

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mrs Palwinder Kau	Demolition of the existing covered yard and timber shed and replacement with a new timber building to create new restaurant area and internal alterations including the conversion of existing storage area to kitchen The Nailers Arms, 62 Doctors Hill, Bournheath, Worcestershire, B61 9JE	22.05.2025	25/00372/FUL

Councillor May has requested that this application be considered by Planning Committee rather than being determined under Delegated Powers.

RECOMMENDATION: That planning permission be **GRANTED**

Consultations

Worcestershire County Highways - Bromsgrove

Worcestershire County Council acting in its role as the Highway Authority has raised no objection to the proposal.

- They note that the site at present provides 85 car parking spaces for the existing use. It is noted there is 26.80 net additional floor space being provided. The existing and proposed floor area (628.2sqm) in accordance with WCC car parking standards would require a minimum 62 car parking spaces, sufficient parking available on site - no highway implications.
- Due to this the Highway Authority concludes that there would not be an unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained.

North Worcestershire Water Management

- As far as I am aware this development is not located in an area of known flood risk although we do have reports of flooding in the immediate vicinity.
- It is my understanding that there should be no drainage implications as the proposed extension covers an area of existing impermeable area, however I note that the application form states storm water will be disposed to a sewer, however there are no storm water sewers serving the location and under no circumstance may any storm water be disposed into the foul sewer network.
- In order to ensure no increase in local flood risk, I would like to understand the existing and proposed storm water drainage arrangements, therefore please include the following condition should you be minded to grant permission:
- No works in connection with site drainage shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan and shall be implemented prior to the first use of the development and thereafter maintained.

Worcester Regulatory Services - Noise

- The creation of a new kitchen adjacent to the proposed undercover seating area requires full details of any kitchen extraction equipment along with noise and odour controls. There is an existing kitchen for the premises and no record of complaint so it is likely that with good design the "Indian" kitchen can be designed to operate without complaint. The details should either be submitted before determination or a suitable condition.

Worcestershire Regulatory Services- Licensing (Food and Drink)

- Views awaited

Cadent Gas Ltd

- No objection

Bournheath Parish Council

- Bournheath Parish Council was unanimous in their decision to object to the above planning application on the following grounds:

Traffic and Highways

- The premises is situated at the exit of a five-way junction which has limited visual splay. Traffic volume and speed is already a known problem on Dodford Road leading to Doctors Hill and is being closely monitored by the Parish Council with regular traffic checks by Worcestershire County Council (WCC). Our expectation is that the additional kitchen and development of further dining facilities, with the purpose of growing the business, will bring an increase in patrons. With the new dining area, the Council has significant concerns that the premises will be unable to accommodate the increase in cars (for both customers and staff) resulting in customers parking on nearby roads (which are narrow and lack pavements in places). It has been noted that parking is already an issue at peak operating times therefore the planned changes will bring extra vehicles into a village which does not have the capacity to allow for significant on-road parking. In addition, the pedestrian access for the new facilities will be located via the car park entrance and we believe that it increases the risk of a collision between pedestrians accessing the premises and vehicles entering and exiting the car park.
- The Parish Council, working with County Council, is implementing a number of speed and traffic management measures in the village. Doctors Hill has been identified as at high-risk of an incident due to the fact that it has limited pavements and narrows as you travel out of the village. The Parish Council has already introduced two new VAS signs (on Dordale Road and Doctors Hill) to monitor traffic volume and most importantly speed. The road is already seeing increased traffic flow due to developments and road closures in neighbouring parishes (Perryfields development, reservoir upgrade on Rocky Lane). Having recognised these issues it has been agreed that speed monitoring will be undertaken (by traffic management at Worcestershire County Council) to help gauge the impact of the ongoing building work in and around Bromsgrove.
- Traffic management and speed are a key concern for our residents, as a parish, with little or no footpaths, we have to take measures to reduce the speed of traffic within the village and the increase in pedestrian and vehicular traffic, on a road already heavily monitored, only increases the risk of an incident.

Noise and smell

- The introduction of a new restaurant in a timber frame structure will not provide the same barrier against smells and noise as the main bricked pub and restaurant. Together with the increase in noise from additional staff and patrons this will inevitably

affect residents close to the business, in particular those that live on Dodford Road and Dordale Road.

- We would also like to see the comments submitted by WRS ' Noise to be implemented as part of the application.

Planning history

- The building has already been extended a number of times and the Council is concerned that the business is at full capacity for development and whether the site is fit for two kitchens and two distinct dining areas. We believe the site in terms of development and parking is at its maximum and the introduction of a second kitchen and second dining area will result in the site running at over capacity.

Visual impact

- The proposed designs are not sympathetic to the main restaurant in terms of design and the proposed timber frame construction would not be in keeping with the area.

Consultation

11 Neighbour Notification letters sent 14 April 2025 (expire 8 May 2025)

Site notice posted 15 April 2025 (expires 9 May 2025)

A total of 8 representations have been received objecting to the application on the following grounds:

- Highways safety and increased traffic and parking provision
- Use of pub/restaurant as a shop or takeaway
- Use of premises for live music
- Increase of noise from two restaurants, slamming doors and cars
- Waste disposal – bin storage
- Change of character- Two restaurants attached to the same building will make it feel like a commercial establishment which is at odds with this semi-rural location
- Proportion and Suitability of the development - question if a location the size of Bournheath requires a 4th eating establishment of this size
- The sheds are a temporary structure, while this is a permanent building. The pub has already been significantly developed in the past, so surely this breaches current planning guidance.
- Loss of country pub (valued community asset)
- Opening hours
- Odour concerns from restaurant
- Noise, late-night disturbance and increase in crime rates from street food kitchen and shop
- Mismatch with the character of the area: shop and street food kitchen would fundamentally change the character and pace of the area, introducing more commercial activity than is appropriate for this location.

Other non-material planning considerations have been raised which cannot be considered as part of the assessment of this application.

Councillor May

I would also like to reserve my right to call this application into planning committee on the grounds of public interest.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP12 Sustainable Communities

BDP15 Rural Renaissance

BDP16 Sustainable Transport

BDP18 Local Centres

BDP19 High Quality Design

BDP23 Water Management

BDP25 Health and Well Being

Others

Bromsgrove High Quality Design SPD

National Design Guide

National Planning Policy Framework (2024)

National Planning Practice Guidance

Relevant Planning History

B/2003/0241	Provision of a pergola.	Approved	16.04.2003
B/1994/0176	Extension to provide for walk in freezer, reposition doors and windows, provide staff wc's and external works (As augmented by letter dated 4/3/94)	Approved	11.04.1994
B/1993/0856	New side extension to bar. New rear extension to form store & office. New porch to side elevation. Form new pitched roofs over existing flat roofs.	Approved	20.12.1993
B/2063/1976	Erection of a single storey kitchen extension	Approved	12.03.1976
BU/701/1966	Steak barn and toilets	Approved	09.02.1967

Assessment of Proposal

The Nailers Arms is an established public House and restaurant situated within the village boundary of Bournheath, which is entirely washed over by the West Midlands Green Belt.

The Nailers Arms has already been extensively extended. Some of the previous history for the property is noted above.

The proposal is to further extend the existing building to create a new restaurant area which is shown to provide 40 additional covers and contain a new bar area. The proposal does

also include some internal alterations to the building. These internal changes include creating an additional kitchen area.

The plans indicate that the new restaurant would be used as an Indian Restaurant, with the new kitchen area being used as an Indian Kitchen and food preparation area. Information submitted with the application sets out that the Proposed Restaurant area would form part of the existing Nailers Arms Public House and would not be a separate commercial entity.

The proposed extension would extend beyond the existing front elevation of the building, replacing an existing fenced compound which is formed of a covered courtyard and a timber framed single storey shed. The proposed extension is shown to be a prefabricated timber structure with timber windows and doors and a felt roof.

It is to be noted that the internal changes that are proposed in this application, which include the creation of the additional kitchen area, could be carried out without planning permission.

8 representations have been received in relation to this application, objecting to the proposal.

Some of the objections that have been received refer to the use of the premises as a shop and a takeaway. Although the proposed description did not contain any reference to a change of use of the premises to a shop or takeaway, the plans originally submitted with the application did incorrectly label the existing bar area as a 'retail Shop Area'. These plans have since been superseded and amended plans submitted. These amended plans now show this area of the building to be retained as a 'Bar Area'.

There is no reference within the application that the proposed restaurant would be used as a takeaway. It is however noted that as a public house and restaurant, takeaways could operate from the site at an ancillary level without planning permission.

Green Belt

The site is situated within an area designated as Green Belt. Paragraph 153 of the NPPF sets out that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. It sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Paragraph 154 of the NPPF sets out certain exceptions to development in the Green Belt. One of these is:

g) limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.

The Nailer's Arms is an established public house, which is made up of a large building and a large area of hardstanding forming the car parking area. It is considered that this site would fall within the definition of previously developed land (PDL).

The proposed extension would increase the size of the existing building. However, it is noted that the proposal would replace an existing enclosed and covered courtyard and a timber shed and as such would result in the partial re-development of the site.

Given the scale and design of the proposed extension, and its siting against the existing building, it is not considered that the proposal would cause substantial harm to the openness of the Green Belt.

Due to this it is considered that the proposal would be appropriate development in the Green Belt.

Character and Appearance

The proposal is for a timber prefabricated flat roof extension, which would project beyond part of the front elevation of the building. The extension would be set back from the road, and from the main original front elevation of the building. The extension would also be sited behind the existing pergola structure, which is situated within the front outdoor seating area, along the boundary with Doctors Hill.

The proposed extension would replace the existing fenced compound which encloses a covered courtyard area and a flat roof timber shed.

Overall, given its siting and design and the fact that it would be replacing existing timber structures including fencing and a timber shed, it is considered that the proposed extension would result in an enhancement to the overall character and appearance of the host building and the area.

Highways

Concerns over highways safety, traffic and parking provision have been received from neighbouring occupiers and the Parish Council.

Members will note that Worcestershire County Highways have raised no objection to the proposal. They have noted that the site currently has 85 car parking spaces, which is considered to be more than sufficient for the existing and proposed floor areas.

Noise and Odour

Worcestershire Regulatory Services have commented on the application. They have set out that the creation of a new kitchen adjacent to the proposed undercover seating area requires full details of any kitchen extraction equipment along with noise and odour controls. They note that there is an existing kitchen for the premises and no record of complaint. They note that details of the proposed extraction should either be submitted before determination or through condition.

The internal alterations that are proposed in this case which include the creation of an additional kitchen area, do not require planning permission. Due to this no detail of extraction and ventilation have been requested as part of this application.

Any new external extraction system would however require planning permission. If it is therefore found that any new external extraction system would be required to be installed at this site for the proposed kitchen, a new planning application would need to be submitted. As part of this application Worcestershire Regulatory Services would be consulted to ensure that the proposed system was adequate for the proposed use and would not cause any issues to the occupiers of the neighbouring properties.

Concerns over increased noise and disturbance from users of the proposed restaurant have been raised by neighbouring occupiers. Concerns have also been raised regarding the use of the premises for live music.

As an established public house and restaurant, the site already operates at night. Although the proposal would increase the capacity of the site, it is not considered that the additional customers that the proposed extension could accommodate would cause an adverse impact on the amenities of the neighbouring occupiers. It is also noted that Worcestershire Regulatory Services have raised no concerns with regards to the proposed new restaurant area.

This application does not refer to the use of the site for live music. However, as a public house, they could already accommodate such a use without requiring planning permission. A separate licence may however be required for this. This is arranged under the licensing regime.

Community Facility

Policy BDP12 of the Bromsgrove District Plan relates to sustainable communities and sets out that the Council will seek to retain existing services and facilities and support improvements to existing facilities to enable them to adapt to changing needs.

In this case, the proposal is to extend the existing public house and restaurant. It would not result in the loss of the facility. It is therefore considered that the proposal would accord with this policy.

Waste

There is an existing bin storage area within the site. This bin storage area is shown to be retained on the proposed plans.

Drainage and Flooding

North Worcestershire Water Management have raised no objection to the proposal. They note that as far as they are aware this site is not located in an area of known flood risk although they are aware of reports of flooding in the immediate vicinity.

It is their understanding that there should be no drainage implications as the proposed extension covers an area of existing impermeable area, however they note that the application form states storm water will be disposed to a sewer, however there are no storm water sewers serving the location and under no circumstance may any storm water be disposed into the foul sewer network.

Due to this and in order to ensure no increase in local flood risk in the area, NWWM have recommended that a condition should you imposed by any permission that is granted.

Biodiversity Net Gain

The site does not contain any priority habitats and the area of the site effected by the proposal is currently made up of an area of hardstanding with fencing and sheds situated on it. The development therefore falls below the required threshold and is exempt from Biodiversity Net Gain rules.

Conclusion

Overall, it is considered that the proposal would accord with policy and should therefore be approved.

RECOMMENDATION: That planning permission be **GRANTED**

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:

Drawing No. 15013778-1 Location Plan

Drawing No. 06 Existing Block Plan

Drawing No. 2 Proposed Ground Floor Plan

Drawing No. 4 Existing and Proposed Front and Side Elevations

Drawing No. 5 Existing and Proposed Side Elevations

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

3. 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

4. No works in connection with site drainage shall commence until a scheme for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan and shall be implemented prior to the first use of the development and thereafter maintained.

Reason: To ensure that the development is provided with a satisfactory means of drainage in accordance with National Planning Policy Framework.

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