

2009/066/OU

**RESUBMISSION OF PLANNING APPLICATION REF 2008/295/COU–  
CHANGE OF USE OF PART CAR PARK TO A NEW ENCLOSED  
GRASSED BEER GARDEN INCLUDING DECKING AND FENCING WITH  
EXTENSIONS AND ALTERATIONS.  
2 BEOLEY ROAD WEST, THE KINGS ARMS PUBLIC HOUSE  
APPLICANT: PUNCH TAVERNS  
EXPIRY DATE: 21 MAY 2009**

### **Site Description**

**(See additional papers for Site Plan)**

The application site lies within the urban area of Redditch as defined within the Borough of Redditch Local Plan No 3. It covers an area of approximately 0.10 ha, and is located at Beoley Road West, which is situated on the border of the Central and Lodge Park ward area of Redditch. The application site includes a pub car park and a public car park.

The area is commercial and residential and is characterised by commercial uses and two storey terraced houses. The site is of an irregular shape and its curtilage includes a rear car parking area.

To the north of the site lie commercial premises situated on Beoley Road West. To the north west of the site lie terraced residential dwellings situated on Other Road. To the east, the site backs onto two storey residential dwellings and a church from which it is separated by a 2m fence and a hedgerow. To the south of the site lies a car park and to the south west of the site lies Trafford Retail Park.

There is a slight fall in ground levels to the commercial premises located to the north of the site and there is a significant change in ground levels to the south of the site onto Holloway Lane including the retaining wall adjacent to the pavement.

### **Proposal Description**

The application seeks full planning permission for a change of use of part of the car park to a new enclosed grassed beer garden including decking and fencing with extensions and alterations to the east elevation.

The proposed beer garden would result in the loss of five parking spaces and measure a maximum of 15m (L) and 11.5m (W). It would comprise of new timber decking along the existing boundary wall which would be flush with the paved area closest to the rear of the building, a grassed area which would finish flush with the proposed timber decking area and would involve the existing rear car park area being excavated and back filled to create a level continuous floor finish with compacted earth as a base for the new grassed area to be laid, a children's play area which would measure a maximum of 3m (L) and 3m (W) and a new entrance and fencing which would measure 1.5m (H). New low maintenance planting is proposed

along the new fence. The existing tree to the east (rear) elevation would be retained and lit using two flood lights housed within protective cages.

The existing lighting of the rear courtyard area would be removed and replaced with new external 'bulkhead' lighting, which would be fitted to the existing walls to the south side elevation.

The extensions and alterations to the east rear elevation would involve the demolition of the existing outbuilding, currently used as a men's toilet and bottle store, the removal of an existing tree in close proximity to the outbuilding and the blocking up of the existing low level access door with bricks. The existing high level wall would be lowered by removing the brick on the edge coping and removing four courses with all defective areas made good.

Internal alterations and extensions are proposed which would involve the existing rear yard area (currently used as a smoking shelter) to be converted to a single storey lobby extension, which would resemble a pergola in design and would approximately measure a maximum of 2.9m (L), 8.8m (W) and 3m (H). The materials would comprise of a glazed roof covering, fully glazed entrance doors and timber post with cladding using treated boarding. The yard area's existing retractable canopy would be moved along the same wall to allow for the new overhang to the roof.

There would be a small reduction in size from the existing footprint of the Public House by the demolition of the existing rear outbuilding.

The application is accompanied by a Design and Access Statement and plans showing the proposed variations and elevations.

## **Relevant Key Policies**

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

[www.communities.gov.uk](http://www.communities.gov.uk)  
[www.wmra.gov.uk](http://www.wmra.gov.uk)  
[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)  
[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

## ***National Planning Policy***

PPS 1 (& accompanying documents) Delivering Sustainable Development  
PPG 13 Transport

## ***Regional Spatial Strategy***

UR4 Social infrastructure

### ***Worcestershire County Structure Plan***

SD3 Use of previously developed land

### ***Borough of Redditch Local Plan No. 3***

B(BE).13 Qualities of Good Design

B(BE).14 Alterations and Extensions

C(T).1 Access to and within development

### ***SPDs***

Encouraging good design

Designing for community safety

### **Relevant Site Planning History**

2008/295	COU of part of car park to a new enclosed beer garden including decking and fencing.	Withdrawn as procedurally invalid	08/01/2009
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### **Public Consultation Responses**

#### Responses in favour

None

#### Responses against

None

### **Consultee Responses**

#### ***County Highway Network Control***

No objection

#### ***Environmental Health***

No objection subject to conditions requiring restricted construction times, external lighting to be compliant with current guidance of the Institute of Lighting Engineers, the incorporation of dust mitigation measures and no burning of materials on site during construction.

#### ***Property Services Manager***

No comments received

#### ***Crime Risk Manager***

No comments received

## **Procedural matters**

This application has been reported to Committee as part of the land shown within the red line belongs to Redditch Borough Council. The proposal is not affected by this issue as the proposal would be on land which is within the applicant's ownership.

Lighting is not development, and therefore cannot be considered and controlled. However, the supporting structures all fall within the usual planning framework. As the lights in this case are to be mounted on the existing building, they cannot be considered further here.

## **Assessment of Proposal**

The key issues for consideration in this case are the principle of the proposed development, the impact on the character and appearance of the public house, the impact on the neighbouring residential amenities, highway and access safety and sustainability.

### **Principle**

The principle of the proposed development which is situated within the urban area of Redditch on previously developed brownfield land such as this is considered to be acceptable and in compliance with local and national planning guidance.

### **Impact on the character and appearance of the Public House**

The proposal is considered acceptable and would not have a detrimental impact on the character and appearance of the dwelling with regards to Policy B(BE).13 Qualities of Good Design.

The proposed scheme's scale, form and massing is considered to respect fully the locality, having regard to the general layout, size and footprint in the vicinity of the surrounding area, as well as in scale, style and appearance.

It is not considered that the appearance of the proposal would be overly altered by these proposals, as the design would be in keeping with the scale of the existing building.

There would be a small reduction in size from the existing footprint of the Public House by the demolition of the existing rear outbuilding. The reduction in bulk and scale would be fully compliant with the relevant planning policies and guidance.

It is therefore considered that the proposal would enhance the character and appearance of the Public House.

## Impact on the neighbouring residential amenities

The proposal is considered acceptable and would not have any additional impact on the neighbouring amenities. The proposal would offer a service and additional amenities to the local community which would include providing an attractive visual feature to what is currently underused land and making efficient use of underused land. The proposal would provide an attractive and functional addition to the existing Public House for the public to visit and use. It is not considered that the use of the site would intensify significantly as a result of this proposal, and therefore no additional harm to the surrounding residential amenity is anticipated.

## Highways and Access

The proposal would utilise the existing access point, shown on the plan elevations as being the hatched area which is owned by Punch Taverns but subject to a Right of Way for access to Council land. Highways raise no objections to the proposal regarding parking and access arrangements. Additional parking facilities are available with on street parking and in a public car park for Trafford Retail Park, which lies to the south west of the application site. The loss of spaces on site is therefore not considered to be detrimental in this case.

## Sustainability

The proposal would be sited within a sustainable location on the town centre periphery which is well served by public transport and would not have a detrimental environmental impact and is therefore compliant with policy.

## Other Issues

Advice given by Environmental Health seeks to control burning on site, dust mitigation and lighting. However these issues would be more effectively controlled through other legislation and therefore would be more appropriate as informatives. Restrictions on the hours of work could be appropriately controlled by condition.

## Conclusion

It is considered that the proposal is fully compliant with the relevant planning policies and guidance, and would be unlikely to cause any significant detrimental impacts to the character and appearance of the Public House, the amenities of surrounding residents, highways and access issues and the sustainability of the surrounding area and as such the proposal is considered to be acceptable.

## Recommendation

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

- 1) Development to commence within 3 years
- 2) Sample materials to be submitted
- 3) Limited working hours during construction

## Informatives

1. Lighting
2. Burning on site during construction
3. Dust mitigation