locates the footprints of the proposed dwellings well outside the Root Protection Area of the trees and provides excellent separation between the dwellings and tree canopies to allow for sustainable future growth. The proposed access driveway does fall within the RPA of the trees but consider that this can be done without causing undue damage to the trees' root systems provided that suitable methods of protection and construction are used and that all underground utility services are sited outside the RPA. No objection subject to suitable conditions. As the trees can now be successfully retained, I am satisfied that no additional landscaping will be required for this scheme.

**Drainage Engineers Internal Planning Consultation** Consulted 13.01.2016  
As far as I am aware this development is not located in an area of known flood risk. The additional buildings will increase the amount of hardstanding and therefore the amount of surface water runoff. I therefore recommend that a standard drainage condition be imposed.

**Hagley Parish Council** Consulted 13.01.2016  
We object to the above application.

1. It involves the loss of a passing bay, which is part of the public highway, having existed for 29 years to the knowledge of a member of this council and probably much longer.

2. Due to the restricted exit at the other end of Summervale Road, traffic wishing to proceed towards Kidderminster, Worcester or Birmingham needs to use the Church Street exit, rather than the Summervale Road exit. It is thus a main exit not only from that Road, but also Milestone Drive, Cavendish Drive, Meadowcroft, and smaller roads leading off these.
3. Church Street is effectively a single lane road most of the time, due to cars being parked along it. It then bends. Visibility is not good and there are frequent minor accidents at this point, particularly when the roads are icy. Adding a further highway access at this point will make the situation worse.
4. The application seems to replace what it at present an alleyway between the end of Church Street and Summervale Close with a private drive to the proposed houses. This alleyway is dark (at all times) due to overhanging trees. It is heavily used by children walking from Milestone Drive into the village centre. The proposed drive will cause a conflict between residents and pedestrians. Not far from opposite is an access into the park, which also adds to pedestrian traffic in the area.
5. Each proposed house appears to have only one parking space within its boundaries. Ownership of one car per adult is almost universal in Hagley. Each house should accordingly be provided with two spaces. This is in accordance with your Council's car parking standards.

### **Public consultation**

12 Neighbour objections

Concerns summarised as follows:-

- Additional volume of traffic in an already busy area, visibility issues coming out of the proposed drive, additional parking in the area,
- Part of the passing bay is within the applicant's ownership, however, given it has been used for highway purposes for some time – is it now highway land? Concern about the loss of the passing bay.
- Proposal would have an impact on the area changing its open character and enclosing the surrounding properties and adjacent footpath, reduce light into existing properties, over development of the land, concern about drainage.

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Object to the application for the following reasons:-

- The proposed access and regress is so positioned that it will present a risk to the safety of road users. The driveway will not have sufficient clear sight of the approaching traffic. Vehicles are regularly parked on the road side as well as vehicles parked on the frontages of adjoining properties adding to the insufficient clear visibility splay.
- The access is sufficiently close to the access to the playing fields that makes it a convenient place to park by park goes adding to the on road parking from Church Street properties that do not have driveways.

- In front of the access is a clear turning circle, with double yellow lines and subject to traffic enforcement. To remove this turning circle or to hinder its effectiveness will create difficulties for road users.
- This point of the road infrastructure is related to the restricted access off the Summervale/Milestone estate. It is documented with WCC Highways that depending on which direction vehicles access or exit this estate will determine the flow of traffic through this point. It is estimated that there is c500 houses on this estate which represent a significant flow of traffic, with regular congestion and inconsiderate parking and dangerous manoeuvres being common.
- The design and layout of the properties will create a corralling effect, restricting light to the open plan of the rear of the properties and closing in the through passage between Summervale Rd and Summervale Close.
- The application will change the street scene and be overbearing to both rear and adjoining and adjacent properties. The application is garden grabbing to which the NPPF guards against. It will continue to set an unsafe precedent for back land development in Hagley.

### **Relevant Policies**

#### **Bromsgrove District Local Plan 2004 (BDLP):**

S7	New Dwellings Outside the Green Belt
DS13	Sustainable Development
C17	Retention of Existing Trees
TR11	Access and Off-Street Parking

#### **Others:**

SPG1	Residential Design Guide
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

### **Relevant Planning History**

14/0004	Proposed 3 Bedroom Detached House on Land Adjacent to 44 Church Street, Hagley	Approved	11.06.2014
15/0242	Proposed dwelling	Withdrawn	06.10.2015

### **Site Description**

The site includes the rear gardens of 40a, 42 and 44 Church Street. To the west of the application site is a public footpath and a row of mature trees. A passing bay exists at the front of the site.

### **Proposal Description**

Three No. four bedroom detached dwellings are proposed to be erected in a row that would be in line with No. 14 Summervale Close. The drive to serve the properties would be off Church Street. Plans show three car parking spaces for each new dwelling, and two car spaces for No. 44 Church Street.

### **Assessment of Proposal**

Outline planning permission was granted in 2014 for one dwelling to be erected at the side of 44 Church Street. Therefore, the principle of some form of residential development has been considered favourably in this location.

Permission is now sought to erect three dwellings on land that forms part of the rear gardens of 40a, 42 and 44 Church Street. The layout of the scheme means that the dwellings would line up with properties in Summervale Close. Officers would advise that the implementation of this scheme (if approved) would override the outline application approved in 2014.

There is a mix of housing in the area of varying ages and designs, and the design of the proposed dwellings would enhance the area generally, particularly the Summervale Close streetscene. In terms of residential amenity, adequate spacing would be maintained between the proposed and existing properties to ensure no detrimental impact on the occupiers of neighbouring properties complying with the guidelines set out in SPG Note 1 Residential Design Guide.

The drive serving the development would be off Church Street, therefore, there would be minimal impact on the health and safety of the existing trees that overhang the site.

### **Highways**

The Highways Department raises no objection to the proposal as the scheme provides adequate car parking provision for each dwelling.

There is a passing bay at the front of 44 Church Street which has a tarmac surface and double yellow lines. The applicant has provided information that confirms that part of this passing bay forms part of his ownership. It would seem that the Highway Department have encroached onto the applicants land and inadvertently tarmacked the area and painted yellow lines to create a passing area. The applicant proposes to claim back the land that belongs to him which would reduce the amount of land being used as a passing bay. A number of comments submitted by local residents refer to this passing bay and queried as to whether the whole of the passing bay is now highway land bearing in mind it has been used for highway purposes for a considerable time. Officers are seeking clarification on this matter and whether the passing bay could be retained as part of the overall scheme. Additional information on this matter will be provided in the Update Report. However, as stated above the Highways Department raise no objection to the access arrangements / reduction in passing bay area.

A number of objections have been submitted in respect to the car parking and traffic in this area generally. However, officers would clarify that the proposal has been amended to ensure the provision of 3 off street car parking spaces for each new dwelling. This would reduce issues / concerns in respect to potential on street car parking in the area. In addition, adequate visibility would be provided for the development. Therefore, there are no technical highway reasons to warrant refusal of this proposal and as such the Highways Department recommend conditions.

To conclude, the scheme proposes three dwellings that would be of a design that would complement the local streetscene. Adequate spacing would be maintained between the proposed and existing properties. In addition, adequate car parking and visibility would be

provided in order to minimise the impact of the proposal on the surrounding area. The proposal is considered to be acceptable and permission should be granted.

**RECOMMENDATION:** That planning permission be Granted

**Conditions**

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

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

- 2) Details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be subject to the approval, in writing, of the local planning authority before any work on the site commences.

Reason: To protect the visual amenity of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.

- 3) The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 4) Before any other works hereby approved are commenced, visibility splays shall be provided from a point 0.6m above ground 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 33 metres in each direction along the nearside edge of the adjoining 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.

- 5) Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with a specification to be agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

- 6) The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

REASON: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

- 7) No works or development shall take place until a scheme for surface water drainage for all hardstanding areas has been submitted to, and approved in writing by the Local Planning Authority. If infiltration techniques are used then the plan shall include the details and results of field percolation tests. If soakaway drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change.

Reason:- To ensure that the development is provided with a satisfactory means of drainage with no increase in flood risk in accordance with the National Planning Policy Framework.

- 8) 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, 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 hereby permitted 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.

### **Informatives**

- 1) The local planning authority has worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.
- 2) The attention of the applicant is drawn to the need to keep the Highway free from any mud or other material emanating from the application site of any works pertaining thereto.
- 3) This permission does not authorise the laying of private apparatus within the confines of the public highway.

The applicant should apply to the Worcestershire County Council's Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.

- 4) 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 following the issue of a license under Section 184 and 278 of the Highways Act, 1980.

The applicant should contact Worcestershire County Council's Highways Network Control Manager, County Hall, Spetchley Road, Worcester WR5 2NP (telephone 0845 607 2005), regarding the issue of the necessary license authorising the access works to be carried out by the County Council's Approved Contractor at the applicant's expense.

- 5) 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.
- 6) The applicant's attention is drawn to the need to ensure that the provision of the visibility splay(s) required by this consent is safeguarded in any sale of the application site or part(s) thereof.

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