



# Planning Committee

Wed 13 Feb  
2019  
7.00 pm

Council Chamber  
Town Hall  
Redditch

**REDDITCH** BOROUGH COUNCIL

*making  
a  
difference*

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**If you have any queries on this Agenda please contact**

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# **REDDITCH BOROUGH COUNCIL** **PLANNING COMMITTEE**



## **GUIDANCE ON PUBLIC SPEAKING**

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The process approved by the Council for public speaking at meetings of the Planning Committee is (subject to the discretion and control of the Chair) as summarised below:

in accordance with the running order detailed in this agenda and updated by the separate Update report:

- 1) Introduction of application by Chair
- 2) Officer presentation of the report (as originally printed; updated in the later Update Report; and updated orally by the Planning Officers at the meeting).
- 3) Public Speaking - in the following order:-
  - a) Objectors to speak on the application;
  - b) Supporters to speak on the application;
  - c) Ward Councillors
  - d) Applicant (or representative) to speak on the application.

Speakers will be called in the order they have notified their interest in speaking to the Democratic Services Team (by 12 noon on the day of the meeting) and invited to the table or lectern.

- Each individual speaker will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair. (Please press button on “conference unit” to activate microphone.)
  - Each group of supporters or objectors with a common interest will have up to a maximum of 10 minutes to speak, subject to the discretion of the Chair.
  - After each of a), b) and c) above, Members may put relevant questions to the speaker, for clarification. (Please remain at the table in case of questions.)
- 4) Members’ questions to the Officers and formal debate / determination.
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## Notes:

- 1) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the Council's website [www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)
- 2) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Borough of Redditch Local Plan No. 4 and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the Development Plan and the "environmental factors" (in the broad sense) which affect the site.
- 3) Members of the public may record all or part of this meeting either by making an audio recording, taking photographs, filming or making notes. An area next to the Press table has been set aside for any members of the public who wish to film or record. The Council asks that any recording of the meeting is done from this area to avoid disruption. Recording or filming of meetings is not authorised when the Committee is considering exempt/confidential information. For agenda items that are exempt, the public will be asked to leave the Chamber
- 4) Once the formal meeting opens, members of the public are requested to remain within the Public Gallery and may only address Committee Members and Officers via the formal public speaking route.
- 5) Late circulation of additional papers is not advised and is subject to the Chair's agreement. The submission of any significant new information might lead to a delay in reaching a decision. The deadline for papers to be received by Planning Officers is 4.00 p.m. on the Friday before the meeting.
- 6) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Team on 01527 64252 Extn.2884 or email on: [sarah.sellers@bromsgroveandredditch.gov.uk](mailto:sarah.sellers@bromsgroveandredditch.gov.uk) before 12 noon on the day of the meeting.

## Further assistance:

If you require any further assistance prior to the meeting, please contact the Democratic Services Officer (indicated on the inside front cover), Head of Legal, Equalities and Democratic Services, or Planning Officers, at the same address.

At the meeting, these Officers will normally be seated either side of the Chair.

The Chair's place is at the front left-hand corner of the Committee table as viewed from the Public Gallery.

# Planning

COMMITTEE

Wednesday, 13th February,  
2019

7.00 pm

Council Chamber - Town Hall  
Redditch

## Agenda

### Membership:

Cllrs:	Michael Chalk (Chair)	Bill Hartnett
	Gemma Monaco (Vice-Chair)	Gareth Prosser
	Salman Akbar	Jennifer Wheeler
	Roger Bennett	Wanda King
	Andrew Fry	

1. Apologies
2. Declarations of Interest  

To invite Councillors to declare any Disclosable Pecuniary Interests and / or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
3. Confirmation of Minutes of the Planning Committee held on 9th January 2019  
(Pages 1 - 8)
4. Update Reports  

To note Update Reports (if any) for the Planning Applications to be considered at the meeting (circulated prior to the commencement of the meeting)
5. Application 18/00662/FUL - Kenmar Pumphouse Lane Webheath Redditch B97 5PP - Mr A Brittan (Pages 9 - 26)
6. Application 18/1283/FUL The Queens Head 125 Bromsgrove Road Batchley Redditch B97 4RL - Mr Ravinder Singh (Pages 27 - 32)
7. Application 18/01491/OUT - Land Fronting 10 to 15 Clifton Close and rear of 32 to 36 Brinklow Close Matchborough West Redditch B98 0HE - Redditch Borough Council (Pages 33 - 42)

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## Planning Committee

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Wednesday, 9 January 2019

### MINUTES

#### Present:

Councillor Michael Chalk (Chair), Councillor Gemma Monaco (Vice-Chair) and Councillors Salman Akbar, Roger Bennett, Andrew Fry, Bill Hartnett, Jennifer Wheeler and Anthony Lovell

#### Also Present:

#### Officers:

Steve Edden, Amar Hussain and Helena Plant

#### Democratic Services Officer:

Sarah Sellers

#### 58. APOLOGIES

Apologies for absence were received from Councillor Gareth Prosser. Councillor Anthony Lovell attended as substitute for Councillor Prosser.

#### 59. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 60. CONFIRMATION OF MINUTES

RESOLVED that

The Minutes of the meeting of the Planning Committee on 12<sup>th</sup> December 2018 be confirmed as a correct record and signed by the Chair.

#### 61. UPDATE REPORTS

There was no update report. Members confirmed that they had received and read the additional information and photos sent in by

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Chair

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the occupants of number 1122 Evesham Road which had been tabled (in relation to Application 18/01336/FUL).

**62. APPLICATION 2018/01336/FUL - ASTWOOD BANK SERVICE STATION EVESHAM ROAD ASTWOOD BANK REDDITCH B96 6EA - MPK GARAGES LIMITED**

Proposed infill extension to forecourt shop; demolish existing storage area to front, removal of car wash and the stationing of a detached storage container to the rear

Members were reminded that the application had been deferred at the last meeting of the Planning Committee on 12<sup>th</sup> December for officers to obtain further information regarding the operation of the site, including vehicular access, and the installation of the storage container.

It was noted that following the adjournment the application would be re-considered in full by the Committee. Officers confirmed that the report had been updated to reflect comments from the additional consultees listed on page 15, namely Local Authority Building Control, the Police Crime Risk Manager and the Fire Service. One additional objection had been received which brought the total to seven. The issues raised by all the objections were listed in the bullet points on pages 15/16 under the heading "Public Consultation Response".

Additional information and photographs had been received earlier in the day from the occupants on number 1122 Evesham Road and these had been seen by the officers and the Members.

Officers outlined the application which sought permission for various works including removal of the existing storage area at the front of the site, removal of the car wash, extension of the shop by 20 square meters (into the space previously occupied by the car wash), and the erection of a storage structure at the rear of the site.

The removal of the existing storage area at the front would allow for the formation of three new parking spaces (including one disabled space), and four additional parking spaces would be added at the rear. Since the last meeting it had been established that the spaces at the rear would be for staff and the spaces at the front for use by customers.

The storage structure at the rear would be a detached standalone unit positioned next to the fence with dimensions of just over 6 metres in length and just over 2.4 metres in width. As shown on the plans and elevations, the storage unit would be shielded from view by the adjacent fence with only a small section of the top of the unit visible above the fence line.



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From a policy point of view, officers were of the view that the application site was a sustainable location and that the application was not in conflict with LP4 Policy 2 (Settlement Hierarchy). The hours of operation of the service station would remain the same as at present.

County Highways had concluded that there were no highway implications which might result in the development giving rise to harm from highway safety, and this assessment took into account the removal of the car wash and the provision of marked out parking spaces.

The new consultees had not made any objections to the application.

The number of employees was currently four full time and six part time. Were the application to be granted, this would increase to four full time and eight part time.

Officers had considered the objections from local residents, including the additional material submitted by the occupants of number 1122 Evesham Road, and remained of the view that the application was acceptable and were therefore recommending approval.

Mr Alan Robertson, a local resident, addressed the Committee under the Council's Public Speaking rules. In objecting to the application, Mr Robertson highlighted concerns he held with regard to loss of the use of the car wash as a second point of egress in the event of the access at the side being blocked, that the layout of the new parking spaces on the forecourt would cause congestion and block access to the highway, and that the increase in the retail area would also have the effect of causing more congestion due to additional deliveries/ vehicle movements.

Councillor Craig Warhurst, ward member for Astwood Bank and Feckenham addressed the Committee under the Council's public speaking rules and in doing so referred to the impact on the residents behind the garage which would arise from the removal of the car wash, and that they could be prevented from leaving their property up to 5 times per week during petrol deliveries when tankers would be parked on the shared access at the side of the garage.

Councillor Brandon Clayton, the ward members for Astwood Bank and Feckenham, addressed the Committee under the Council's public speaking rules and in doing so referred to Local Plan 4 and Policy 39 regarding temporary buildings and Policy 40 regarding high quality design and safer communities. Councillor Clayton

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expressed the view that the proposed scheme was not in compliance with these parts of the Local Plan.

On behalf of MPK Garages, Mr Julian Norman (Property Manager), and Mr Wayne Harrant (Retail Manager) addressed the Committee under the Council's Public Speaking rules. In doing so they explained that the application would allow for the expansion of the existing shop; under the proposed new configuration deliveries to the shop would no longer have to be made using the access way which would reduce obstruction; the existing arrangements for fuel delivery had been fully approved and certified by the relevant authorities and would continue to follow the current procedures; there would be no increase in opening hours. With regard to the removal of the car wash, notwithstanding previous arrangements, it was not appropriate for the car wash to be used as an access/egress and this could not be condoned.

During the debate Members expressed a range of views in relation to the application with comments in favour of granting the application, and comments in support of refusing the application.

Factors identified as relevant to a decision to grant the application included:-

- That the application was for the expansion of the retail space of a small garage and met the tests for sustainable development.
- That any impact on the property at the rear would be a private matter and not a planning issue.
- That the arrangements for delivery of fuel had been approved by the relevant authorities.
- That the granting of the application would be in line with the relevant policies.
- That any impact from the installation of the proposed storage unit would be minimal.

Factors identified as relevant to refusal of the application included:

- That the creation of the three parking spaces on the forecourt would not be proportionate to the scale of the increase in size of the retail space and would result in problems with parking, which would in turn cause highway safety issues.
- That the proposed reconfiguration of the site and the removal of the car wash would have a negative impact on access by vehicles to the site and upon the private rights of the residents at the rear of the site.
- That the proposal raised health and safety concerns.

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Members also asked for clarification as to whether installation of a storage container might contravene policies 39 and 40 of the Local Plan.

In responding to points raised in the debate, officers commented as follows:-

- That the use of the right of way (side access) was a private matter as between the owner of the garage and the residents at the rear. As such this fell outside the remit of the Planning Committee.
- That the Highways Authority had raised no objections to the scheme.
- That Policy 39 was not relevant as that was a policy for temporary structures and in this application permission was being sought to use a storage container as a permanent arrangement.
- With regard to design issues, the use of a storage container was deemed to be acceptable as it would be a small utilitarian structure that would be screened from view and would not have a negative visual impact.
- Although there were circumstances where issues around “access” could constitute grounds for refusal that would usually apply with reference to the creation of a brand new access onto a highway. Under this application no changes to the access to the forecourt were being made and there were no highway objections.
- With regard to this application, it would be more accurate to class the issues about access as falling under reasons relating to “ownership” and “private rights”, and as such a refusal on those grounds would be difficult to substantiate.
- With regard to Health and Safety, the operator of the petrol filling station would be required to comply with all the relevant legislation and guidance relating to methods of operation and safety issues. That separate body of regulation sat alongside the planning process, and it would not be appropriate for Members to refuse the application on grounds relating to such matters.

Following further discussion, two recommendations were proposed and seconded as follows:-

1. An alternative recommendation that planning permission be refused on the grounds that the scheme represented over intensification of development at the site.

2. That planning permission be granted as per the officer's recommendation on page 18 of the agenda (and subject to the conditions on pages 18 to 20).

In accordance with voting procedure, the vote on recommendation 2 was taken first and was defeated by 4 votes to 3. The vote on recommendation 1 was taken and defeated by 5 votes to 4 (the Chair using his casting vote).

Both recommendations having been defeated, the debate was re-opened.

Following discussion by Members, a further recommendation was proposed and seconded that planning permission be granted as per the officer's recommendation on page 18 of the agenda (and subject to the conditions on pages 18 to 20).

On that recommendation being put to the vote it was carried by 5 votes to 4 (the Chair using his casting vote).

**RESOLVED that**

**Having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the conditions set out on pages 18 to 20 of the main agenda.**

**63. APPLICATION 18/01428/OUT LAND AT THE REAR OF 213-229 IBSTOCK CLOSE AND AT THE REAR OF 23-31 FOXCOTE CLOSE WINYATES EAST REDDITCH B98 0PZ - REDDITCH BOROUGH COUNCIL**

Outline application for the erection of 8 No. 2-bed dormer bungalows with associated infrastructure

The application was for outline planning permission for the construction of 8 two bedroomed dormer bungalows on Council owned land at the rear of Ibstock Close and Foxcote Close. It was noted that all matters were reserved for future consideration, namely access, layout, scale appearance and landscaping.

Whilst the detail would be subject to a further application, Officers were able to provide an indicative plan showing one potential configuration of the proposed dwellings. Although not for decision at this stage, the plan showed the proposed access route which would pass through an existing area communal of garages and parking spaces to link the site to Ibstock Close.

Members were referred to the Ecological Appraisal that had been undertaken, and to the nine criteria for assessing application for

development on open space land under Policy 13 of the Borough of Redditch Local Plan No. 4.

It was noted that the Council cannot currently demonstrate a 5 year supply of housing land and that for this application the presumption in favour of sustainable development would apply unless any adverse impacts would outweigh the benefits. Officers had concluded that any adverse impacts arising from granting permission for the residential development of the site would not significantly and demonstrably outweigh the benefits of the scheme as a whole which would provide affordable housing to meet the Council's identified housing needs. Accordingly, the scheme was recommended for approval.

Mr Keith Andrews, a local resident, addressed the Committee under the Council's public speaking rules.

In response to questions from Members officers confirmed that:-

- The triangle of land at the north of the site was not included in the application and would be retained as public open space.
- The lay out plan seen by Members was indicative only and there could be alternative configurations to enable the availability of open space within the site to be maximised.

During the debate Members expressed their sympathy with the comments of the public speaker regarding the loss of open space for children in the surrounding streets to play in. At the same time Members acknowledged the shortage of affordable housing in the Borough and the need this created for new dwellings.

Whilst recognising that the application was for outline permission only, Members did ask that their observations on the indicative layout plan be noted in the Minutes as follows:-

- That green space should be retained as far as possible, and this could be achieved by looking at the use of the triangle of open land north of the site, and the configuration of the proposed dwellings within the site.
- Any green space should be readily accessible.
- With regard to the access from Ibstock Close, that consideration be given to the comments of the public speaker that larger parked vehicles, such as vans, might protrude onto the access road.

Members were also mindful of ensuring that notwithstanding the development, there should be provision for suitable facilities for children in the area to play.

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**RESOLVED that**

**Having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the conditions and informatives set out on pages 32 to 34 of the main agenda.**

The Meeting commenced at 7.00 pm  
and closed at 8.40 pm

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**Planning Application 18/00662/FUL****Demolition of existing dwelling and erection of five, two storey detached dwellings with ancillary garages and parking****Kenmar, Pumphouse Lane, Webheath, Redditch, Worcestershire, B97 5PP.****Applicant: Mr A Brittain  
Ward: West Ward****(see additional papers for site plan)**

The author of this report is Mr David Edmonds, Planning Officer (DM), who can be contacted on Tel: 01527 881345 Email: david.edmonds@bromsgroveandredditch.gov.uk for more information.

**Site Description**

The site forms part of a small group of established dwellings fronting the south side of Pumphouse Lane. It falls within the Webheath Strategic Site (number 213) which is allocated for housing development in accordance with policy 48 in the Borough of Redditch Local Plan, No. 4.

The 0.28 hectare site comprises the house and garden of a dwelling named 'Kenmar', and the southern parts of the rear gardens of the dwellings called 'Yew Tree Villa' and 'Blue Cedar' which all front this part of Pumphouse Lane. The dwelling and garden of 'Oakdene' adjoins the western boundary. No 2 Pumphouse lane fronts Pumphouse Lane to the north east of the site.

Along the southern boundary of the site there is a hedgerow with mature trees interspaced. The mature oak tree in the South West corner of the site is protected by Borough of Redditch Tree Preservation Order No. 72, 1992. Beyond the site boundary to the south and west lies the new Taylor Wimpey housing site, marketed as Millward Gardens.

The site slopes relatively evenly from north to south with the lowest point in the south west corner

**Proposal Description**

The application seeks full planning permission for 5 dwellings after the demolition of the existing dwelling 'Kenmar'. The layout involves the following components;

- Demolition of the existing dwelling
- The erection of one 2 storey dwelling (4 bed) fronting the site forward of the current alignment of 'Kenmar' with 2 parking spaces accessed off Pumphouse Lane and a dedicated garage and single parking space to the rear.

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- The formation of an access drive - 4.8 metres in width with a 2m x 37m visibility splay between 'Oakdene' and the new frontage dwelling with a landscaped bin collection area
- At the rear of the site it is proposed to erect two detached 4 bed dwellings on the opposing east and west boundaries of the site, served by 3 parking spaces (plot 5) and parking spaces and a garage (plot 2).
- In the centre of the site two 3 bed dwellings are proposed with attached garages and frontage parking.
- The dwellings have been designed to have a central ridge line running parallel to Pumphouse lane and in the case of the unit replacing Kenmar a gable roof feature and projecting bay window detail. Units at the rear of the site have in general a smaller gable roof feature. All units are proposed to be of traditional brick and tile construction to reflect the character of materials locally.

The application is accompanied by a number of supporting documents including; Water Management Statement, Design and Access Statement, Focus Ecology Bat Survey and Preliminary Ecology Appraisal.

### Relevant Policies :

Policy 1: Presumption in Favour of Sustainable Development  
Policy 2: Settlement Hierarchy  
Policy 3: Development Strategy  
Policy 4: Housing Provision  
Policy 5: Effective and Efficient use of Land  
Policy 11: Green Infrastructure  
Policy 16: Natural Environment  
Policy 37: Historic Buildings and Structures  
Policy 39: Built Environment  
Policy 40: High Quality Design and Safer Communities  
Policy 48: Webheath Strategic Site

NPPF National Planning Policy Framework (2018)  
NPPG National Planning Practice Guidance  
SPG Encouraging Good Design  
SPG Designing Community Safety

### Relevant Planning History

None

### Consultations

#### **WCC Highways**

No highway objections. The site has an existing vehicular access to Pumphouse Lane which is a single track road. It has a 30mph speed limit in the vicinity of the proposed development but this changes to the national speed limit in the rural part of the lane



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further to the west. The proposed access drive width of 4.5 metres would be acceptable since it would allow vehicles to pass. The refuse collection point which is behind the visibility splay is also acceptable. It is accepted that the proposal is located in a low speed area - with the 85th percentile speed being 28 mph and that therefore the visibility splays of 2m x 37m are appropriate. The proposed parking provision accords with Streetscape Design Guide.

Conditions are recommended in the event planning permission including pedestrian visibility splays, bound surface material, residential parking standards, electrical charging points, secure cycle parking, vehicular visibility splays and parking provision in accordance with the approved plans.

### **Drainage Engineer (North Worcestershire Water Management)**

The site is located Flood zone 1 and as such there is no significant fluvial flood risk. The surface water from Pumphouse Lane tends to run along ditches to the south does not tend to pool or flow through the application site. The indicative drainage plan is acceptable in principle but there needs to be permeable paving and roof drainage directed to a gravel sub base rather than 'created attenuation'. Conditions are suggested related to implementation of approved surface and foul water drainage involving sustainable drainage principles.

### **Tree Officer**

There are no objections subject to the protection of the root protection areas of all the trees particularly the Atlas Cedar in the southern part of the remaining garden of the dwelling 'Blue Cedar and the Oak trees along the southern boundary. The proposed repositioned detached garage in the south east corner allows for adequate protection under BS5837:2012 for the Atlas Cedar'. The repositioning of the dwelling at plot 6 to provide a greater separation with Oak trees reduces shading to the proposed rear garden such that future pruning pressures should be acceptable.

### **Conservation Officer**

'Kenmar' comprises a 19th century residential property, which can be clearly seen on the 1st edition of the OS which dates from around 1885. The property has been much extended to the front and altered internally. Therefore it is not considered to be a non-designated heritage asset in terms of the NPPF.

To the north west of 'Kenmar' is the Grade II listed Pumphouse Farm, a late 18th century farmhouse. This building is located up a small road off Pumphouse Lane and is separated from the lane by a row of cottages. Therefore there is no intervisibility between 'Kenmar' and the listed building. Accordingly it is concluded that 'Kenmar' is not within the immediate setting of this listed building.

### **Worcestershire Regulations Services (Noise)**

No objections in terms of noise adversely impacting future residents. However, it is recommended that applicant adheres to the 'WRS Demolition and Construction Guide'

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### **Worcestershire Regulation Services (Contamination)**

No potential land contamination issues have been identified, and therefore there are no adverse comments

### **Waste Management**

The development is required to have safe hard surface collection point of appropriate size adjacent to highway at Pumphouse Lane serving the 4 properties to the rear. The amended proposal showing a proposed bin collection area is appropriate and its size adequate for standard use.

**Hereford and Worcester Fire and Rescue** - No response received

### **Severn Trent Water (STW)**

No objection subject to a pre-commencement condition requiring the approval of foul and surface water drainage details followed by their implementation before the development is brought into use. STW also advise that there may be a public sewer located within the application site, although none are currently shown on public records. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the proposed development.

### **Senior Community Safety Project Officer**

The application makes no reference to Secured by Design Principles in the Design and Access Statement. There are some criticisms of the design including:

- Active frontages and boundary treatments to plots 1 and 2 could be better
- Fences rather than post and wire fences along southern boundary should be considered
- Car ports for plots 3 and 4 allow access into the rear gardens and should be substituted for garages
- The site needs to be well lit street lighting and house lighting to elevations with doors

### **Worcestershire Wildlife Trust**

No objections since the Council has sufficient and up to date ecological information set out in the applicant's Focus Ecology Bat Survey and Worcestershire Wildlife Consultancy reports. This accords with the law and relevant guidance. Various specific comments are raised on questions arising from the reports which can be summarised as follows:

- Assuming that the follow-up surveys are completed to an appropriate standard and mitigation to the level (or similar) set out in the submitted reports can be carried out, it seems highly likely that an EPS licence would be granted.
- The mitigation the applicant proposes is proportionate and sensible so provided that it is capable of being implemented as required, the development should be licensable
- However there is a strong recommend for a condition using the wording from para. D 6.2 of BS42020:2013 Biodiversity - Code of practice for planning and

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development. This covers the need for a licence to be granted before works proceed and would be very helpful in this case

- It is also recommended that the conditions oblige the developer to adhere to the recommendations of the two reports and also a pre-commencement condition requiring a specification and programme of implementation for the enhancement of biodiversity through the provision of a list of features to be implemented.

This package of measures is sound and provides reassurance that harm to bats would not be a reason to refuse the application, subject to various conditions designed to secure detailed mitigation.

### Public Consultation Response

Seven letters of objection have been received all from properties in vicinity of the site, which are summarised as follows:

- Development of back land residential gardens is inappropriate, in principle, particularly when there are greenfield sites elsewhere within Webheath strategic housing site
- Overdevelopment of the site and larger dwelling types not harmonising with the character and appearance of Pumphouse Lane
- Whilst the amended proposal for 5 houses are better than original proposal for 6, it is still too many on a back garden site
- Highway safety - Pumphouse Lane is busy and narrow, pedestrian/ cyclist and vehicular conflict/ accidents which would be made worse if the road is used as an emergency access for the Taylor Wimpey development.
- Inconvenience to residents along Pumphouse Lane
- Noise and disturbance of extra traffic on Pumphouse Lane
- Insufficient car parking on the proposed site leading to visitors parking blocking existing accesses on Pumphouse Lane
- Unacceptable loss of privacy to occupants of adjacent properties - both in their houses and gardens
- Loss daylight and sunlight to adjacent properties
- Flaws in the drainage plans - with outlet into a culvert along the southern boundary which does not exist.

### Assessment of Proposal

It is considered the main issues are:

- Principle of development
- Whether it represents good design and the effect on character
- Whether it provides acceptable living conditions for the occupants of neighbouring dwellings and the future occupants of the proposed dwellings

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- Effect of the proposed development on highway safety and whether it accords with parking standards
- Effect on designated and undesignated heritage assets
- Effect on existing trees and green infrastructure
- Effect on flood risk including drainage
- Effect on wildlife particularly protected species and their habitats

### **Principle of development**

Policy 1 of the Borough of Redditch Local Plan No. 4 (BoRLP) reflects the presumption in favour of sustainable development found in Para 11 of the NPPF and states that planning applications that accord with the policies of the plan should be approved, unless material considerations indicate otherwise.

The proposed development forms part of the Webheath Strategic Site, specifically allocated to support a part of Redditch's housing requirement, as such residential development on the site is appropriate, in principle, subject to compliance with other relevant policies and the details of policy 48 of the BoRLP.

Furthermore the Council cannot currently demonstrate a 5 year supply of housing land within the Borough. Paragraph 11 of the National Planning Policy Framework 2018 (NPPF) says that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. The so called 'tilted balance' as advocated by the framework is engaged and the presumption in favour of sustainable development, as set out in the framework applies. Where relevant policies are out of date, Para 11 advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole, or specific policies in the Framework indicate development should be restricted.

Therefore the proposed development would be acceptable in principle and would in housing supply terms make a limited contribution towards the delivery of homes in the Borough.

### **Character and appearance of the area**

BoRLP Policy 39 and 40 'Built Environment' and 'High Quality Design and Safer Communities' requires proposed developments, amongst other things, to contribute positively to local character and integrate with the surrounding environment, provide connectivity, security by design and provision of space for needs including for waste. Whilst BoRLP Policy 5 requires the resource of land to be used in an efficient way which will maximise its potential by using appropriate development densities.

The NPPF paragraph 127 requires, amongst other things, that proposed developments should function well and add to the quality of the area, have a good design, layout and landscaping, be sympathetic to local character and history and create a sense of place.

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In this context the proposed development includes a frontage two storey dwelling of a scale, design and siting to harmonise with the rural fringe character of this part of Pumphouse Lane. A suitable amount of space has been retained around the dwelling so its frontage and private garden area reflect that of the existing dwellings, so protecting the established character of this group of dwellings.

The dwellings on the southern side of Pumphouse lane have long south facing gardens with those on the east and west of the site supporting some substantial structures adjacent to their southern boundaries. To the south east of the site detached structures are located, whilst there is also development currently under construction to the south and west of the site. These factors contribute to the character of the area and whilst dwellings sitting directly behind other dwellings are not a characteristic of the site or its immediate neighbours, it is not an alien feature in the wider context of the site. Furthermore the position of the access, closely flanked by existing dwellings, means the prominence of the site when viewed from Pumphouse lane is significantly reduced. Your Officers consider therefore that the site is capable of accommodating development laid out as proposed without causing harm to the character of the area.

The proposed access drive allows the rear garden areas to be developed efficiently with a 3 and 4 bedroom mixture of 2 storey dwellings, whilst providing the sufficient space around the buildings to facilitate the longer term retention of significant green infrastructure trees and hedgerows as well as providing sufficient amenity space to serve the needs of future occupants. The site density is below that advocated by Policy 5. However the spacing around the frontage unit would respect that more rural character of Pumphouse Lane whilst still providing for additional units to the rear of the site with a transition to the more urban estate development being implemented to the south of the site. The house types are of a scale and design with a range of materials which are appropriate to the site context. Being a relatively short cul- de-sac the site would have reasonable connectivity, would provide reasonable defensible overlooking and would provide for the needs of occupants including an appropriate space for waste collection adjacent to the frontage. Therefore the layout would be sympathetic to the local character, provide an efficient use of land with an appropriate sense of place and would accord with the aforementioned policies and guidance.

### **Living conditions**

The encouragement of good design in planning policies and guidance is set out in the 'Encouraging Good Design' Supplementary Planning Guidance, 2001. The spacing standards in appendix C indicates acceptable relationships between building and those which are pertinent to the site include; 22 metres between rear dwelling windows directly facing each (other taking account of changes in levels) and a usable rear garden of 11 metres in length or an area of 70 square metres

The layout and nature of the proposed house types is such that the separation distance between directly facing rear or front facing windows of proposed and existing dwellings,

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or between proposed dwellings, are comfortably above 22metres. For example the distance separation between the nearest rear windows of 'Blue Cedar' and front windows of the proposed dwelling at plot 2 is 33 metres. The difference in levels and the retention of the Blue Cedar tree overhanging the northern edge of the site would help further reduce intervisibility. Similarly the separation distance between Yew Tree Villa and the proposed dwellings at plot 3 is 31 metres, which is again comfortably above 22 metres. In the context of the level changes across the site these generous separation distances help protect the amenity of existing and proposed residents.

The proposed dwelling at plot 1 would be on a staggered alignment in relation to Yew Tree Villas such that its front elevation of the plot 1 dwelling would be 5 metres in front of the front of the front elevation of Yew Tree Villas and the rear elevation of the plot 1 dwelling would be 6 metres behind the rear alignment of Yew Tree Villas. However the separation between the two dwellings and the relative positioning of windows would not result in harm to residential amenity. Moreover, the staggered alignment would provide a more consistent stepped alignment in the street scene between Oakdene and Yew Tree Villas than the current arrangement.

All the proposed gardens to the units are of sufficient length and area to ensure that sufficient useable amenity area is provided. Whilst the introduction of a rear access drive and parking to rear of existing residential properties will introduce comings and goings, the numbers of dwellings and separation distances combined with enclosure by fences would ensure that there is not unacceptable harm in terms of noise and disturbance. No objections have been received from WRS however their advice to impose conditions in terms of construction management is noted and included in the recommendation.

### **Highway Safety and Parking Standards**

BoRLP Policy 20 iii) requires that all proposals should incorporate safe and convenient access for all road users with access arrangements designed to reflect the function and character of the development and its wider surroundings. Similarly the NPPF paragraph 108b) states that development should provide a safe and suitable access to the site for all users.

Worcestershire County Highways do not object to the proposed development, subject to conditions. It is considered that the access arrangements including visibility splays and access drive width are appropriate for the development. It has been demonstrated with reference to adopted highway plans that the proposed 2m x 37m visibility splay is appropriate and that its extent lies entirely within the adopted highway limits and that there are no significant existing obstructions in visibility splays. Moreover it is considered that the additional traffic on Pumphouse Lane would not cause unacceptable highway safety hazards. In coming to this conclusion consideration has been given to the siting of the proposed access for emergency vehicles to the west of the site

The proposed curtilage parking provision which fully accords with Streetscape Design Guide will ensure that any occasional additional car parking on Pumphouse Lane would

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be minimal and therefore not cause an unacceptable problem in terms of highway safety or neighbours inconvenience.

Therefore, subject to the conditions recommended by the highway authority the proposed development would be acceptable in highway safety terms and would accord with the aforementioned highway policies.

### **Heritage Assets**

In view of the conclusions of the Conservation Officer it is accepted that the proposed development would not have any implications on the integrity or setting of designated or undesignated heritage asset. Accordingly, there would be no conflict with BoRLP policy 36 'Historic Environment' or paragraph 190 of the NPPF

### **Trees/Green Infrastructure**

Taking account of the conclusions of the Council's Tree Officer it is considered that the proposed development would not cause unacceptable harm in the short or long term in respect of retained trees and hedges. Consideration has been given to root protection, pruning pressures to prevent shading of the proposed dwellings/ gardens and drainage infrastructure. In particular, there is sufficient space around trees to both protect retained trees and hedges and reduce the prospect of pressure of future occupants to undertake tree works and hedgerows to reduce shading to houses and gardens.

Therefore there proposed development accords with BoRLP Policy 11 'Green Infrastructure' in that this proposed development would not cause unacceptable harm to retained trees and hedgerows. Glimpsed views of these trees and hedge can be seen from Pumphouse Lane.

### **Flood Risk and Drainage**

North Worcestershire Water Management concludes that flood risk and drainage concerns can be adequately mitigated for by conditions requiring the implementation of an approved surface and foul water drainage scheme utilising sustainable drainage principles. Therefore it is concluded that the proposed development is compliant with BoRLP Policy 17 'Flood Risk Management and paragraph 163 of the NPPF.

### **Wildlife/ Protected Species**

A Bat Survey report, dated 2017, compiled by 'Focus Ecology' was submitted with the application which revealed an active bat roost within the house supporting a single brown long eared bat. The report considers that taking account of the demolition of this house and the resultant loss of a non-breeding day time roost and appropriate guidance that it would be appropriate to assess the scale of impact on bat species as 'medium'. It states that any works which disturb the roost or the associated habitat of a protected species necessitates a bat mitigation licence from Natural England, the granting of which depends

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on a number of factors, including on full planning permission being granted and all related planning conditions being discharged.

Additionally a Preliminary Ecological Appraisal compiled by 'Worcestershire Wildlife Consultancy', (WCC), dated November 2018, has been submitted. They advise that the bat survey carried out by Focus Ecology have potentially provided sufficient information to enable the Council to make an informed decision. However they recommend that a note is attached to any planning permission granted stating that there is likely to be a need for two further surveys in spring/ summer of 2019 to apply for and obtain a Natural England EPS Licence. The appendices include the details of some of the necessary ecological enhancements required including a Schwegler bat box, diagrammatic details of a ridge tile bat access point, etc.

WCC have submitted a supplementary letter of containing points of clarification dated 25th January 2019 which can be summarised as follows:

- The LPA, with the knowledge of a single bat present have enough information to determine the application and further surveys are not required for the purposes of making a planning decision.
- The further bat surveys are only necessary after planning permission for Natural England licence purposes
- The provision of a single bat box per residence and two bat boxes on the oak trees would provide enough accommodation for any increase in the bats using the house since the 2017 bat survey
- It is unlikely that Natural England would not grant a licence for the demolition of the dwelling provided the further survey work has been undertaken and subject to proportionate mitigation conditions.

BoRLP 16.6 requires that any damage to nature conservation is minimised and there needs to be adequate protection of the site's nature conservation value and appropriate and adequate compensation measures.

NPPF paragraph 170d) advises that decisions should minimise impacts on and provide net gains for biodiversity. The still extant ODPM circular 06/2005 'Biodiversity and Geological Conservation' advises the presence of a protected species which would be harmed if the development is carried out is a material consideration and the extent they may be harmed needs to be established before the planning permission is granted.

The Council as a 'competent authority' have had explicit regard to the three licensing tests under the Habitats Directive. These tests are whether it is imperative to override the ecological harm, whether there is a satisfactory alternative and whether the maintenance of favourable conservation status can be achieved. These tests need to be conducted in a proportionate way depending on severity of the impact.

In this context it is considered that the analysis, conclusions and recommendations of these two reports provide a sound basis for concluding that protected species would not



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be unacceptably harmed. However it is necessary to secure a detailed and comprehensive mitigation package through the imposition of appropriate conditions.

Planning conditions are recommended including requiring implementation in accordance with the recommendation of the two reports, approval and implementation of a specification including methodology and implementation program for the provision of biodiversity enhancement features, control over external lighting and prevention of development without a Natural England licence.

### Conclusions

It is concluded that the proposed development is acceptable in principle, represents good design harmonising with the character and appearance of the area and does not cause unacceptable harm to living conditions. Moreover it meets parking standards; it does not cause unacceptable harm in terms of highway safety, heritage assets, drainage, green infrastructure or biodiversity. Any impacts arising from the development are considered to be satisfactorily addressed through conditions. The development is therefore considered to represent sustainable policy compliant development which does not conflict with the BoRLP and which would also make a meaningful contribution to housing provision in the Borough. Subject to conditions and informatives listed below, the scheme is supported by your Officers.

### RECOMMENDATION:

**That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:**

#### Conditions

- 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 carried out in accordance with the following plans and drawings:
  - Location Plan, Drawing no. 1839.01A
  - Proposed Site Plan, Drawing no. 1839.02H
  - House Type Plans & Elevations, Plots 1 & new plot 2 & Garage Plans – Plot 1, Drawing no. 1830.03D
  - House Type Plans & Elevations, New Plots 3, 4 & 5 & Garage Plans – Plot 2 , Drawing no. 1839/04A

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REASON: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) Prior to the occupation of the development, details of the boundary treatments to all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:-To ensure the development is afforded privacy and security between neighbours and the public realm and in the interest of the visual amenity of the street scene.

- 4) No building operations shall take place until a scheme for surface and foul water drainage 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 attenuation and 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 and to minimise the risk of pollution.

- 5) The Development hereby approved shall not be occupied until pedestrian visibility splays of 2m x 2m measured perpendicularly back from the back of edge of carriageway shall be provided on both sides of the access. The splays shall thereafter be maintained free of obstruction exceeding a height of 0.6m above the adjacent ground level.

REASON: In the interests of highway safety.

- 6) The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

REASON: In the interests of highway safety.

- 7) The Development hereby approved shall not be occupied until an area has been laid out within the curtilage of each dwelling for the parking of:

- 2 cars for a 3 bed dwelling
- 3 cars for a 4 bed dwelling

at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicle only.

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

- 8) The Development hereby permitted shall not be first occupied until the proposed garages have been fitted with an electric vehicle charging point in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the charging point shall be kept available for the charging of electric vehicles.

REASON: To encourage sustainable travel and healthy communities.

- 9) The Development hereby permitted shall not be first occupied until sheltered and secure 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.

- 10) The Development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawing 1839.02H. These areas shall thereafter be retained and kept available for their respective approved uses at all times.

Reason: To ensure conformity with submitted details and in the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.

- 11) Development shall not be occupied until visibility splays are provided from a point 0.6m above carriageway level at the centre of the access to the application site and 2.0 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly) for a distance of 37 metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6m from the edge of the 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.

- 12) Before any materials or machinery are brought on to the site or any development, demolition, installation of services or site clearance works of any kind are commenced the developer shall erect protective fencing to ensure that ;
- The Atlas Cedar has its RPA protected in full in accordance with BS5837:2012 during all phases of construction

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- The Oak along the southern boundary has its RPA protected in full in accordance with BS5837:2012 during all phases of construction
- The remainder of retained vegetation is protected in accordance with BS5837:2012 during all phases of construction.

all as illustrated by BS 5837:2012 on a line concurrent with the tree protection distances given in BS 5837:2012 and to the specific approval of the local planning authority.

The developer shall maintain such fences to the satisfaction of the local planning authority until all development, the subject of this permission, has been completed. No activities on the land within the fenced areas shall be permitted including excavation, changing of levels or disturbance in any way from the passage or storage of vehicles and machinery unless such activity is given the specific prior permission of the local planning authority.

Reason: In order to protect the trees which form an important part of the amenity of the site. This information is required prior to commencement to ensure that all initial works are undertaken in a manner so as to protect the longevity and health of the trees which have a recognised amenity value within the locality.

- 13) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

- 14) All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason:- In the interests of the visual amenity of the area.

- 15) During the course of any site clearance and development, the hours of work for all on-site workers, contractors and sub-contractors shall be limited to between;

0800 to 1800 hours Monday to Friday  
0900 to 1200 hours Saturdays

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and NO WORKING shall take place at any time on Sundays, Bank Holidays or Public Holidays or at any time outside of the above permitted working hours unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbours amenity

- 16) No development (including demolition of 'Kenmar') shall commence unless or until the submission to the local planning authority of either

a) a Natural England European protected species licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010, as amended, or;

b) a statement, in writing, from Natural England to the effect the development would not require a licence

REASON: To ensure that a full suite of surveys at appropriate times of the year has been submitted and assessed regarding protected species (bats). This condition is required prior to commencement to ensure that initial works, including demolition take full consideration of the potential for EPS.

- 17) The works shall be carried out in strict accordance with the recommendations set out in the Preliminary Ecological Appraisal published by Worcestershire Wildlife Consultancy – (November 2018) – both general recommendations and the additional recommendations in table 4. And in accordance with the mitigation strategy of the Focus Ecology 'Bat Survey Report' (September 2017)

REASON: To protect the habitat of bats and the wider ecology of the site.

- 18) Prior to the commencement of development hereby approved a specification (including methodology and programme of implementation) for the enhancement of biodiversity through the provisions of features including bat boxes on houses and/ or trees and ridge tile bat entry to the lofts of the proposed houses shall be submitted to and approved by the Local Planning Authority. The works so approved shall be carried out in accordance with the approved programme of implementation.

REASON - To enhance biodiversity in accordance with the requirements of the NPPF. This condition is required prior to commencement to ensure that initial works, including demolition take full consideration of the potential for EPS and any necessary compensatory works.

- 19) Details of an external lighting scheme proposed to illuminate the development shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied. The development shall be carried out in

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accordance with the approved details prior to the first occupation of the development and there shall be no other external illumination of the development.

Reason: In the interests of providing adequate levels of illumination for walking and cycling to the site in the interests of providing a sustainable form of development

- 20) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

a) Direction of security/construction lighting away from protection zones, tree canopies and watercourses.

b) Responsible persons and lines of communication.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason:- To minimise impact of the development on biodiversity in accordance with the requirements of the National Planning Policy Framework.

- 21) Before the foundations of the dwellings hereby approved are constructed, a cross sectional drawing of the site showing Finished Floor Levels (FFL) of the proposed dwellings in relation to dwellings to the south of the site boundary (Hopesay Close) has been submitted to, and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented as part of the development.

Reason:- To allow proper consideration of the impacts of the sloping nature of the site with respect to visual and residential amenity in accordance with National Planning Policy Framework.

**Informatives**

- 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 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The authority has helped the applicant resolve technical issues such as:
- the impact of the development in the street scene,
  - impact of the development upon amenity of neighbours,
  - improving the design of the proposed development.
  - Others

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The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.

- 2) The applicants' attention is drawn to the comments made by the Community Safety Officer dated 10th July 2018. The applicant is urged to consider this advice in undertaking the detailed elements of the build.
- 3) 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.
- 4) 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.
- 5) 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.
- 6) The applicant is advised to be aware of their obligations under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) to avoid disturbance of nesting wild birds and protected species such as bats when carrying out these works.
- 7) Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.
- 8) It is recommended that the applicant adheres to the 'WRS Demolition and Construction Guide'

**Procedural matters**

This application is being reported to the Planning Committee because two (or more) objections have been received.

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**Planning Application 18/01283/FUL****Refurbishment of existing single storey side extension including new windows to front elevation; new basement; new single storey extensions to rear of public house****The Queens Head, 125 Bromsgrove Road, Batchley, Redditch, B97 4RL****Applicant: Mr Ravinder Singh  
Ward: Central Ward****(see additional papers for site plan)**

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: [steve.edden@bromsgroveandredditch.gov.uk](mailto:steve.edden@bromsgroveandredditch.gov.uk) for more information.

**Site Description**

The Queens Head Public House is located to the southern side of Bromsgrove Road within a residential area. The nearest roads to the site having access via Bromsgrove Road are Vicarage Crescent (to the west of the existing pub car park) and Lowans Hill View (directly to the north-east of the site). Beyond Lowans Hill View to the north are the Terrys Playing Fields and the Redditch United Football Stadium.

**Proposal Description**

Full planning permission is sought refurbish the existing single storey side extension; the creation of a new basement and new single storey extensions to the rear of the public house. It is understood that the reason for the extensions are to provide a larger restaurant area where existing floorspace limits the ability to provide this offer. A Public House is classified as an A4 use under the Town and Country Planning (Use Classes) Order 1987 (as amended).

**Relevant Policies:****Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development

Policy 19: Sustainable Travel and Accessibility

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

Policy 43: Leisure, Tourism and Abbey Stadium

**Others**

NPPF National Planning Policy Framework (2018)

NPPG National Planning Practice Guidance

SPG Encouraging Good Design

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**Relevant Planning History**

2008/273/COU Change Of Use Of Two Public House  
Car Parking Spaces To A Hand Car  
Wash (Retrospective)

Refused:  
07.10.2008

**Consultations****WCC Highways**

The site is located within a residential area and benefits from an on-site designated car park containing 17 car parking spaces. I am satisfied that there are no highway implications and that highway safety would not be compromised.

**Worcestershire Regulatory Services: Noise and odour**

WRS have examined the proposals and would confirm that the location for the proposed flue is acceptable subject the fitting of silencers and an odour risk assessment being carried which could be controlled by planning condition.

**Police Crime Risk Manager**

No objections

**Public Consultation Response**

3 letters have been received in objection to the application.  
Comments received are summarised below:

- The Queens Head Public House has a historic record of anti-social behaviour. Anti-social behaviour would increase if planning permission is granted for the development
- Fears that drug and alcohol misuse would increase in the area to the detriment of surrounding residential occupiers
- An intensification of use as proposed should not be permitted in a residential area
- Odours arising from the cooking of foods would impact detrimentally upon surrounding residents
- Noise levels are likely to increase to the detriment surrounding residents
- Concerns that the existing car park could not accommodate additional patrons using the public house

Other matters which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application.

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### Assessment of Proposal

#### Principle of development

The National Planning Policy Framework (NPPF) advises in Paragraph 11, that planning applications for development should be considered in the context of the presumption in favour of sustainable development. This is reinforced under Policy 1 of LP4.

Paragraph 92 of the National Planning Policy Framework comments that to provide the social, recreational and cultural facilities and services the community needs, decisions should *inter alia*:

- plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments
- guard against the unnecessary loss of valued facilities and services
- ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community

Having regard to the above statements, there are no objections to the principle of the proposed extensions; indeed, your officers consider that such proposals should be supported subject to normal development management considerations such as the impact of the proposals upon residential amenity and upon highway safety.

Policy 43 of the Borough of Redditch Local Plan 4 comments that Leisure, tourism and culture proposals, including new build, extensions or additions to existing facilities will be promoted and supported where the site is located in places that are sustainable and accessible by a choice of transport modes or where additional visitor numbers can be accommodated without detriment to the local economy and environment and where they benefit the economy of the Borough and enhance community facilities.

#### Design of development

The proposed alterations to the prominent front elevation of the public house which comprise the insertion of a new bay window to match the existing bay windows, and one smaller flush fitting window are considered to represent an enhancement the building. The flat roofed extensions to the side and rear which would be finished in painted white brickwork are similarly considered to be acceptable since they would match parts of the existing building which are flat roofed and would minimise the visual impact of the development from Bromsgrove Road and adjacent dwellings.

#### Impact of the proposals on highway safety

Policy requires all developments to incorporate safe means of access and egress appropriate to the nature of the local highway network.

Representations have been received questioning the intensification of use and whether the existing car park can cope with additional demand.

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County Highways have concluded that there are no highway implications which might result in the proposed development giving rise to harm to highway safety, noting the availability of the dedicated 17 space car park. It should be noted that similarly sized A4 Class (drinking establishments) exist within the Town Centre without any dedicated on-site parking provision.

There are no objections to this application having regard to highway safety considerations.

Impact upon nearby residential and business uses

The existing public house is located within a residential area as are several other A4 uses within the Borough.

It is recognised that anti-social behaviour issues have arisen in the past at this site and that drinking establishments may attract anti-social behaviour. The planning history (above) refers to a retrospective planning application for a car wash facility at the site (application 2008/273/COU: refused permission in October 2008). The car wash application attracted many representations in objection and has long since ceased operating.

The Queens Head closed in September 2018 and has been vacant since this time. The new owners wish to refurbish and extend the existing public house in order to ensure that the site remains viable in the future. The existing building is small and is in a state of dilapidation, particularly internally. Without significant investment, your officers consider that the existing buildings' future is unlikely to be secured given its very poor state of repair and its modest size.

For the reasons stated above, having regard to Paragraph 92 of the NPPF and Policy 43 of the Local Plan, your officers support the proposed modernisation and refurbishment works subject to the development not impacting upon the amenity of nearby residents.

There are no objections to the application in terms of the developments impact upon highway safety. The Police Crime Risk Manager has been consulted as part of the application and has raised no objection. Noise and odour issues have been examined by Worcestershire Regulatory Services who raise no objections subject to a condition which would adequately control odours and noise arising from the use of extraction equipment which would be located to the rear of the premises.

The proposed opening hours: Sundays to Thursdays: 12:00 noon till 23:00 hrs and Friday and Saturday 12:00 noon till 12:00 midnight would be consistent with the existing premises licence.

It is important to note that the currently vacant public house could re-open at any time without planning permission and therefore it is necessary to assess any perceived harm

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that might arise by granting permission for the extensions and alterations to the existing building.

The applicant considers that the existing public house is not financially viable without the extensions which would enable the business to focus on the provision of food to customers via a primarily restaurant use (A3 Class) rather than operating primarily as a drinking establishment use (A4 Class). In this respect, your officers would draw members attention to the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) which allows A4 uses to change to A3 without the requirement to apply for planning permission due to the fact that restaurant (A3 Class) uses are inherently more compatible with surrounding residential uses than A4 uses.

Your officers have concluded that the proposals would not impact detrimentally upon nearby occupiers.

**Conclusion**

It is considered that the proposals comply with the planning policy framework which resists the loss of such facilities and promotes modernisation and enhancement in order that they can be retained for the benefit of the community.

The proposals are unlikely to cause any harm to amenity or highway safety and as such, subject to compliance with conditions as listed in full below, a favourable recommendation can be made.

**RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:**

**Conditions:**

- 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) All new external walls and roofs shall be finished in materials to match in colour, form and texture those on the existing building.

Reason:- To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area and in accordance with Policies in the Local Plan.

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- 3) The development hereby approved shall be carried out in accordance with the following plans and drawings:

***appropriate references to be inserted here***

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 4) The use hereby permitted shall not be open to the public outside the following hours:

Sundays to Thursdays: 12:00 noon till 23:00 hrs and Friday and Saturday 12:00 noon till 12:00 midnight

Reason: To define the permission and in the interests of amenity.

- 5) Prior to first installation, an odour control equipment scheme including an odour risk assessment shall be submitted to and approved by the local planning authority in writing and the scheme implemented in accordance with the approved details. Such equipment shall be operated and maintained in accordance with the manufacturer's instructions.

Reason: In the interests of neighbour's amenity. In the interests of the visual amenity of the street scene.

**Informatives**

- 1) The local planning authority have 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.

**Procedural matters**

This application is being reported to the Planning Committee because two (or more) objections have been received (Criteria 9). Further, the proposal involves an extension to an existing A4 use (Criteria 11). As such the application falls outside the scheme of delegation to Officers.

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**Planning Application 18/01491/OUT****Outline application for the erection of 5 No. 2-bed dormer bungalows with associated infrastructure (affordable housing)****Land fronting 10 to 15 Clifton Close and rear of 32 to 36 Brinklow Close, Matchborough West, Redditch, B98 0HE****Applicant: Redditch Borough Council  
Ward: Matchborough Ward****(see additional papers for site plan)**

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: steve.edden@bromsgroveandredditch.gov.uk for more information.

**Site Description**

The site is a grassed area approximately 1500 sqm (0.15 ha) in size and comprises an area of Incidental Open Space as designated on the Borough of Redditch Local Plan No.4 Policies Map.

Beyond the southern boundary of the site are the two storey terraced dwellings 10 to 15 Clifton Close whilst the western boundary comprises rear gardens serving the bungalows 32 to 36 Brinklow Close.

To the northern side of the site is a surfaced path, immediately beyond which is a tall hedgerow. To the north of the hedgerow lies Drayton Close and the terraced development of bungalows (33 to 36 Drayton Close). Beyond the eastern boundary of the site lies Eathorpe Close, past which, to the north, lie the playing fields associated with the Kingfisher School.

**Proposal Description**

This is an outline application for residential development comprising 5, two bedroomed dormer bungalows with all matters reserved for future consideration (access, layout, scale, appearance and landscaping).

Although the matter of access is not for consideration at this stage, an indicative plan has been submitted showing vehicular access to each of the proposed dwellings from the southern side of Drayton Close, near to the Clifton Close / Drayton Close junction.

The application is supported by a design and access statement and a Preliminary Ecological Survey (PEA).

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### **Relevant Policies:**

#### **Borough of Redditch Local Plan No. 4**

Policy 1: Presumption in Favour of Sustainable Development

Policy 11: Green Infrastructure

Policy 14: Protection of Incidental Open Space

Policy 16: Natural Environment

#### **Others**

NPPF National Planning Policy Framework (2018)

SPG Encouraging Good Design

### **Relevant Planning History**

None

### **Consultations**

#### **WCC Highways**

No objections in principle. The site is located in an accessible and sustainable location. A number of direct pedestrian access routes lead to Matchborough Centre and main bus routes are available in the vicinity.

Based on the indicative plan submitted no objections are raised. Parking provision (2 spaces per dwelling) would conform to the County Councils Parking standards for 2 bed dwellings. Visibility to and from the proposed means of access is considered to be acceptable.

It is noted the site has an existing adopted footpath traversing the site and that the applicant is proposing a diversion of this existing footpath in order to serve the proposed dwellings. It is noted that the footpath is stopped off to the footpath fronting no. 32 Brinklow Close (indicative plan P2049/143/1A refers) which is acceptable.

#### **Drainage Engineer: North Worcestershire Water Management**

The site is in flood zone 1 (low risk of modelled river and tidal flooding),

At the full (detailed) planning stage a detailed drainage plan would need to be submitted. There are no reasons to object to this application on flood risk grounds subject to the imposition of a suitably worded drainage condition.

#### **RBC Strategic Planning Team**

Comments summarised as follows:



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As an area of Incidental Open Space, Policy 14 of the Borough of Redditch Local Plan No.4 (BORLP4) would apply.

Whilst incidental open space can make an important contribution to the Green Infrastructure Network and overall open space provision in the Borough and will normally warrant protection from development, it is acknowledged that it may be necessary to develop some areas of incidental open space.

Under the terms of Policy 14, applicants are required to demonstrate the merits of any proposed development in relation to the value of the open space and Criteria 1 to 5 set out within the Policy.

Whilst incidental open space does not form part of the assessment of open space in the Borough, it should be noted that in terms of Primarily Open Space standards, Matchborough Ward has a deficit of open space per 1000 population of 2.13 ha. The Borough standards have recently been recalibrated to take account of updated Census information and an audit of all open spaces. A revised standard for Matchborough Ward shows a reduction in the deficit of open space (-1.85ha per 1000 population). However, it should be noted that the open space standards do not take account of sub-regional open spaces such as the Arrow Valley Park. If the sub-regional open space is taken into account, Matchborough Ward would have a surplus of around 14ha per 1000 population.

This site is identified in the Strategic Housing Land Availability Assessment (SHLAA)-(ref: 2010/05) as having potential for residential development. The site was identified as surplus under the Disposal of Assets programme and landowner information indicated no constraints to delivery.

### **WRS - Contaminated Land**

Comments summarised as follows:

Worcestershire Regulatory Services (WRS) have reviewed the above application and the records held in respect of potential contaminated land issues. The available records indicate that the application site is within 250m of two significant areas of unknown infilled land and therefore contamination from landfill gas may be an issue on site. As such a planning condition should be imposed requiring the applicant to carry out a risk assessment to establish whether the proposed development is likely to be affected by gas emissions in order to ensure that any risks to future occupants of the dwelling are adequately addressed. Subject to the imposition of such a condition, no objections are raised.

### **Public Consultation Response**

1 letter has been received in objection to the application.  
Comments received are summarised below:

- Loud noises arising from the construction phase will impact upon residential amenities enjoyed by the occupiers of surrounding residents

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### **Procedural matters**

This is an outline application with all matters reserved, and as such only the principle of development can be considered at this stage. However, if there are reasons why the development could not be designed to be appropriate to the site, these can be raised as concerns at this stage.

The application plans include an indicative layout, however this is for illustrative purposes only to demonstrate how the site **could** be developed to accommodate five dormer bungalows, and not how the site **would** be developed.

### **Assessment of Proposal**

An Independent Preliminary Ecological Appraisal has been commissioned by the Council and has been carried out. The report concludes that the development is not expected to have a direct impact on any protected species although good working practices are recommended to protect hedgehogs that may occur on site and careful timing is important to avoid the bird nesting season. The appraisal recommends that a planning condition is attached to any consent to ensure enhancement for biodiversity and to add value to the green infrastructure of Matchborough West. The report comments that the tall hedgerow is potentially valuable to nesting birds although it offers no roosting opportunities for bats. If the hedges' removal is unavoidable, landscape mitigation would be necessary and bird and bat boxes should be integrated into the new houses.

The key issue for consideration in this case is the principle of the development as all other matters are reserved for future consideration.

### **Principle of development**

The site is designated as Incidental Open Space in the Borough of Redditch Local Plan No.4 (BORLP4). As such, Policy 14 would apply.

Policy 14 is a criteria based policy and at 14.2 states that Incidental Open Space will be protected from development unless:

- i. the need for the development is considered to outweigh the need to protect the incidental open space;*
- ii. it can be demonstrated that the site does not make an important contribution to the Green Infrastructure Network and has no particular local amenity or wildlife conservation value;*
- iii. the site does not have a strategic function separating clearly defined developed areas or acting as a buffer between different land uses;*
- iv. it can be demonstrated that there is alternative provision of equivalent or greater community benefit provided in the area at an appropriate and accessible locality; and*

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*v. the incidental open space does not play an important role in the character of the area.*

***i. Does the need for the development outweigh the need to protect the incidental open space?***

Currently, the Council cannot demonstrate a 5 year supply of housing land within the Borough. Paragraph 11 of the National Planning Policy Framework (NPPF) says that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. The so called tilted balance as advocated by the framework is engaged and the presumption in favour of sustainable development, as set out in the Framework applies. Where relevant policies are out of date, Paragraph 11 advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.

Significant weight should be afforded to the fact that the scheme would make a meaningful contribution to the Councils housing figures where the Council cannot demonstrate a 5 year supply of housing land as required under the NPPF.

Account should be taken of the opportunities the development would create for local businesses in the construction of the development.

Environmental harm would be caused by reason of the loss of the existing hedge although wider environmental harm is considered to be limited. Your officers consider that any adverse impacts arising from granting permission for the residential development of this site would NOT significantly and demonstrably outweigh the benefits of the application.

***ii. Does the site make an important contribution to the Green Infrastructure Network and does it have a particular local amenity or wildlife conservation value?***

The hedge has some wildlife value although its loss could be mitigated against by the introduction of new planting and biodiversity enhancements. The grassed open space area is small and is little used for recreational purposes by residents living within close proximity to the site. The site does not contain any play equipment. The Planning Department have notified 20 properties who either adjoin or which are situated within close proximity to the site. No representations have been received which comment on the amenity or wildlife value of the site.

***iii. Whether the site has a strategic function separating clearly defined developed areas or whether it acts as a buffer between different land uses;***

This site is not considered to have a strategic function and does not form a buffer between different land uses.

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***iv. Can it be demonstrated that there is alternative provision of equivalent or greater community benefit provided in the area at an appropriate and accessible locality?***

Alternative open space use within easy walking distance from this site offering far greater diversity and variety exists to the west of the site beyond the B4497 at Arrow Valley Country Park.

***v. Does the incidental open space play an important role in the character of the area?***

In this case, the incidental open space does not play an important role in the character of the area.

Having regard to Criteria 1 to 5 above, no objections are raised to the principle of a residential scheme on the site.

Scale, layout and appearance of development

Policy is supportive of new residential development so long as it respects the character and appearance of its surroundings and does not impinge on the residential amenities enjoyed by occupiers of existing nearby development.

Whilst scale, layout and appearance are not for specific consideration at this stage, the indicative plan does demonstrate how 5 dormer bungalows could be accommodated within the site without harming the character and appearance of the area and without compromising the amenities enjoyed by occupiers of nearby dwellings. Whilst the submitted plan is only for illustrative purposes, separation distances between existing dwellings and the proposed new dwellings would comply with standards contained within the Councils SPG on Encouraging Good Design and gardens serving the new dwellings would also comply with minimum requirements.

Trees and Ecology

Policy 16 (Natural Environment) aims to protect and, where appropriate, enhance the quality of natural resources including wildlife corridors, ancient and important trees and biodiversity.

No mature or important trees would be lost by granting permission although the development is likely to result in the loss of a tall hedgerow.

The Independent Preliminary Ecological Appraisal (PEA) has concluded that the site is of limited ecological value. Development of the site is deemed to be acceptable from an ecological perspective subject to the imposition of appropriate conditions to cover biodiversity enhancement and mitigation planting.

Paragraph 175 of the NPPF comments that opportunities to incorporate biodiversity in and around developments should be encouraged. To enhance ecological biodiversity, permanent bat and bird nesting opportunities should be integrated within the scheme. An

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appropriately worded planning condition is recommended to be imposed at this outline stage.

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 require the applicant's written agreement to the terms of any pre-commencement condition. Written agreement to the terms of the proposed construction environmental management plan (CEMP: Biodiversity) condition has been sought and agreed by the applicant.

### Impact of the proposals on highway safety

The matter of access to and from the development would be considered in more detail under a future reserved matters application. Access via Drayton Close in the manner proposed under Indicative Plan P2049/143/1A is considered at this stage to be acceptable and no objections have been received on highway safety grounds.

Two off-road car parking spaces would be provided for each of the 5 dormer bungalows, meeting the Council's parking standards.

### Residential amenity considerations

Your officers are satisfied that no loss of residential amenity would result from granting permission having regards to the density of the proposed development and separation distances that could be achieved between the proposed dwellings and existing nearby properties. Although noise disturbance during construction is an inevitable consequence of granting permission for new development, such noise and general inconvenience is temporary and not in itself a reason to refuse permission.

### Drainage and other matters

The Drainage Engineer (NWWM) has raised no objection subject to the imposition of a drainage condition.

The existing adopted footpath situated to the immediate south of the hedgerow would need to be diverted to the front of the proposed new dwellings onto Drayton Close. This matter would be considered in more detail under a subsequent Reserved Matters application but the proposal is considered to be acceptable in principle.

### Conclusion

Having regard to the requirements set out under Policy 14 above, your officers have concluded that the demonstrated need for the development outweighs the value of the land as an area of Incidental Open Space.

The proposal would amount to sustainable development, and would not conflict with the Borough of Redditch Local Plan No.4 as a whole.

Subject to compliance with conditions as listed in full below, a favourable recommendation can be made.

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**RECOMMENDATION:**

That having regard to the development plan and to all other material considerations, **OUTLINE** planning permission be **GRANTED** subject to the following conditions:

**Conditions:**

- 1) Details of appearance, landscaping, layout, access and scale (hereafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:- In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.

- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason:- In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.

- 3) The development hereby permitted shall begin no later than two years from the date of the approval of the last of the reserved matters to be approved.

Reason:- In accordance with the requirements of Section 92 (2) of the Town and Country Planning Act 1990.

- 4) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Drawing No: P2049/143/2: site location plan edged red dated 28th November 2018

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 5) No development above foundation level of the dwellings hereby approved shall take place until a site drainage strategy for the proposed development has been submitted to, and approved in writing by the Local Planning Authority. The details thus approved shall be fully implemented prior to first use or occupation of the development.

Reason:- To allow proper consideration of the proposed foul and surface water drainage systems and to ensure that the development is provided with a satisfactory means of drainage and in accordance with National Planning Policy Framework.

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- 6) During the course of any site clearance and development, the hours of work for all on-site workers, contractors and sub-contractors shall be limited to between;  
0800 to 1800 hours Monday to Friday  
0900 to 1200 hours Saturdays  
and NO WORKING shall take place at any time on Sundays, Bank Holidays or Public Holidays or at any time outside of the above permitted working hours unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbour's amenity

- 7) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include responsible persons and lines of communication.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

Reason:- To minimise impact of the development on biodiversity in accordance with the requirements of the National Planning Policy Framework.

- 8) Prior to the first occupation of the development, details shall be submitted that shall include bird nesting boxes, bat roosting boxes, and appropriate native species planting to take account of the need to recreate habitat for wildlife and biodiversity. The details thus approved shall be fully implemented prior to first use occupation of the development.

Reason:- To ensure the creation of wildlife habitat and wildlife corridors within development and minimise impact of the development on biodiversity in accordance with the requirements of the National Planning Policy Framework.

- 9) Gas protection measures should be incorporated within the foundations of the proposed structures. Following installation of these measures, and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority; OR 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.

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

**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) If the hedgerow is to be removed under a later (detailed) application, clearance should take place outside of the bird nesting season (March to August inclusive) or following checks by a competent ecologist. Between November and April, clearance of leaf litter or log piles shall be carried out by hand to prevent harm to hibernating hedgehogs.

**Procedural matters**

This application is being reported to the Planning Committee because the applicant is Redditch Borough Council. As such the application falls outside the scheme of delegation to Officers.