

**Bromsgrove District Council
Planning Committee**

**Committee Updates
3rd July 2023**

Tree Preservation Order (6) 2023 Land side of 41 High House Drive, Lickey

No updates

21/01626/REM Land at Perryfields Road, Bromsgrove

No updates

23/00429/FUL 32 Lickey Square, Lickey

One additional representation has been received from an existing contributor. The comments are summarised as follows:

Visibility splay drawings are contained within the agenda pack at pages 118 and 119 and again at pages 151 and 152. It is considered that the 2.4m distance has been taken from an incorrect position. It appears that the conditioned splay cannot be achieved because it is blocked in both directions by TPO protected trees. Also, encroachment on third party land would occur.

Officer response

Page 119 and 152 show the visibility splays overlaid on the highway 'extents' shown in blue. Officers are satisfied that the 2.4 metre distance has been taken from the correct position, that is, from the nearside edge of the adjoining carriageway.

The dashed line shown from where the 2.4 metre distance is taken represents the kerb line, beyond which is also adopted highway.

An existing timber fence to the northern boundary of No.34 Lickey Square would need to be removed in order to achieve the required visibility to the west of the access.

Other similar features would need to be removed to the east of the access and an existing hedge to the frontage of No. 36 Lickey Square would need to be re-positioned to achieve the required visibility to the east of the access.

All of the required works can be carried out within the highway and as stated within the report, the visibility splay requirements set out in Condition 13 are both achievable and deliverable.

The TPO's trees as referred to in the representations which lie to the frontage of 34 and 36 Lickey Square would not be affected by these works, as confirmed by the Councils Tree Officer within the report.

To clarify, the visibility splays drawings contained within the presentation pack do not represent 'new' information. The same drawings were submitted by the applicant under earlier applications which have been granted at the site.

23/00566/FUL Land rear 34 And 36 Lickey Square, Lickey

One additional representation has been received from an existing contributor. The comments are summarised as follows:

Visibility splay drawings are contained within the agenda pack at pages 118 and 119 and again at pages 151 and 152. It is considered that the 2.4m distance has been taken from an incorrect position. It appears that the conditioned splay cannot be achieved because it is blocked in both directions by TPO protected trees. Also, encroachment on third party land would occur.

Inadequate separation would be achieved between the rear faces of the proposed dwellings and number 6 Stretton Drive having regard to the location of habitable rooms. Plot 1 would be too close to No. 6 Stretton Drive and would have an overbearing impact.

Inadequate separation would be achieved between Plot 2 and No. 17 The Badgers. Plot 2 would result in detriment to amenity in terms of overlooking and overbearance.

Officer response

Page 119 and 152 show the visibility splays overlaid on the highway 'extents' shown in blue. Officers are satisfied that the 2.4 metre distance has been taken from the correct position, that is, from the nearside edge of the adjoining carriageway.

The dashed line shown from where the 2.4 metre distance is taken represents the kerb line, beyond which is also adopted highway.

An existing timber fence to the northern boundary of No.34 Lickey Square would need to be removed in order to achieve the required visibility to the west of the access.

Other similar features would need to be removed to the east of the access and an existing hedge to the frontage of No. 36 Lickey Square would need to be re-positioned to achieve the required visibility to the east of the access.

All of the required works can be carried out within the highway and as stated within the report, the visibility splay requirements set out in Condition 13 are both achievable and deliverable.

The TPO's trees as referred to in the representations which lie to the frontage of 34 and 36 Lickey Square would not be affected by these works, as confirmed by the Councils Tree Officer within the report.

To clarify, the visibility splays drawings contained within the presentation pack do not represent 'new' information. The same drawings were submitted by the applicant under earlier applications which have been granted at the site.

No representations in objection to the application have been received from numbers 5 and 6 Stretton Drive. The impact of the proposed development where both plots would face towards side elevations and side gardens to both properties is considered to be acceptable. The impact of the development upon the residential amenities enjoyed by the occupiers of No 17 The Badgers has been carefully considered and is set out on pages 128 and 129 of the report. For the reasons stated, this relationship is considered to be acceptable.

23/00511/FUL The Dodford Inn Public House, Whinfield Road, Dodford

Additional comments from Dodford with Grafton Parish Council dated 2 July 2023:

1 The Parish Council stand by its previous comments and is disappointed and concerned that the potential disruption in terms of noise, fireworks, and traffic that would be caused to residents of Dodford, seems to have been completely discounted.

2 The applicants have not offered any real assurance that noise from their events will be mitigated by restricting music to the main building; the Parish Council has concrete evidence that even at the current level of activity, the entertainment provided is often offered outside the building, and at disruptively high sound levels. How this would translate to late night events for more than three times the number of visitors can only be imagined, particularly if the use of structures such as

marquees (where sound proofing is impossible) is permitted.

3 No cognisance seems to have been made of the detrimental effects of fireworks, especially on pets and livestock. Dodford is a rural village with both farms and stables, where fireworks can only cause harm and distress. To the potential harm from the noise should be added the physical harm that can be caused by the debris created when fireworks crash into fields containing livestock. We note that even

Bromsgrove District Council has moved away from fireworks in its celebrations to more acceptable electronic light shows, and would urge a total ban on fireworks at the Dodford Inn.

4 The Parish Council remain concerned that the premises licence at the Dodford Inn was granted in November 2005 and does not seem to have been reviewed since. As such, it does not even take into account the extensive building work carried out at the Inn in 2015, let alone the proposed changes in use. Worcestershire Regulatory Services has apparently not investigated, renewed or enforced the premises licence since then, and that a licence granted nearly twenty years ago remains in place for a pub that has totally changed its character since then, seems surprising. Not reviewing it now, when the proposed business is hoping to change significantly yet again, would seem to be legally dubious.

5 The Parish Council gathers that the Dodford Inn's music licence is incorporated within its premises licence, so the comments made above apply to this too, all the more so given the increase in the levels of sound likely to occur at weddings and similar events.

6 The Parish Council notes that the Dodford Inn's original application form for the change of use omitted any statement about noise management. Most significantly (as cited in para 2 above), even at this time of trying to get a change of use granted, the applicants can be shown to be continuing to flout the noise regulations by playing loud music in the open air, when the existing permission, as stated in the planners' own document (27 June 2023) is clear that 'live music can only be played indoors are limited (sic) to a 3-piece band finishing half an hour before closing time'. The evidence showing this (Instagram video, and resident's formal measurement of noise pollution) is available if required.

7 The significant traffic issues that would inevitably occur when 50 or more vehicles attempt to navigate the narrow, single track lanes all at the same time would present significant risk to children, walkers, cyclists, and horses. This would be made worse by the fact that the venue is relatively hidden, making navigation to reach it all the more difficult, and traffic mayhem all the more likely.

8 In summary, while the Parish Council notes the planners' observations that the application does not breach any formal planning laws and regulations, it would respond on two counts: First, many of these laws and regulations have been inadequately applied and enforced over the past two decades, and so are inappropriate markers by which to measure the Inn's activities. Second, there is more to planning than the application of rules and regulations; the 'real life' context of each application should also be considered (fireworks in an urban park are not the same as those over rural fields populated by vulnerable livestock, for example). The Parish Council relies on the elected members to review planning applications through a human lens, and not merely a legalistic one.

Thus, the Parish Council continues to object to the application, but hopes that if the Council is minded to issue an approval, it ensures that the appropriate, and enforceable constraints are put in place to ensure that life in Dodford is not adversely affected by the Inn's profit motive.

Amended comments from Worcestershire County Council Highways dated 27th June 2023:

Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application. Based on the appraisal of the development proposals the Transport Planning and Development Management Team Leader on behalf of the County Council, under Article 18 of the Town and Country Planning (Development Management Procedure)(England) Order, 2015 has no objection subject to conditions.

The justification for this decision is provided below.

I have no highway objections to the change of use to a mixed use venue (host licensed civil ceremonies) and Public House.

Site observations:

The site is located in a rural location and has an existing vehicular access. It is noted Whinfield Road has no footways or street lighting and no parking restrictions are in force in the vicinity. The sustainability of the site has not been considered in this instance since this is an existing public house and the proposed civil ceremonies being offered are often driven to by the guests.

Proposal:

I have no highway objections to the proposed change of use to a mixed use venue (host licensed civil ceremonies) and Public House. The site has the ability to park approx. 29 cars within the car park (includes 2 disabled parking spaces). The applicant has highlighted a total of 52 car parking spaces are available on site which includes 2 disabled parking spaces. It is noted planning application 20/01573/FUL was approved for the development of a car park (21 parking spaces) which has been implemented but not highlighted on the site plan; however the plan submitted with application 20/01573/FUL confirms the location of the overflow car park, this carpark is located within the redline plan.

Based on the analysis of the information submitted the Highway Authority concludes that there would not be a unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained.

Conditions:

Cycle parking

The Development hereby permitted shall not be first occupied until sheltered, safe, secure and accessible cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

REASON: To comply with the Council's parking standards.

Electric vehicle charging point

The Development hereby approved shall not be brought into use until 5 electric vehicle charging spaces have been provided in accordance with a specification which shall be submitted to and approved by the Local Planning Authority and thereafter such spaces and power points shall be kept available and maintained for the use of electric vehicles as approved.

REASON: To encourage sustainable travel and healthy communities.

Accessible Parking Provision

The Development hereby approved shall not be brought into use until 2 accessible car parking spaces have been provided in a location to be agreed in writing by the Local Planning Authority and thereafter shall be kept available for disabled users as approved.

REASON: To provide safe and suitable access for all.

Motorcycle Parking Provision

The Development hereby approved shall not be brought into use until 5 secure motorcycle parking spaces have been provided in a location to be agreed in writing by the Local Planning Authority and thereafter shall be kept available for motorcycle parking as approved.

REASON: To provide safe and suitable access for all

One additional objection received reiterating noise concerns and outlining issues with noise at the Pub over the weekend of 24/25th June 2023.

Revised Officer recommendation:

To approve planning permission as outlined in the Officers Report with the addition of the four conditions requested by Worcestershire County Council Highways.