

**PLANNING
COMMITTEE**

10th September 2014

Planning Application 2014/096/OUT

Outline application with access and layout for consideration, for the demolition of a Public House and the erection of 14 dwellings

The Jolly Farmer, Woodrow Drive, Woodrow, Redditch, Worcestershire, B98 7UH,

**Applicant: Malvern Estates Plc & Unique Pub Properties Ltd
Expiry Date: 19th August 2014
Ward: GREENLANDS**

(see additional papers for Site Plan)

The author of this report is Ailith Rutt, Planning Officer (DM), who can be contacted on Tel: 01527 534064 Email: ailith.rutt@bromsgroveandredditch.gov.uk for more information.

Site Description

The site consists of a two storey brick, timber and tile public house with ancillary residential accommodation above, with a large surfaced car park accessed from Woodrow South. The site lies on the junction of Woodrow South and Woodrow Drive. The surrounding area is largely residential to the north, east and west, with an area of planting and greenery to the south of Woodrow Drive beyond which are further residential areas.

Proposal description

The application is for outline permission with matters of access and layout for consideration. Therefore, matters of appearance, scale and landscaping are reserved for consideration in a future application. The layout proposed (as amended and for consideration here) utilises the existing access to the site off Woodrow South, with residential units to the southern and eastern boundaries of the site in an L shape pattern with the access road running east/west from the entrance. A small parking area to the north of the access fronting Woodrow South but not accessed from it is proposed, to serve the dwellings to the north east of the site which front onto Woodrow South.

The application is supported by a design and access statement, a tree survey with additional tree information and a bat survey.

Relevant Policies :

Borough of Redditch Local Plan No.3:

CS02 Care for the Environment
CS05 Achieving Balanced Communities
CS06 Implementation of Development

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CS07 The Sustainable Location of Development
BBE13 Qualities of Good Design
S01 Designing Out Crime
BBE28 Waste Management
BNE01A Trees, Woodland and Hedgerows
CT02 Road Hierarchy
CT11 Road Schemes
CT12 Parking Standards

Emerging Borough of Redditch Local Plan No. 4

Policy 2: Settlement Hierarchy
Policy 4: Housing Provision
Policy 5: Effective and Efficient use of Land
Policy 22: Road Hierarchy
Policy: 39 Built environment
Policy: 40 High Quality Design and Safer Communities

Others:

NPPF National Planning Policy Framework
National Planning Practice Guidance
Worcestershire Waste Core Strategy (WWCS)

Relevant Planning History

1980/019/FUL	Function room & New Bottle Store	Granted	28.02.1980
1987/046/ADV	Advertisement - Illuminated Swan Necked Lamps, Timber Roof Mounted Sign And Timber Tree Standing Post Sign	Granted	02.03.1987
1996/029/ADV	Illuminated Twin Post Free Standing V-Board Sign	Refused	27.02.1996
1997/062/ADV	Illuminated Sign Board	Granted	14.07.1997

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Consultations – summary of comments received

Arboricultural Officer

This site is affected by Borough of Redditch TPO no.112 (1997), which protects four mature trees on the N and W boundaries, and off site from the northernmost corner it includes a line of mature trees running NW between Hampton Close and Chadwick Mews. All four individual protected trees may potentially be affected by this development. Therefore as a minimum requirement these will all need to be retained and sufficiently protected within the scheme in line with BS5837:2012, as there is no overriding justification for any excavations within their Root Protection Areas (RPAs).

My main concerns surrounding the retention and adequate root protection of T8, and retention of a barrier of buffer planting on the N boundary have both been suitably addressed in the amended proposed layout (drawing 01A). I therefore have no objection to this layout subject to a condition regarding protective fencing, its location and implementation.

The level of indicative landscaping throughout the site appears good. Details of species, sizes etc. will need to be agreed via the landscaping application in due course.

Development Plans

Support the principle of the proposal, and made comments prior to the scheme being amended:

This proposal would result in the loss of a public house and thus, a community facility. However, it is acknowledged that this public house has, over recent years, been subject of fluctuating of economic prosperity. The potential viability issues surrounding the retention of such a facility cannot be viewed as outweighing the need for a positive attempt to ensure sustainable development in an existing urban environment.

This proposal should facilitate the policy requirements of the Worcestershire Waste Core Strategy.

This proposal is in conformity with the principles of locating development within or on the edge of the urban area to meet housing needs and furthermore presents an opportunity for brownfield redevelopment.

In accordance with the NPPF para 215, due weight should be given to this policy as it is consistent with paragraphs 17(viii) and 111 of the NPPF, which encourage the effective reuse of previously developed brownfield land.

The proposal is suggesting direct frontage access on to Woodrow South, which is classed as a Local Distributor. Direct frontage access onto this road cannot be supported in policy terms.

Redditch Borough currently has 5.15 years supply of housing land, as of April 2014. The application site is considered as part of that land supply figure.

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The site is considered appropriate for housing to contribute towards the strategic housing requirement up to 2030 in the Borough of Redditch Local Plan No.4. Residential development is considered an appropriate use of the land in this location.

The principle of residential development proposed in this application is compliant with the NPPF and accords with the emerging Local Plan No.4 and the limited weight it can be given at this stage in its process.

However, a revised layout should be considered to remove direct frontage access onto the Local Distributor of Woodrow South.

Therefore, from a planning policy perspective, with a revised layout/ access, this application can be supported.

Contaminated Land- Worcestershire Regulatory Services

No objection subject to a condition regarding potential contaminated land issues.

North Worcestershire Water Management

According to Environment Agency maps the site is not located within a fluvial flood zone, and there is little evidence of surface water flooding at the site in question.

Severn Trent Water maps show that there is a public foul and surface water system to the western and northern boundary of the site. There is also a highway drainage system to the eastern boundary which connects into the surface water sewer to the north.

The applicant states that foul water will be disposed of via the mains and it will therefore be important for the applicant to gain permission from Severn Trent Water Ltd. to connect to this system. This can be addressed as an informative.

No objection subject to a condition regarding drainage details

Highway Network Control

No objection subject to conditions

Landscape & Countryside Manager

No Comments Received To Date

Leisure Services Manager

No Comments Received To Date

Severn Trent Water Ltd

No objection subject to condition and informative

Waste Management

No Comments Received To Date

Worcestershire Archive And Archaeological Service

No objection

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Worcestershire Wildlife Trust

No Comments Received To Date

Housing Strategy

No Comments Received To Date

Community Safety Officer

The development is located in an area with higher than average rates of criminal damage, burglary and anti-social behaviour. Crime and anti-social behaviour are concentrated on Chadwick Mews which is directly adjacent to the development site. During a site visit I observed evidence of multiple deliberate fires and graffiti in the nearby underpass beneath Woodrow Drive (reference no. 2255). The fence adjacent to the footpath to the West of the site has been reinforced with board-wire to reduce the risk of damage and in some areas is supplemented by trellis to deter climbing however it is in generally good condition. Natural surveillance of the footpaths at the West and South of the site is particularly limited. Although I visited during the day, street lights along this route would appear to be of a very dated design.

Whilst we cannot seek to address existing difficulties in this area, there are elements of the design of this proposal that should seek to minimise any further concerns in relation to community safety and these can largely be dealt with in connection to the detailed reserved matters application.

Welcomes the opportunity to offer further comments on this development at reserved matters stage.

Education Authority

Contributions should be sought in line with the adopted SPG; confirmation that the following are the schools affected:

First / Primary School:	Woodrow First
Middle School:	Woodfield Middle
Secondary School:	Kingsley College

Public Consultation Response

Two representations have been received in objection for the following reasons:

- Loss of community facility
- Contribution of public house to local economy should not stop
- Current use not causing any harm to local community
- Loss of employment opportunities
- If current owners cannot continue, should sell to new operator not developer

A petition has been received containing 345 signatures, objecting on the following grounds:

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- Location allows for sustainable travel to public house and reduces dangers of drink driving etc.
- Public house carries out local charity fundraising successfully and regularly
- Community facility should be protected
- Has been open since 1972

Assessment of Proposal

The application site lies outside of any specific land use designations in the local plan and sits within a residential area of the town. There is an identified need for housing development within the town.

Whilst it is accepted that the site is currently being run as a 'community facility' and has a trading public house upon it, the Council has no control over this facility and could not prevent its closure at any time. Further, there are no policies within the Local Plan to seek to protect and retain such facilities in this location.

As such, the principle of residential development on this site is considered to be acceptable.

Access and layout

Woodrow Drive is designated as a district distributor road and Woodrow South as a local distributor road in the local plan. As such, the creation of new accesses onto either of these roads is prevented in order to maintain the safe and free flow of traffic around the road network.

The amended access and layout proposed is considered to be acceptable as it does not result in individual driveway access directly onto either road - it only utilises the existing access onto Woodrow South that currently serves the public house car park.

The proposed layout provides strong frontage development onto Woodrow South. The layout is similar to the pattern and grain of the residential development in the wider area and as such is not considered to be out of character or harmful.

The site includes a significant quantity of mature trees and landscaping including some protected by a TPO (Tree Preservation Order). Policies seek to retain particularly those that are protected, in order that the benefit to the landscape and the surrounding community is retained and maximised.

The amended layout of the proposal would not be likely to result in any harm to the TPO trees as the canopies are at a sufficient distance from the proposed dwellings that their root network would remain undisturbed. Whilst the canopies would cause some shading to rear gardens, this would not be so severe, due to distance and orientation, that it would result in any long term threat to the survival of the trees.

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Planning obligation

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation which in this case would cover:

- A contribution towards playing pitches, play areas and open space in the area, due to increased demand/requirement from future residents, in compliance with the SPD; and
- A contribution to provide refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy; and
- A contribution towards County education facilities. The County have confirmed that there is a need in this area to take contributions towards three schools: Woodrow First, Woodfield Middle and Kingsley College.

The applicant has agreed to enter into such an agreement and is working with the legal team on a draft version.

Other issues

Other conditions requested by consultees have been considered and included in the recommendation below where they are considered to be appropriate.

Conclusion

The proposal as amended is considered to be acceptable as it now complies with the policy requirements and is not considered likely to result in any harm to amenities.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, authority be delegated to the head of Planning and Regeneration to GRANT planning permission subject to:-

a) The satisfactory completion of a S106 planning obligation ensuring that:

- Contributions are paid to the Borough Council for off-site open space, pitches and equipped play; and
- A contribution is paid to the Borough Council for the provision of wheelie bins for the new development; and
- A contribution is paid to the County Council towards County education contribution facilities;

and

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b) Conditions and informatives as summarised below:

- 1) (a) Application for approval of matters reserved in this permission must be made not later than the expiration of three years beginning with the date of the grant of this permission.
- (b) The development to which this permission relates must be begun not later than whichever is the later of the following dates:-
 - (i) the expiration of three years from the date of the grant of outline planning permission; or
 - (ii) the expiration of two years from final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
- (c) The matters reserved for subsequent approval include the following:-
cale; appearance; landscaping

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

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

Reason:- In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and in accordance with the National Planning Policy Framework.

- 3) Prior to the development hereby approved commencing, full details of a scheme for foul and surface water drainage shall be 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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- 4) No development approved by this permission shall be commenced until:
- a) A desktop study identifying previous site uses, potential contaminants and other relevant information and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been undertaken and submitted in approval for writing by the LPA;
 - b) If deemed necessary as a result of the desktop study, a site investigation has been designed using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model), and has been submitted to and approved in writing by the LPA;
 - c) The site investigation has been undertaken in accordance with details approved and a risk assessment has been produced;
 - d) A method statement detailing the remediation requirements using the information obtained from the site investigation has been approved in writing by the LPA.

Reason: To identify contamination which may pose a risk to the environment or harm to human health and in accordance with National Planning Policy Framework.

- 5) If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the LPA) shall be carried out until either;
- a site investigation has been designed and undertaken in accordance with details approved in writing by the LPA, a risk assessment has been produced and a method statement detailing the remediation requirements using the information obtained from the site investigation has been approved by the LPA or;
 - If the above has been previously undertaken, the developer has submitted and obtained written approval from the LPA for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters and in accordance with National Planning Policy Framework.

- 6) No demolition, site clearance or development shall take place until all trees and hedges to be retained on the site and around the boundaries of the site have been protected in accordance with the specification set out in British Standard BS:5837 2005: Guide for Trees in relation to Construction, and such protection measures

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shall remain in situ for the duration of the development and in accordance with Policies B(NE)1a and B(NE)3 of the Borough of Redditch Local Plan No.3.

Reason:-To ensure the protection of trees and hedgerows in the interests of visual amenity and in accordance with Policy B(NE)1a of the Borough of Redditch Local Plan No.3.

- 7) Unless otherwise agreed in writing by the Local Planning Authority pursuant to the discharge of details in relation to the above planning conditions, the development hereby approved shall conform to the following approved plans:

Proposed site plan dated April 2014, drawing no 01 RevA

Reason:-To accurately define this planning permission, for the avoidance of doubt and in accordance with Policy B(BE)13 of the Borough of Redditch Local Plan No.3.

Informatives

- 1) The applicant should be aware that this permission also includes a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) and that the requirements of that and the conditions listed above must be complied with at all times.
- 2) Whilst the full remit of the Secured by Design Scheme covers more than Land Use Planning and Development Control, Redditch Borough Council actively encourage developers to take full account of Crime Prevention and Community Safety issues throughout the design and construction of any development as an integral part of achieving good design. Applicants are advised that further details of Secured by Design and relevant construction specifications can be found at www.securedbydesign.com or by contacting the West Mercia Constabulary Crime Risk Manager on 01527 586181
- 3) There are public sewers which cross the site. No buildings shall be erected or trees planted within 2.5 metres either side of these sewers. The applicant may wish to apply to Severn Trent Water to divert the sewer in accordance with Section 185 of the Water Industry Act 1991.
- 4) This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Worcestershire County Council for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.

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- 5) This planning 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 Councils Approved Contractor following the issue of a licence under Section 184 and 278 of the Highways Act, 1980.

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

- 6) It is recommended that the comments of the consultees are taken into account when working up the details of the remaining reserved matters application(s).

Procedural matters

This application is being reported to the Planning Committee because the application requires a S106 Agreement and because more than one objection has been received. As such the application falls outside the scheme of delegation to Officers.