

**Bromsgrove District Council
Planning Committee**

**Committee Updates
6th February 2023**

22/00978/FUL 32 Lickey Square, Lickey

Consultations:

Lickey and Blackwell Parish Council

Since the publication of the agenda, where summarised comments received from Lickey and Blackwell Parish Council can be found on Page 18, further representations have been received from the Parish Council which are set out below:

KEY ISSUES:

- A. SIZE AND MASS OF THE HOUSE
- B. SEPARATION DISTANCE
- C. PRIVACY ISSUES
- D. VISIBILITY SPLAY
- E. FLOODING IN BADGERS WAY

The application is for a three-storey house in an elevated position in the rear garden of number 32 Lickey Square overlooking number 16 The Badgers. A previous application for a three-storey house (21/00312) was refused. The size and mass of this new application certainly does not comply with the requirement of the BDP19n or our Local Neighbourhood Development Plan BD3 as it affects the privacy and amenity of existing residents as well as being out of character for the Lickey area where all the local houses are two storeys including the frontage houses to this development.

It is Non-Compliant with SPD 4.2.48 & SPD 4.2.49 because the separation distance does not comply with the BDC SPD paragraph 4.2.49 which states "A minimum separation distance of 21m will be required between opposing faces to achieve a degree of privacy between habitable rooms of two-storey dwellings. ... Where housing is proposed with main living rooms above ground floor level it is necessary to have a greater separation of 27.5m between opposing faces to achieve both privacy and adequate visual separation." This separation is increased by 2m for every 1m of gradient difference; the elevation distance is 5.1m (not 4m as quoted in the application) making the separation required 37.7m. There are directly facing windows between the proposed house's first floor living room and the living room extension to 16 The Badgers, 31.2m away - this breaches the minimum separation by 6.5m. The proposed house has also moved closer to 16 The Badgers than the previously approved two-storey house according to the new plans submitted.

It is Non-Compliant with SPD 4.2.32 which states that the privacy of adjacent residents should be safeguarded regarding overlooking of windows and rear garden space. This proposed new three-storey house has seven full length opening windows with Juliet Balconies overlooking 16 The Badgers. The advice states that there is a fence and laurel screening to protect privacy: these are neither permanent nor protected, and so cannot be taken into consideration when discussing privacy.

It is Non-Compliant with SPD 4.2.52 which concerns Overbearing and states that new dwellings of significant height and mass will not be accepted; this new application is for a huge house with 50% more floor space than the previously approved one and towers over other properties because it is

three-storey and in an elevated position. Three-storey houses in this development have already been explicitly refused permission.

It is a Non-Compliant Visibility Access because the Conditioned visibility splay cannot be achieved with a 3rd party fence and TPO trees blocking the visibility. This is a narrow road where children are dropped off and collected from the Local School so road safety is of great concern. We have examined this ourselves and consider it to be a very dangerous access without the visibility splay as required by the Highways authority and previous Planning Approvals.

It is Non-Compliant with SPD 4.2.9 because the Bin carrying distance exceeds the max 30m as specified in the BDC SPD for roadside collection and there is no suitable collection point on Lickey Square as there is no pavement to leave them on. Once again up to 10 collection bins will cause a road safety hazard either for vehicles pulling out or driving along Lickey Square.

The other major concern that we have is that there has been flooding in the Badgers during periods of heavy rain and yet no details have been submitted regarding water run-off and drainage as requested by the North Worcestershire Water Management. The amount of soil that will need to be removed is also of great concern, where will it be put? Will it be stable or slide into the fence of the lower houses in the Badgers. These are important details and should be submitted with the application and not left to planning conditions which may not be met.

For these reasons we ask you to reject this inappropriate application.

Officer comments with respect to comments received:

As set out on Page 21 of the agenda, planning permission was granted for a two-storey dwelling at this site under reference 21/00312/FUL on 06.07.2021. The principle of the development including its means of access from Lickey Square has therefore been established and it is only necessary to compare the respective detailed changes between the proposal and the extant approval in terms of its siting and appearance in considering whether the current application is acceptable or not.

Page 24 of the agenda explains that the proposed dwelling would not be taller than the height of the dwelling approved under reference 21/00312/FUL.

The purpose of the Councils SPD is to supplement the policies of the development plan and to provide detailed guidance on how a standard of design could be achieved (1.1.2).

Para 1.4.5 of the SPD comments that all applications will be considered on a case-by case basis. This application has been considered on its merits having regard to the presumption in favour of sustainable development, which applies in this case (Page 26 of the agenda). Members will be aware that the Council cannot currently demonstrate a five-year housing land supply. At present, the Council can only demonstrate 3.23 years where 5 is required. Because the presumption in favour of sustainable development applies in accordance with Paragraph 11(d) of the Framework, significant weight should be attributed to the positive contribution the proposal would make towards addressing this current significant shortfall.

Paragraph 11d) comments that where policies which are the most important for determining the application are out of date (which includes applications involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, part 11 d(ii) will apply. The framework clearly states that planning permission should be granted unless the any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the framework taken as a whole.

Officers remain satisfied that this proposal would not result in any adverse impacts which would significantly and demonstrably outweigh the benefits of this application.

The application has been assessed against the contents of the Councils SPD and has been found to be acceptable taking into consideration the siting of the dwelling and importantly, the presence of evergreen screening which would be retained in the case of planning permission being granted. The Parish Council comment that '*the proposed house has also moved closer to 16 The Badgers than the previously approved two-storey house according to the new plans submitted*'. This statement is simply incorrect. As set out on page 24 of the agenda, the proposed dwellings' three storey rear wall would be located in an identical location to that of the two-storey rear wall serving the dwelling approved under application 21/00312/FUL. Originally submitted plans did show that the three-storey rear wall would be nearer to the southern boundary compared to the two-storey element serving the extant consent, but these plans have now been superseded by amended plans.

Drainage and highway safety concerns have been addressed within the main report. In terms of the bin carry distance of 30m as referred to under 4.2.9 of the SPD, whilst it is conceded that this distance would be exceeded, WCC Highways have commented that because all other aspects of the development are acceptable they are raising no objection.

In allowing the appeal under ref APP/P1805/W/20/3245957 where the 30m distance was again exceeded, this was not referred to as being a material consideration by the Planning Inspector.

As set out above, considering the application against Paragraph 11d (ii) of the National Planning Policy Framework and the presumption in favour of sustainable development, the application is considered to be acceptable and it is recommended that planning permission should be granted subject to the 17 conditions set out within the agenda.

22/01066/OUT Land At Little Intall Fields Farm, Stoke Pound Lane, Stoke Prior

Following the publication of the agenda. On the 6 February, the agent submitted a response to the officers' report. This report has been added to the application file.

This goes through the committee report, rebutting the assessment, and concludes the following:

"The indefinite delay in the plan-making process and Green Belt Review, is exacerbating the critical problem this Authority faces with housing delivery. We are proposing to deliver a high-quality development of much needed market and affordable homes, of the highest sustainability standard, Passivhaus. The scheme provides a varied range of dwelling types to cater for a wide demographic, from 1st time buyers/occupiers to single level living for the elderly population. The scheme will be a flagship development for Bromsgrove, and an example to other developers of how we need to go above and beyond minimum standards to make a lasting positive difference. We have clearly demonstrated that we have a strong Very Special Circumstances planning case and conclude that the assessment given to the benefits of the proposed scheme against the harm caused is unreasonable".

22/01146/FUL Prince Of Wales, High Street, Solihull

Solihull Metropolitan Borough Council approved their associated application on Wednesday 1 February subject to the signing of a Section 106 agreement as set out in the report to ensure that both the care home or open space/amenity area have to be constructed concurrently and that

neither element can be developed in isolation.

22/01220/FUL Former Poultry Houses, Rose Cottage Farm, Portway

Two further representations have been received in relation to the application, both making comments in objection.

Material planning matters raised relating to this application include:

- The planning history of the site and adjacent land
- Lack of a traffic assessment with the application
- Concerns relating to highway issues on Seafield Lane

The agent has provided a response to the issues raised:

Proposed Use

With regard to the claim that this is a mixed use site, the proposal relates to agricultural buildings, for agricultural use, in association with the wider AE Beckett farming activities. It is not a mixed use. Green Belt policies both nationally and locally support the erection and alteration of buildings for agricultural use where they are fully justified. A comprehensive agricultural justification was provided with the application. That has been assessed by the Council's independent agricultural consultant who confirmed that there is an agricultural justification for the proposals.

Highways Matters

Historically the barns which are the subject of this application, together with other barns on the site, were accessed via a single point just to the south of Rose Cottage Farmhouse, with a second access into the land at the northern western corner of the field in which the barns are sited. In 2014 planning permission was granted to convert other barns on the site into dwellings, works which were subsequently carried out. The agricultural barns were to be retained. The Council assessed the 2014 application on this basis - the creation of new housing with the retention of the agricultural barns. The permission did not place any limitation on the use of the agricultural barns.

The current access to the barns was created in 2017, separating the residential movements from agricultural activities and thereby improving safety for the occupiers of the dwellings. At the same time the northern access into the holding was closed - the vehicular gate remains but is now largely grown over leaving just the public footpath access. The creation of the new vehicular access did not change the total amount of traffic associated with the farm - there were still four agricultural barns and a number of dwellings, as approved in 2014. There are still two points of access.

Highway safety for the current application must be assessed against the policies of the Development Plan and the guidance in the National Planning Policy Framework. The key test is set out in paragraph 111 of the Framework which states:

'111. Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The current application relates solely to alterations to three of the historic agricultural buildings, and the removal of a fourth, thus an overall reduction in the footprint of agricultural buildings of 25%. Whilst agricultural activity within the buildings has been limited in recent years there is no doubt that they could have been used for any unrestricted agricultural purpose. The proposed

development reduces the amount of buildings and as such reduces the amount of traffic which could potentially use the site. Such a reduction does not create an 'unacceptable impact on highway safety' or a 'severe' residual cumulative impact.

County Highways has agreed with this assessment, noting that whilst there may be a small increase in traffic whilst machinery is initially brought to the buildings for storage, thereafter there will be no change and thus no 'severe impact on the existing highway network'.

The representations both comment about increases in traffic and the number of accidents along Seafeld Lane. As the authors rightly point out, the roads around the application site are regularly used as a short cut by people seeking to avoid the main roads and as such it is inevitable there will be more accidents. However that is not as a result of development at Rose Cottage Farm. The proposed development does not increase traffic using the road network and therefore does not impact on highway safety.

The proposal is in accordance with the Development Plan and the guidance in the Framework. There are no reasons to refuse the proposal.

The Highway Authority have responded as follows:

Highways have treated this planning application purely as cosmetic/repair of the existing buildings as that is what is stated on the application form. We have not considered or assessed a change of use as that is not what has been applied for. The previous use was agricultural (poultry sheds) and this will still be the case in the future. Since no change of use has been proposed, the traffic and any residual cumulative impact have not been assessed as there will be no change in vehicle movements.