

| Name of Applicant | Proposal  | Plan Ref. |
|-------------------|---|-----------|
| Mr Steve Bond     | Redevelopment of site to create 4 apartments<br><br>47 Fiery Hill Road, Barnt Green,<br>Birmingham, Worcestershire, B45 8JX | 16/0723   |

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

**RECOMMENDATION:** That planning permission be Granted

### Consultations

**Drainage Engineers Internal Planning Consultation** Consulted 04.08.2016  
No Objection and no necessary drainage condition.

**Conservation Officer** Consulted 20.07.2016  
No Objection subject to conditions of the joineries placed on the permission.

**Highways Department- Worcestershire County Council** Consulted 20.07.2016  
I have no highway objections to the proposed development. The applicant has provided 50% car parking (with justification) on site which is acceptable in this instance due to the sustainable location of the site. The recommended vehicular pedestrian and vehicular visibility splays have also been provided at the proposed new access.

**Landscape & Tree Officer** Consulted 20.07.2016  
No objection subject to condition.

**Worcester Regulatory Services- Contaminated Land** Consulted 20.07.2016  
No objection subject to condition.

**Barnt Green Parish Council** Consulted 20.07.2016  
The Parish Council has concerns about the potential increase in number and frequency of vehicles entering and leaving the site, their safe egress and the impact on the adjoining road, Fiery Hill Road. It is believed the increased number of journeys into and out of the site will be detrimental to all using this road due to the blind bend to the south and parked cars (for the railway station) on both sides of the road. Also this site is downhill of the blind bend at a point where cars may be travelling at more than the 30mph speed limit. Residents' parking must be catered for on-site with no expectation of on-street parking. Concerned also about the increased density of use of the site within the Barnt Green Conservation Area; the density use will be quadrupled. The council notes this will affect the character of the Conservation Area.

**Network Rail** Consulted 28.07.2016

As long as there is no vibro-impact works on site and that all the works can be undertaken wholly from within the applicant's land ownership footprint then we have no comments to make on the proposal.

Four letters of objection have been submitted to date and the contents of which are summarised as follows:

- Design not in keeping with dwellings on Cherry Hill Drive.
- Apartments are not appropriate for the area.
- Proposals 'car park' would add to an already dangerous traffic situation.
- Over development of the site.
- Questionable local sewage capacity.
- Increased noise and disturbance in area.
- Upper floor windows of flats visible from footbridge over train station.
- Inadequate parking proposed.
- Drive located close to blind junction on Cherry Hill Drive.
- Concern height of building could be achieved.
- In breach of a covenant on the land. (Note: This is not a planning consideration)
- Rights of way on shared drive. (Note: This is not a planning consideration)

Councillor Deeming has requested this application is called into committee for members to discuss the parking shortfall on site.

**Relevant Policies**

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

DS13 Sustainable Development  
S7 New Dwellings Outside the Green Belt  
S35A Development in Conservation Areas  
S36 Design of Development in Conservation Areas  
S37 Demolition in Conservation Areas

**Others:**

NPPF National Planning Policy Framework  
SPG1 Residential Design Guide

**Relevant Planning History**

|           |   |         |            |
|-----------|---|---------|------------|
| TPO15/093 | Remove 21 x Leylandii Conifers as they have grown too tall at 10 metres and obscure the property especially to the front. Plant replacement Laurel or Box species boundary hedge to the front. Remove 1 x Holly and 1 x Cherry as they are growing too close to property. | Granted | 27.11.2015 |
|-----------|---|---------|------------|

## **Assessment of Proposal**

The application site is located in the residential area of Barnt Green as defined on the Bromsgrove District Local Plan Proposals Map. Policy S7 of the Adopted Local Plan states that proposals for new dwellings would be considered favourably provided they are in keeping with the character, form and layout of the area. The bungalow is also located within the Barnt Green Conservation Area. Policy S35A of the Adopted Local Plan requires development to preserve or enhance the character or appearance of the Conservation Areas.

Paragraph 47 of the National Planning Policy Framework emphasises that local authorities should significantly increase the supply of housing and identify and update a 5-year supply of housing, with an additional buffer of either 5% or 20% depending on local circumstances. The Local Planning Authority currently has a housing land supply of 5.3 years (including a 5% buffer). However, it is important that windfall residential schemes, such as that hereby proposed; continue to come forward as this will help ensure the maintenance of a 5-year housing land supply in the future. Paragraph 49 of the National Planning Policy Framework states that applications for residential development should be considered in the context of presumption in favour of sustainable development.

The site is located within the conservation area and the conservation officer has been consulted. Although the bungalow is located on the corner of Fiery Hill Road and Cherry Hill Drive, the conservation officer was of the opinion it was viewed more in the context of Fiery Hill Road. Therefore, the design of the proposal would better reflect the semi-detached dwellings on Fiery Hill Road, rather than the large detached dwellings on Cherry Hill Drive. The design of the proposal has been created to reflect this part of the street scene and the conservation officer has not objected to the scheme.

In addition, it is not considered that the proposal would not harm the amenities of the neighbouring dwellings with regard to a loss of light, privacy or an overbearing impact. The separation distances between the proposed dwellings comply with the advice of SPG1.

The representations from the neighbours have been noted in regards to highway safety concerns. The proposal provides 4 spaces, a shortfall of 50% the parking standards set by Worcestershire County Council. It should be noted that the parking standards make reference to the appropriateness of 'car free' developments, provided consideration is given to the proximity of the development to local amenities and transport interchange points. In this instance the applicant has submitted a sustainability statement, advising the site is located opposite Barnt Green train station with useful links to Birmingham and other surrounding areas.

Consideration has been given in relation to the changes in the NPPF on 27th March 2015. A Ministerial Statement updated Paragraph 39 of the National Planning Policy Framework. This stated that; "Local Planning Authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network". Furthermore, "The market is best placed to decide if additional parking spaces should be provided". In addition, Paragraph 32 of the NPPF states "Development should only be

prevented or refused on transport grounds where the residual cumulative impacts of the development are severe”

The increase in traffic generated by a 50% shortfall on site is not considered to be so significant to cause severe harm to the existing highway network. The site is currently used as a residence, it is noted that the existing situation is not ideal with vehicles unable to turn on site and having to reverse onto the highway. Therefore, it can be considered some benefit has been created by the scheme by vehicles able to exit the site in forward gear. Given the above, it would not warrant a refusal based on highway safety. The highways engineer has not raised objection to the application given the sustainability of the site.

In conclusion, in the absence of any severe harm and the considered benefits to the conservation area it is considered that the proposal is acceptable and recommended for approval subject to the conditions as stated below.

**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) Prior to the commencement of any works to external openings, details of the joinery shall be submitted to and approved in writing by the Local Planning Authority and the development shall proceed in accordance with the approved details. The details shall include large scale plans and sections and information regarding finish, texture and colour.

Reason: To preserve and enhance the Conservation area in accordance with Policies S36 of the Bromsgrove District Local Plan and the NPPF.

- 4) All existing tree as shown to be retained within the site in Drawing Number (2) dated July 2016 and those within influencing distance of the development in the grounds of 1 Cherry Hill Drive are afforded full protection in accordance with BS5837:2012 throughout any ground, demolition or development work on the site.

Reason: To ensure the protection of trees and hedgerows in the interest of visual amenity within the conservation area.

- 5) Any section of the footprint of the proposed building that falls within the Root Protection Area of trees standing within the grounds of 1 Cherry Hill Drive shall be constructed on Pile and Beam foundation.

Reason: To mitigate against any potential influence by the development on these trees.

- 6) Prior to the installation of the bike and bin store a full specification for the construction of this feature should be supplied of the council's consideration and agreement. This should incorporate the use of a suitable grade of No Dig Cellular Ground Support material within its method of construction.

Reason: To avoid any potential adverse influence on the tree with the neighbouring property.

- 7) Before the commencement on site of any works which are the subject of this permission, 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 dwellings 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.

- 8) Gas protection measures should be incorporated within the foundations of the proposed structure and approved in prior to commencement of the development by the Local Planning Authority. Alternatively a risk assessment should be undertaken to establish whether the proposed development is likely to be affected by gas emissions from the landfill site, provided to and approved by the Local Planning Authority, prior to commencement of the development. Where significant risks are identified or insufficient data hinders an appropriate risk assessment, a targeted site investigation proposal or proposed remedial measures must be provided to and approved in writing by the Local Planning Authority, prior to commencement of the development.

REASON: To ensure that the risks to buildings and their occupants from potential landfill gas are adequately addressed.

- 9) Before any other works hereby approved on the application site are commenced, the new entrance shall be constructed in accordance with the approved site plan. On each side of the set back entrance splays shall be formed at an angle of 45 degrees with the highway boundary and the whole of the splayed areas shall be graded and cleared so that no part thereof exceeds a height of 0.6m above the relative level of the adjoining carriageway.

REASON: In the interest of highway safety.

- 10) 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 2.4metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43metres 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 interest of highway and public safety.

- 11) Before any other works hereby approved are commenced, the construction of the vehicular access shall be carried out in accordance with the specification of the Worcestershire Highways Design Guide unless otherwise agreed in writing by the Local Planning Authority. For its first 5m measured back from the carriageway edge the access shall be constructed in a bound material.

REASON: In the interests of highway safety.

- 12) 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 the specification of the Worcestershire Highways Design Guide unless otherwise agreed in writing by the Local Planning Authority. 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.

- 13) 4 car parking spaces shall be provided on site (50% provision) and shall be reserved solely for that purpose and such spaces be made available for the use before the development hereby approved is occupied and shall be retained in perpetuity.

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

- 14) Prior to the first occupation of the dwellings hereby approved secure parking for 8 cycles to comply with the Council's standards shall be provided within the curtilage and these facilities shall thereafter be retained for the parking of cycles only.

REASON: To comply with the Council's parking standards

### **Informatives**

- 1) The local planning authority is aware of the requirement in the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with applicants in a positive and proactive manner, seeking solutions to problems arising from applications.

In this case the applicant:

- sought detailed pre-application advice from the authority and acted upon this advice in advance of the application submission

The proposal therefore delivers a policy compliant sustainable form of development.

- 2) The applicant is advised that the developer's contractors should ensure that access and egress from Barnt Green Station are not impacted or blocked by the proposal.
- 3) The applicant is advised they would be required to seek permission from Severn Trent Water to connect to their foul system as proposed.
- 4) 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.
- 5) 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 01905 751651), 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.

- 6) 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](mailto:worcestershirevehicle.crossing@ringway.co.uk). The applicant is solely responsible for all costs associated with construction of the access.

Plan reference

- 7) 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.

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