



Planning Committee

Wed 11 Mar
2015
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

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a
difference*

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The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all formal Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agendas and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees

(or summaries of business undertaken in private) for up to six years following a meeting.

- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, on request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.

A reasonable number of copies of agendas and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its, Committees etc.

- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, most items of business before the Executive Committee are Key Decisions.
- Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:

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If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact the following:

Janice Smyth
Democratic Services Officer
Town Hall, Walter Stranz Square, Redditch, B98 8AH
Tel: (01527) 64252 Ext. 3266
e.mail: janice.smyth@bromsgroveandredditch.gov.uk

REDDITCH BOROUGH COUNCIL **PLANNING COMMITTEE**



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GUIDANCE ON PUBLIC **SPEAKING**

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
 - c) 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.

Notes:

- 1) 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.3, the County Structure Plan (comprising the Development Plan) 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.
- 2) Members of the public are now able to record all or part of this meeting either by making an audio recording, taking photographs, filming or making notes. The exception to this involves exempt / confidential information to be considered, when members of the public may be excluded from the meeting, the reason(s) for which will be defined in the Exclusion of the Public item on the Planning Committee Agenda.

An area of the Council Chamber has been set aside next to the Press for any members of the public who wish to do this. The Council asks that any recording of the meeting is done from this area to avoid disrupting the proceedings. Members of the public should now be aware that they may be filmed or recorded during the course of the meeting.

- 3) 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.
- 4) 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.
- 5) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Team on 01527 64252 Extn. 3266 by 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 at the foot of 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.

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair are the Legal and Democratic Services Officers who give advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Democratic Services Officer.

Special Arrangements

If you have any particular needs, please contact the Democratic Services Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

Further Information

If you require any further information, please contact the Democratic Services Officer (see foot of page opposite).

Fire/ Emergency instructions

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency Assembly Area is on Walter Stranz Square.



PLANNING

Committee

Wednesday, 11 March 2015

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs: Andrew Fry (Chair) Wanda King
 Alan Mason (Vice-Chair) Yvonne Smith
 Joe Baker David Thain
 Roger Bennett Nina Wood-Ford
 Andrew Brazier

<p>1. Apologies</p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.</p>
<p>3. Confirmation of Minutes (Pages 1 - 4)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on (Minutes attached)</p>
<p>4. Update Reports</p>	<p>To note Update Reports (if any) for the Planning Applications to be considered at the meeting (circulated prior to the commencement of the meeting).</p>
<p>5. Application 2014/337/FUL - Parklands Care Home, Callow Hill Lane, Callow Hill, Redditch, Worcestershire B97 5PU (Pages 5 - 8) Ruth Bamford, Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a proposed second floor extension. Applicant: Parklands Care Home (Report attached – Site Plan under separate cover) (Astwood Bank & Feckenham Ward)</p>

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<p>6. Application 2014/368/FUL - Ipsley Court, Berrington Close, Ipsley, Redditch, Worcestershire B98 0TJ</p> <p>(Pages 9 - 14)</p> <p>Ruth Bamford, Head of Planning and Regeneration</p>	<p>To consider a Planning Application for the creation of an additional 2 bedroom apartment in the roof of Ipsley Court (Plot 40).</p> <p>Applicant: Mr Barney McElholm</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Matchborough Ward)</p>
<p>7. Application 2014/369/FUL - Ipsley Court, Berrington Close, Ipsley, Redditch, Worcestershire B98 0TJ</p> <p>(Pages 15 - 22)</p> <p>Ruth Bamford, Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a proposed two storey building to contain 4 no. appartments (Plots 41, 42, 43, 44).</p> <p>Applicant: Mr Barney McElholm</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Matchborough Ward)</p>
<p>8. Application 2015/003/FUL - 324 Evesham Road, Crabbs Cross, Redditch, Worcerstershire B97 5JB</p> <p>(Pages 23 - 28)</p> <p>Ruth Bamford, Head of Planning and Regeneration</p>	<p>To consider a Planning Application for the demolition of an existing garage and side lean-to, erection of a rear two storey and single storey extension, installation of shop front. Change of use of building to mixed use showroom (A1), Office (B1) and Storage (B8).</p> <p>Applicant: Mr Malcolm Dyson</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Crabbs Cross Ward)</p>
<p>9. Article 4(1) Removal of Permitted Development Rights to Demolish (Part 31) - Confirmation - Chapel at the junction of Birchfield Road and Chapel Street, Headless Cross, Redditch</p> <p>(Pages 29 - 36)</p> <p>Ruth Bamford, Head of Planning and Regeneration</p>	<p>To consider a report proposing the long term protection of a locally listed building considered to be of positive benefit to public amenity and a heritage asset in the wider public interest and therefore worthy of control in order to aim to achieve its retention in the longer term.</p> <p>Report and Appendices attached)</p> <p>(Headless Cross & Oakenshaw Ward)</p>

10. Exclusion of the Public

During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:

“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended.

These paragraphs are as follows:

subject to the “public interest” test, information relating to:

- Para 1 - any individual;
- Para 2 - the identity of any individual;
- Para 3 - financial or business affairs;
- Para 4 - labour relations matters;
- Para 5 - legal professional privilege;
- Para 6 - a notice, order or direction;
- Para 7 - the prevention, investigation or prosecution of crime;

may need to be considered as “exempt”.

11. Confidential Matters (if any)

To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)



Planning Committee

11th February 2014

MINUTES

Present:

Councillor Andrew Fry (Chair), Councillor Alan Mason (Vice-Chair) and Councillors Joe Baker, Roger Bennett, Yvonne Smith, David Thain and Nina Wood-Ford

Officers:

Helena Horton, Amar Hussain and Ailith Rutt

Democratic Services Officer:

Jan Smyth

64. APOLOGIES

Apologies for absence were received on behalf of Councillors Andrew Brazier and Wanda King.

65. DECLARATIONS OF INTEREST

No declarations of interest were made.

66. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Planning Committee held on 14th January 2015 be confirmed as a correct record and signed by the Chair.

67. UPDATE REPORTS

The printed Update reports relating to Planning Applications 2014/160/OUT and 2015/009/S73 were noted.

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Chair

Planning Committee

11th February 2014

**68. PLANNING APPLICATION 2014/160/OUT –
LAND REAR OF 112 FECKENHAM ROAD, HEADLESS CROSS,
REDDITCH, WORCESTERSHIRE**

Demolition of existing garage, proposed dwelling
with garage and access drive, plus new
double garage for No. 112 Feckenham Road.

Applicant: Mrs E Hine

The following people addressed the Committee under the Council's public speaking rules:

Mr R Willshaw – local resident and objector

Mrs D Sandercock – local resident and objector

Mr A Smith – the Applicant's Agent.

RESOLVED that

having regard to the Development Plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration Services to GRANT Outline Planning Permission, subject to the Conditions and Informatives detailed on pages 16 to 19 of the Agenda report, and subject to any additional Conditions and/or Informatives that may be required by Worcestershire Wildlife Trust in relation to bat roosting opportunities within the site.

(The Committee noted that an additional letter of objection had been received as detailed in the published Update report, copies of which were made available to Members and the public gallery prior to commencement of the meeting.

The Committee was also orally advised that a late response had been received from Worcestershire Wildlife Trust who had advised that, whilst they had no objection to the proposal in principle, they sought clarification of the trees and their suitability for roosting, otherwise would suggest that the recommendations in the bat report be required through the imposition of a condition. Officers reported that clarification would be sought on this matter and if necessary additional conditions be imposed on top of the one currently recommended and asked the Committee to agree to authority being delegated to the Head of Planning and Regeneration Services to grant Outline Permission, subject to the Conditions and Informatives set out in the main report, and impose any additional Conditions and / or Informatives considered to be necessary following further discussions.)

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69. **PLANNING APPLICATION 2014/337/FUL –
PARKLANDS CARE HOME, CALLOW HILL LANE, CALLOW
HILL, REDDITCH, WORCESTERSHIRE B97 5PU**

Proposed Second Floor extension

Applicant: Parklands Care Home

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be REFUSED for the reasons stated on pages 22 and 23 of the agenda report.

70. **PLANNING APPLICATION 2014/341/FUL –
UNIT 28 KINGFISHER WALK, KINGFISHER SHOPPING
CENTRE, REDDITCH, WORCESTERSHIRE**

Change of Use from A1 (Shops) to A3 (Restaurant and Cafes)

Applicant: Kingfisher Shopping Centre

Mr K Williams, General Manager representing Kingfisher Shopping Centre, addressed the Committee under the Council's public speaking rules.

RESOLVED that

having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to the conditions detailed on page 27 of the Agenda report.

71. **PLANNING APPLICATION 2015/009/S73 –
THREADNEEDLE HOUSE, ALCESTER STREET, REDDITCH,
WORCESTERSHIRE B98 8JA**

Removal of Conditions to remove restrictions
on uses in Threadneedle House only:
Condition 3 of Planning Permission 79/588 and
Conditions 2 and 4 of Planning Permission 80/272

Applicant: Mrs Amanda de Warr for Redditch Borough Council

Mr Paul McLoughlin, on behalf of the Applicant, addressed the Committee under the Council's public speaking rules.

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RESOLVED that**having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED.**

(The Committee noted late representations received from the County Council's Highways Officer and the Town Centre Co-ordinator as detailed in the published Update report, copies of which were made available to Members and the public gallery prior to commencement of the meeting.)

72. IMPACT OF CHANGES TO NATIONAL PLANNING GUIDANCE ON PLANNING COMMITTEE CONSIDERATIONS

The Committee received an information report in relation to national changes to the planning system that had been brought in to force with immediate effect on the 28th November 2014, when the Section of the National Planning Policy Guidance (NPPG) relating to Planning Obligations had been amended.

Members were informed that Redditch's previous threshold for seeking Section 106 contributions, had been 5 new dwelling units. The new threshold for seeking contributions was now 11 dwelling units or residential developments proposing over 1000sqm of building floorspace (including garages). It was noted that Applications that required Section 106 Agreements would continue to be brought to Committee for determination as usual.

In response to a query on Government consultation on the amended thresholds, Officers clarified that, unusually, Local Planning Authorities had not been consulted on the new thresholds.

RESOLVED that**the revised thresholds and considerations in relation to Planning Obligations be noted.**

The Meeting commenced at 7.00 pm
and closed at 7.59 pm

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CHAIR

**PLANNING
COMMITTEE**11th March 2015

Planning Application 2014/337/FUL

Proposed second floor extension

Parklands Care Home , Callow Hill Lane, Callow Hill, Redditch, B97 5PU

Applicant: Parklands Care Home
Expiry Date: 15th January 2015
Ward: ASTWOOD BANK AND FECKENHAM

(see additional papers for Site Plan)

The author of this report is Helena Horton, Planning Officer (DM), who can be contacted on Tel: 01527 881657 Email: helena.horton@bromsgroveandredditch.gov.uk for more information.

For Information

This Item was reported to planning committee at its meeting on the 11th February 2015. It has become apparent that invitations to committee were not issued in accordance with our agreed protocol and therefore the decision made at the last meeting needs to be revisited in order to allow for full participation in the meeting. It must be reconsidered and the report follows:

Site Description

The site is a nursing home for the elderly which was converted from a dwelling in 1977. The building lies within the Green Belt. The site is accessed off Callow Hill Lane via a small private drive with woodland either side.

Proposal Description

The proposal seeks permission for a second floor extension to the rear of the building. The extension has been designed to replace the existing dormer, extending it out by 4.2 metres, and is proposed to additional accommodation in existing bedrooms on the second floor.

Relevant Policies:**Borough of Redditch Local Plan No.3:**

BRA01 Detailed Extent of Control of Development in the Green Belt
BBE13 Qualities of Good Design
BBE14 Alterations and Extensions
CS02 Care for the Environment

Others:

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SPG Encouraging Good Design
 NPPF National Planning Policy Framework
 NPPG National Planning Practice Guidance

Relevant Planning History

2010/010/FUL	Single storey extension with external liftshaft serving upper floors	Approved	09.03.2010
2011/144/FUL	Proposed second floor dormer extension to the rear of building	Refused	18.07.2011

Consultations

No Comments Received

Public Consultation Response

No responses have been received

Assessment of Proposal

The site lies within the Green Belt and has already been substantially extended from its original form. Paragraph 89 of the NPPF is significantly relevant to this application and states that the extension and alterations of buildings in the Green Belt is not inappropriate "provided that it does not result in disproportionate additions over and above the size of the original building..." Parklands care home has had numerous extensions that when combined amount to a building that is considerably larger than the original building. Any further extensions therefore would be considered inappropriate.

The applicant has put forward the argument in the design and access statement submitted with the application, that there are very special circumstances to justify the proposals. The argument relates to the shortage of spaces in nursing homes for the elderly. Currently Parklands is registered to care for 31 persons but cannot accommodate these numbers as they do not have the relevant facilities. The Authority has to have regard to the fact that this building is located within the Green Belt; it has already been substantially extended and therefore officers weigh the considerations differently.

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Currently, there is a significantly smaller existing dormer; the proposal in this application seeks to replace this with a considerably larger one, the design of which is not subordinate or in keeping with the current design of the roof of the property.

The proposed development conflicts with the guidance set out in the NPPF and NPPG and policies BRA 1, BBE 13 and BBE 14 of the Redditch Borough Local Plan 3 and therefore cannot be supported.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the following reasons:

- 1) The site is identified in the Development Plan for the area as falling within the Green Belt where there is a presumption against inappropriate development. In such an area, development is limited to that which is not inappropriate to a Green Belt and which would preserve its openness. The proposal would amount to inappropriate development which is harmful to the Green Belt. It would result in an obtrusive form of development which would reduce the openness of the Green Belt and as such, the proposal is considered to be contrary to Policy B(RA).1 of the Borough of Redditch Local Plan No.3 and national guidance set out in the National Planning Policy Framework (NPPF).
- 2) The scale of the proposed extension, by virtue of its size and design would have a dominating and adverse effect on the design, character and appearance of the existing building and would result in disproportionate additions over and above the size of the original building. As such, the proposal is considered to be contrary to, Policies B(RA).1, B(BE).13, B(BE).14 of the Borough of Redditch Local Plan No. 3 and national guidance set out in National Planning Policy Framework and National Planning Policy Guidance.

Procedural matters

This application is reported to the Planning Committee at the request of Councillor B. Clayton.

**PLANNING
COMMITTEE**11th March 2015

Planning Application 2014/368/FUL**Creation of additional 2 bed apartment in roof (Flat 40)****Ipsley Court, Berrington Close, Ipsley, Redditch, Worcestershire, B98 0TJ****Applicant: Mr Barney McElholm**
Expiry Date: 18th February 2015
Ward: MATCHBOROUGH**(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

Ipsley Court comprises of two Grade II listed buildings and one modern 'T' shaped building to the rear, (recently re-named as Ipsley Manor) set on a large site containing just over 200 car parking spaces together with soft landscaping. The Grade II listed buildings are divided into the north and south wings and are constructed from red brickwork (walls) under a steeply pitched hipped roof. The south wing lies to the immediate north of St. Peters Church. Both north and south wings are currently in office use. To the west of Ipsley Court lie the offices of GKN Engineering. The site is accessed via Berrington Close to the east. Shottery Close forms the northern boundary of the site, beyond which lies the residential street of Alveston Close.

The 'T' shaped building was built in the late 20th Century and has been designed in sympathetic style to the listed buildings, again with red brick walls under a steeply pitched hipped roof. This building has residential accommodation over three floors. A detached brick building to the immediate north contains a further flat.

Proposal Description

Planning permission is sought for the creation of a new, two bedroomed apartment within the roof space associated with the building now known as Ipsley Manor. The flat would be referred to as No.40. The roof space already has access from the upper floor via a short flight of stairs since this (now vacant) space formerly housed plant which was required when the building was occupied by the Law Society as offices. The plant has since been removed since it is no longer required following the conversion of the building to residential use.

In order to provide appropriate light and ventilation to the new apartment, 5 new rooflights and 4 new small dormer windows are proposed.

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Relevant Policies :

Borough of Redditch Local Plan No.3:

EEMP03 Primarily Employment Areas
EEMP03a Development affecting Primarily Employment Areas
CS02 Care for the Environment
CS07 The Sustainable Location of Development
BBE13 Qualities of Good Design
BHSG06 Development within or adjacent to the curtilage of an existing dwelling
CT12 Parking Standards

Emerging Borough of Redditch Local Plan No. 4

Policy 2: Settlement Hierarchy
Policy 3: Development Strategy
Policy 4: Housing Provision
Policy 5: Effective and Efficient use of Land
Policy: 39 Built environment
Policy: 40 High Quality Design and Safer Communities

Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
SPG Encouraging Good Design

Consultations

Highway Network Control

No objection

Conservation Advisor

No objection

North Worcestershire Water Management

No objection

Area Environmental Health Officer (WRS)

No objection

Building Control

No objection

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Public Consultation Response

Responses against

11 letters received. Comments summarised as follows:

- Noise disturbance arising from the use of the proposed new apartment would harm the amenities enjoyed by existing residents
- Extra traffic to and from the site will be disruptive
- The removal of a Rigid Steel Joist (RSJ) would harm the integrity of the building and would likely impact detrimentally upon existing occupiers
- Emergency access concerns
- Would set an undesirable precedent
- Roof alterations would disrupt the symmetry of the existing roofline and will not be in keeping with the building
- Additional parking would add further congestion to Berrington Close

Other issues 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.

Background

The 'T' shaped building was formerly used as the offices for the Law Society and included just over 200 car parking spaces to the north and east which served the 4000 sq metre office development.

The two listed building (wings) have remained as offices whilst all of the modern 'T' shaped building has been converted to residential use under current permitted development rules: (ref 2014/106) – granted 5th August 2014). 38 apartments have been created within the main building over three floors (now known as Ipsley Manor) and a further apartment (flat 39) has been created by the conversion of a small detached red brick building which is situated approximately 7 metres to the north of the main building.

Another application for planning permission (pending determination at the time of writing) ref 2014/369/FUL proposes to erect an apartment block containing four, 2 bed flats to the north of Ipsley Manor. This application refers to these as flats 41,42,43 and 44.

Assessment of Proposal

The main issues in the consideration of this application are the impact of the proposals upon the character and appearance of the building and the impact of the proposals upon nearby residential amenities.

The principle of residential use at the site has already been established via the approval of application 2014/106, where the developer exercised permitted development rights currently available which allow offices falling within Class B1a of the Town and Country Planning (Use Classes Order) to be converted to residential uses without a formal planning application for change of use.

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Character and appearance of the building

The external changes proposed to the building comprise the insertion of 5 rooflights and 4 dormer windows. The dormers would be identical in terms of proportions to ventilation cowls which are present on the existing roof slope. Overall, these changes are considered to be modest and would not compromise the character and appearance of the existing building in the opinion of your officers. The Councils Conservation Advisor concurs with this view.

Impact upon nearby residents

The concerns raised by occupiers of the adjacent apartments are principally with respect to noise disturbance caused by the transmission of sound arising from the day to day occupation of the proposed new apartment. Members are advised that an acoustic survey and report has been carried out and has been examined by both the EHO within Worcestershire Regulatory Services (WRS) and the Councils Building Control Surveyor who have raised no objection to the report commenting that the proposed works, which includes the provision of an acoustic deck would comply with the relevant parts of the Building Regulations which concern noise transference levels.

As is commonplace within many apartment block developments, it is understood that all occupiers of Ipsley Manor are prevented from replacing the existing carpet floor covering with that of wood / laminate type flooring, in the interests of ensuring that noise is kept to the lowest possible levels. The same floor-type restrictions would apply to future occupiers of the proposed new apartment.

Other issues

Your officers agree with the County Highways officer in that the creation of one new apartment and the resultant requirement to provide a single additional car parking space within the site would not result in any highway safety issues.

A current over-provision of car parking exists at the site. This is because the former office use had a greater demand for parking than the current use of the site which now comprises a mix of office and residential uses but with the predominant use being one of residential.

Conclusion

Your officers do not consider that the proposed development would result in harm to the character and appearance of the building, the wider area, nor to the amenities currently enjoyed by nearby occupiers and consider that the proposals would comply with the aims and objectives of the National Planning Policy Framework (NPPF) where there is a presumption in favour of sustainable development.

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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 implemented in accordance with the following plans:

appropriate references to be inserted here

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

Informatives

- 1) Proactive engagement by the local planning authority was not necessary in this case as the proposed development was considered acceptable as initially submitted.

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 2014/369/FUL**Proposed two storey building to contain 4 no. apartments (Plots 41, 42, 43, 44)****Ipsley Court, Berrington Close, Ipsley, Redditch, Worcestershire, B98 0TJ****Applicant: Mr Barney McElholm**
Expiry Date: 18th February 2015
Ward: MATCHBOROUGH**(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

Ipsley Court comprises of two Grade II listed buildings and one modern 'T' shaped building to the rear, (recently re-named as Ipsley Manor), set on a large site containing just over 200 car parking spaces together with soft landscaping. The Grade II listed buildings are divided into the north and south wings and are constructed from red brickwork (walls) under a steeply pitched hipped roof. The south wing lies to the immediate north of St. Peters Church. Both north and south wings are currently in office use. To the west of Ipsley Court lie the offices of GKN Engineering. The site is accessed via Berrington Close to the east. Shottery Close forms the northern boundary of the site, beyond which lies the residential street of Alveston Close.

The 'T' shaped building was built in the late 20th Century and has been designed in sympathetic style to the listed buildings, again with red brick walls under a steeply pitched hipped roof. This building has residential accommodation over three floors. A detached brick building to the immediate north contains a further flat.

Proposal Description

This is a full planning application to erect a small apartment block containing a total of four, 2 bed flats. The development would consist of a single two storey block with two flats on the ground floor and two flats above. The roof serving the development would be steeply pitched and hipped matching the form of that used in the construction of Ipsley Court. Materials would match those used in the construction of Ipsley Court: brick walls under a grey coloured tiled roof.

The apartment block would measure 15 metres in width and would have a depth of 11 metres. The building would measure 11 metres to its highest point (the ridge).

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The building would be situated to the north of the 'T' shaped building and would face towards Shottery Close. The buildings front elevation would be set back 13 metres from Shottery Close with the buildings west facing flank wall situated 12 metres to the east of flats 1 to 11 Shottery Close. Five car parking spaces would be provided for the development at a point between the buildings front elevation and Shottery Close.

Relevant Policies :

Borough of Redditch Local Plan No.3:

EEMP03 Primarily Employment Areas
EEMP03a Development affecting Primarily Employment Areas
CS02 Care for the Environment
CS07 The Sustainable Location of Development
BBE13 Qualities of Good Design
BHSG06 Development within or adjacent to the curtilage of an existing dwelling
CT12 Parking Standards

Emerging Borough of Redditch Local Plan No. 4

Policy 2: Settlement Hierarchy
Policy 3: Development Strategy
Policy 4: Housing Provision
Policy 5: Effective and Efficient use of Land
Policy: 39 Built environment
Policy: 40 High Quality Design and Safer Communities

Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
SPG Encouraging Good Design

Consultations

Highway Network Control

No objection

Conservation Advisor

No objection. The proposals would not have an adverse impact on the adjacent listed building.

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North Worcestershire Water Management

The site is located within fluvial flood zone 1, and there is little risk of surface water flooding on the site in question. No objections subject to the imposition of a standard drainage condition.

Area Environmental Health Officer (WRS)

No objection

Worcestershire Archaeological Service

No objection subject to the imposition of planning conditions to safeguard any archaeological remains found during the construction process

Public Consultation Response

Responses against

7 letters received. Comments summarised as follows:

- The development is too large and would be out of character with appearance of surrounding area
- The proposal would result in a loss of outlook, light and privacy
- This would be an overdevelopment of the site
- Noise disturbance concerns raised
- Additional demands for car parking have not been fully considered
- Highway safety concerns

Other issues 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.

Background

The 'T' shaped building was formerly used as the offices for the Law Society and included just over 200 car parking spaces to the north and east which served the 4000 sq metre office development.

The two listed building (wings) have remained as offices whilst all of the modern 'T' shaped building has been converted to residential use over three floors under current permitted development rules: (ref 2014/106) – granted 5th August 2014). 38 apartments have been created within the main building (now known as Ipsley Manor) and a further apartment (flat 39) has been created by the conversion of a small detached red brick building which is situated approximately 7 metres to the north of the main building.

Another application for planning permission (pending determination at the time of writing) ref 2014/368/FUL proposes to create a further apartment within the roof space of Ipsley Manor. This would be known as flat 40 if permission is granted. The proposals to be considered under this application, to create a further four flats would be known as flats 41, 42, 43 and 44.

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Assessment of Proposal

Principle of the development

The Borough of Redditch Local Plan No.3 designates the site and the area to the west containing the offices of GKN as a Primarily Employment Area, where normally applications for planning permission which seek to change the designation of such areas (from employment to residential use for example), are viewed unfavourably since the loss of employment land would impact detrimentally on the Council's employment land portfolio. In addition, residential uses which are located in close proximity to established employment uses have the potential to be incompatible, with conflict between the two uses often arising as a result.

In this case, under the application 2014/106, the developer exercised their rights following recent changes to the permitted development right regime which now allows existing offices falling within Class B1a of the Town and Country Planning (Use Classes Order) to be converted to residential uses without a formal planning application for change of use. The 'T' Shaped building now known as Ipsley Manor was converted from office to residential use in the summer of 2014 and is now occupied. The Ipsley Manor site and land to its frontage, which includes the car parking area on which the apartment block is proposed to be located is now considered to have lost its former employment use. The location of a new residential use on this part of the site would not be incompatible with the nearest employment use, that being the offices of GKN Engineering to the west. No objections have been received from GKN following the neighbour notification process.

As such, it is considered that the principle of the development is acceptable in this case provided that the proposal fulfils the other requirements of the development plan.

Impact upon the character and appearance of the area

The plans submitted which include a street-scene drawing demonstrate to your officers that the development would be acceptable in terms of its design and layout with the development respecting the character and appearance of other nearby buildings - in particular, that of the existing Ipsley Manor building, and the four storey residential development of Shottery Close to the west.

Residential amenity considerations

Paragraph 17 of the NPPF advises to secure a good standard of amenity for all existing and future occupants of land and buildings.

Policy B(BE).13 states that new residential development must not adversely affect the existing amenities of adjoining occupiers. The Council's Residential Design Guide 'Encouraging Good Design' sets out a range of criteria to ensure that applications for planning permission afford future occupiers of new developments an acceptable standard of residential amenity whilst protecting the residential amenity of nearby occupiers.

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The nearest affected residents are those residing in the two storey dwellings in Alveston Close to the north of the proposed apartment building. The rear of properties in Alveston Close face in a southerly direction towards what would be the front of the apartment block which faces north.

The Council's SPG does not contain a recommended minimum distance where an existing rear wall faces a proposed front elevation of a building although it states that a distance of 22 metres should be maintained between rear wall (existing) to rear wall (proposed). I have noted that the distance between the front elevation to the proposed apartment block to the rear garden fence serving number 7 Alveston Close (directly to the north) is approximately 20 metres. A distance of approximately 34 metres exists between the front elevation of the apartment block and the rear wall serving number 7 Alveston Close. The separation distances are such that I am satisfied that the proposed two storey development would not negatively impact upon the amenities enjoyed by the occupiers of nearby dwellings in terms of loss of light, outlook or privacy. I am minded that a similar relationship exists between the four storey development of Shottery Close to the west of the site and other properties in Alveston Close, albeit with slightly greater separation distances. The development at Shottery Close is however four storey not two storey and is far more visually imposing.

In terms of outside amenity space for occupiers of the proposed new development, although little exists within the curtilage of the apartment block, I am minded that limited outside amenity space is provided for the 39 apartments granted under the 2014 application. A large area of green open space however exists to the immediate east of the site (to the north of Driffield Close and to the east of Berrington Close). In addition, the site is a 5 minute walk from the much larger open space of the Arrow Valley Park. I am therefore satisfied that the proposed development would comply with the requirements set out under Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

Highways

Policy requires all developments to incorporate safe means of access and egress appropriate to the nature of the local highway network and to provide sufficient off-street parking.

Five car parking spaces would be provided for the proposed development to the frontage of the apartment block with access via Shottery Close. One space would be provided for each of the four flats with one visitor space, complying with local standards.

The County Highways Officer has raised no objection to the application on highway safety grounds with parking provision on site complying with local standards. A current over-provision of car parking exists at the site. This is because the former office use had a greater demand for parking than the current use of the site which now comprises a mix of office and residential uses but with the predominant use being one of residential.

There are therefore no objections to this application in terms of the impact of the proposals upon highway safety.

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Conclusion

It is considered that the proposals largely comply with the planning policy framework and would be unlikely to cause any harm to amenity or safety. Subject to the 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) Prior to the commencement of development 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 and in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3.

- 3) The development hereby approved shall be implemented in accordance with the following plans:

appropriate references to be inserted here

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan No.3

- 4) 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.

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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.

- 5) No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- a) The programme and methodology of site investigation and recording.
 - b) The programme for post investigation assessment.
 - c) Provision to be made for analysis of the site investigation and recording.
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved above and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In the interests of archaeological investigation and in accordance with the requirements of paragraph 141 of the National Planning Policy Framework.

Informatives

- 1) Proactive engagement by the local planning authority was not necessary in this case as the proposed development was considered acceptable as initially submitted.

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 2015/003/FUL

Demolition of existing Garage and side lean-to, erection of rear two storey and single storey extension, installation of shop front. Change of use of building to mixed use showroom (A1), office (B1) and storage (B8).

324 Evesham Road, Redditch, Crabbs Cross, Worcestershire, B97 5JB**Applicant: Mr Malcolm Dyson****Expiry Date: 4th March 2015****Ward: CRABBS CROSS****(see additional papers for Site Plan)**

The author of this report is Sarah Hazlewood, Planning Officer (DM), who can be contacted on Tel: 01527 881720 Email: sarah.hazlewood@bromsgroveandredditch.gov.uk for more information.

Site Description

The site comprises a former police station building set within a large, oblong shaped curtilage accessed off Evesham Road. The site is situated within a predominantly residential area between the district centres of Crabbs Cross and Headless Cross. To the north east of the application site on the opposite side of Evesham Road there is The Church of Jesus Christ of Latter-Day Saints. To the rear of the site, it is largely laid to lawn with a vehicular access running along the rear boundaries of 1, 3 and 5 Yvonne Road to a single flat roofed garage. The front of the site is laid to hardstanding for vehicular parking.

Proposal Description

The application seeks a change of use from police station to a mixed use office, storage and retail unit for Malcolm Dyson stationers. To the rear of the site a two storey and single storey extension is proposed along with a gravelled parking area. The two storey element of the proposed extension will be finished in materials to match the existing building with the single storey element being finished with white render to the walls and profiled metal sheet roof. A 2 metre high timber gate is proposed across the access driveway to restrict access to this area. To the front of the building a larger shopfront style window is proposed. It is proposed to relocate the existing business from 325 Evesham Road, a backland site on the opposite side of the road from the application site.

Relevant Policies:**Borough of Redditch Local Plan No.3:**

CS07 The Sustainable Location of Development

BBE13 Qualities of Good Design

BBE14 Alterations and Extensions

BBE16 Shopfronts

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Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

Relevant Planning History

2014/046/COU	Change of use from police station (sui generis) to residential (class C3) to form one three bedroom dwelling with single garage.	Approved	03.04.2014
1999/001/FUL	Conversion Of Police House To Police Station/Office	Approved	16.02.1999
1991/107/FUL	Change Of Use Of Residential Part To Local Police Office And Victim Support Suite	Approved	30.04.1991

Permission was granted in 2014 for the use of the application site building as a dwelling, however your Officers are not aware that this permission has ever been implemented and therefore the lawful use of the site remains as a police station (a sui generis use).

Consultations**Highway Network Control**

No Objection to the grant of permission.

Worcestershire Regulatory Service

No comments from a nuisance point of view.

Public Consultation Response

18 letters of objection have been received with matters raised relating to:

- The proposal would change the look of the area and be out of keeping with the current housing having a warehouse with a tin roof.
- Impact on wildlife through the removal of trees already undertaken
- The noise impact of the proposal including the impact of lorries on a gravelled area, particularly in rear garden areas, from existing issues relating to lorries turning at the top of Yvonne Road, the loading/unloading of vans at the existing shop being noisy.
- The site being turned in to an industrial estate, warehouse and yard
- Pollution
- Privacy including impact on outlook from residential properties and overlooking from the development
- The application not benefitting the community in any way.

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- Impact on highway safety including the proposal increasing the chances of accidents as there is a blind spot at the top of the road, there are speeding vehicles along Yvonne Road, school children disembarking
- Overdevelopment of the site
- Anti-social behaviour/security concerns
- Diesel fumes in rear gardens

Other issues 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.

Assessment of Proposal

Principle

The application site is not allocated within the Borough of Redditch Local Plan No. 3 for any particular use, however as the site is within the urban area the proposed use is considered acceptable in principle and would accord with Policy CS.7 of the Borough of Redditch Local Plan No. 3. Furthermore, whilst the site lies outside of the District Centres of both Crabbs Cross and Headless Cross, Evesham Road is characterised by a number of non-residential uses sporadically arranged along the extent of the road between the district centres and therefore the proposal would not appear out of character with the wider area.

Design and Layout

A small two storey extension is proposed to the rear to provide a document store at first floor level and a storage area at ground floor level. Beyond this a single storey extension is proposed for delivery vehicles to be loaded/unloaded within in order to minimise the noise impact on the neighbouring properties. In relation to these elements of the proposal it is considered that the size, form and design of the proposed extension would not have a harmful overbearing or overshadowing impact on the amenities of the occupiers of the nearby dwellings and in addition the proposed use of these elements of the building as storage area would not result in any overlooking. Furthermore, the proposed extension would appear subordinate to the existing building through the set down of the two storey element and the overall height and size of the single storey element. In terms of the social role of achieving sustainable development as defined at paragraph 7 of the NPPF through creating a high quality built environment it is considered that policies B(BE).13 and B(BE).14 of the Local Plan accord with this requirement and the proposal meets these policies.

Residential Amenity

A number of representations raise concerns in relation to the noise impact of the proposal, particularly in relation to vehicles accessing the rear of the site and the timing of deliveries to the site at 325 Evesham Road currently operated by the applicant. It is of note that the site at 325 Evesham Road is not operating under the terms of a specific planning permission. Instead the site has an established use as a light engineering premises derived from its historic use as a needle works. As such the local planning authority does not have the ability to control the hours that the site operates or when

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deliveries are undertaken. By contrast, the proposed development could be subject to such controls and indeed the applicant is seeking operating hours of between 0800 - 1700 hrs Monday - Friday with deliveries restricted to between 0645 - 1700 hrs. Given the predominantly residential nature of the surrounding properties it is considered reasonable to control the hours of operation and timing of deliveries to and from the site.

Furthermore, there are a number of other factors which your officers consider also limit the intensity of use of the site and the number of vehicle movements that are likely to occur along the boundary with the Yvonne Road properties:

- The proposal introduces a timber gate across the existing access to the site to limit the vehicular access to the rear of the property to delivery vehicles only.
- The size of access to the side of the building naturally reduces type of vehicles which can access the rear of the site as it is only 3 metres wide.
- There is an existing garage with driveway access along rear boundaries of 1, 3, and 5 Yvonne Road which could be utilised when as a police station or if the conversion to a dwelling had taken place and could result in unrestricted vehicle movements along this access.
- Consideration is required as to the type, frequency and intensity of car movements that were present at the site when it was operational as a police station. The planning permission from 1999 granting the use of the site as a police station did not include any restrictive conditions relating to the hours of operation of the building.

Worcestershire Regulatory Services have not raised any objection to the proposal on the basis of nuisance.

Taking all these matters in to account, given that the hours of opening and delivery can be adequately controlled via planning condition it is considered unreasonable to resist the proposal based on the noise and disturbance impact of the proposal. In this regard the proposal is considered to accord with the environmental dimension of sustainable development as advocated at paragraph 7 of the NPPF and policy B(BE).13 of the Local Plan.

Highway Safety

The proposal seeks to retain the existing hard standing to the front of the site to provide vehicular parking and sufficient space for delivery vehicles to pull off the highway. In terms of how the current site operates at 325 this would represent an enhancement to highway safety given that this site does not benefit from any dedicated parking or delivery vehicle arrangements. Furthermore, there has been a concern raised relating to pedestrian safety. However given the lawful use of the site, the vehicle movements that would have been associated with this and that the highway authority raise no objection to the proposal, it is considered unreasonable to refuse planning permission on the basis of highway safety.

Other matters

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An element of the proposal incorporates a small showroom for the sale and display of stationery products. Whilst this is an A1 use that should ordinarily be located within the town centre, it is considered that due to it only representing an ancillary element of the proposal, the size of which can be adequately controlled by condition, it is acceptable in this instance.

Conclusion

The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF states that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It requires a positive approach to sustainable new development and specifically seeks to promote the development of existing businesses. Paragraph 19 of the NPPF states that significant weight should be placed on the need to support economic growth through the planning system. Your Officers consider that the economic, social and environmental aspects of sustainable development would be achieved. The proposal would therefore represent sustainable development.

Your Officers have considered the three dimensions to achieving sustainable development and, having taken into account the consultation replies and third party representations and the active role required of planning to guide development to sustainable locations, are of the view that the proposal would represent sustainable development and be unlikely to cause significant harm to amenity and therefore should be approved.

RECOMMENDATION:

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

- 1) The proposal must be started within 3 years from the date of this notice.

Reason: To comply with National Legislation

- 2) The proposal shall be carried out as shown on the plans, schedules and other documents listed below;

1730.01
1730.03A

Reason: To make sure the development is carried out exactly as shown on the plans, to ensure that it relates to the area in which it is being built and protects how that area looks, in order to comply with Policy B (BE).13 of the Borough of Redditch Local Plan Number 3.

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- 3) It will only be possible to have deliveries to the site between 06:45hrs and 17:00hrs, Mondays to Fridays. The business shall operate and be open to customers between 08:00hrs and 17:00 hrs Mondays to Fridays. It will not be possible to deliver, collect or operate outside of these hours or at any time in the day on a Saturday, Sunday or a Bank or Public holiday unless previously agreed with the Council.

Reason: To make sure that the living conditions of the residents leaving near to the site are not harmed as a result of the works in order to comply with policy B(BE).13 of the Borough of Redditch Local Plan Number 3.

- 4) The amount of A1 retail floorspace shall be restricted to 15.6 square metres as detailed on plan 1730.03A and shall remain ancillary to the predominant B1/B8 use of the application site.

Reason: Any increase in the use of the site for A1 retail purposes may require further consideration by the Local Planning Authority in order to comply with Policy E(TCR).1 of the Borough of Redditch Local Plan Number 3 as a wholly retail use of the site may be inappropriate in principle and have impact on highway safety and residential amenity.

Informatives

- 1) The LPA are aware of the requirement to work in a positive and proactive manner with the applicant in the determination of planning applications. In this case the applicant provided amended plans and additional information during the course of the application process in order to arrive at a positive outcome for the application.

Procedural matters

This application is being reported to the Planning Committee because two (or more) objections have been received and as such it falls outside the scheme of delegation to officers.

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CONFIRMATION****Chapel at Junction of Birchfield Road and Chapel Street, Headless Cross,
Redditch**

Relevant Portfolio Holder	Cllr Greg Chance
Portfolio Holder Consulted	No
Relevant Head of Service	Ruth Bamford, Head of Planning and Regeneration Guy Revans, Head of Environment
Ward(s) Affected	Headless Cross & Oakenshaw
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 This report proposes the long term protection of a locally listed building which is considered to be of positive benefit to public amenity and a heritage asset in the wider public interest. Its value therefore makes it worthy of control in order to aim to achieve its retention in the longer term.

2. RECOMMENDATIONS

- 2.1 **The Committee is asked to RESOLVE that:**

The article 4(1) direction at Appendix 1 and its attached plan be confirmed without modification.

3. KEY ISSUES**Financial Implications**

- 3.1 The costs of the administrative and technical processes associated with this matter may be met from within existing budgets, and the financial aspects are not a matter for the Planning Committee to consider. However, there are circumstances in which the Local Planning Authority may be liable to pay compensation having made an article 4 direction, although the potential liability is limited in many cases by the time limits that apply.

The Local Planning Authority may be liable to pay compensation to those whose permitted development rights have been withdrawn if they:

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- Refuse planning permission for development which would have been permitted development if it were not for an article 4 direction; or
- Grant planning permission subject to more limiting conditions than the GDPO would normally allow, as a result of an article 4 direction being in place.

Compensation may be claimed for abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.

All claims for compensation must be made within 12 months of the date on which the planning application for development formerly permitted is rejected (or approved subject to conditions that go beyond those in the GPDO).

Any planning application required as a consequence of an article 4 direction is exempt from the usual planning application fee.

Legal Implications

- 3.2 These matters are completed in line with the provisions of the Town & Country Planning Act 1990 (as amended).
- 3.3 Legal Services has been consulted with regard to the legal implications and their advice incorporated into the content of this report.

Service / Operational Implications

- 3.4 Article 4 directions are a means of removing Permitted Development Rights in order for the Local Planning Authority to regain some control over premises. The particular rights being removed should be specified and their removal should be justified in planning terms. It should be done in the public interest. When it is considered expedient to do so, an Article 4 direction is made which can come into effect immediately and remains in force for a period of six months. During this time there is a consultation period where interested parties can make representations against or in favour of the direction. If a decision is not made at the end of the six month period, the direction lapses and ceases to have effect.
- 3.5 Following the consultation period a decision must be made to either confirm (i.e. make permanent) the Direction or not. If the decision is not to confirm then the direction lapses at the point the decision is made or 6 months from the making of the direction, whichever is the sooner.
- 3.6 On 20th November 2014 an application for the prior approval of the demolition of the building was received. It was noted that the building is on the local list and a heritage asset of merit and thus that planning policy, if it were applied, would

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seek the retention and reuse of the premises. Such matters cannot be taken into account in the determination of a prior approval application and as such the building was considered to be at risk.

- 3.7 Therefore, on 5th December 2014 a direction was made to remove the permitted development rights in relation to the demolition of the building and this takes immediate effect such that the application for prior approval is superseded and no longer applies or falls to be considered. The applicant was notified accordingly.
- 3.8 Publicity of the direction was carried out in accordance with the requirements of the legislation and a consultation period for representations ran ending on 9th January 2015. Officers have worked with the owners proactively to try and assist in finding an appropriate way forward but that this is separate from the current considerations and matters are progressing.

Summary of representations received

- 3.9 Three representations have been received, one of which is from the owners of the property. The following matters are raised:
- Potential harm to roosting bats
 - Loss of church for developer profit
 - Congestion and noise to existing residents resulting from demolition works
 - Difficulty of parking for future developments
 - Concern and queries over process
 - Object to non-determination of prior approval application
 - Professional advisers claim retention and reuse of premises would be economically unviable and that in need of substantial repair
 - Threats to board up site – becoming target for vandalism
 - Background to previous uses of premises provided
 - No demand for community use in this location
 - No market demand for dwelling conversion if 1 or 2 houses formed
 - Design of building doesn't lend itself to conversion to flats
 - Limited open space associated with premises
 - Delay to decision making resulting in costs to owners

Summary of consultation responses

- 3.10 Building Control officers advise that:
- The roof appears to be in good condition with having had man made slate tiles fitted and vent tiles at some point over the last approx. 30 years;
 - The brickwork appears in good order with very little sign of pointing required;
 - The rain water pipes and guttering do require some attention/maintenance;

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- There appears to be a timber shed attached building to the rear which is in poorer condition;
- Whilst the visit was only done from the outside I would be happy the general condition of the building would stand conversion. This would require virtually a complete internal strip out etc but I have seen many buildings in a lot worse condition converted into useable spaces.

Development plans officers advise that the building is on the local list of buildings of historic merit and that as such it is considered to be a heritage asset. It is a landmark building due to its prominent location and distinctive design and planning policies locally and nationally seek to protect such properties and then to retain/reuse them. Locally listed buildings that are perceived to be at risk are being reviewed with a view to applying further article 4 directions as appropriate. A report is scheduled to be considered at a forthcoming executive committee meeting.

County Archaeologist supports this very positive step by Redditch Borough Council towards preserving the remainder of the built historic environment within Redditch. It is also a good demonstration of how the local list can be employed to demonstrate significance.

Officer assessment

- 3.11 The reasons in the legislation for putting an article 4 direction on a building are given as being where it is necessary to protect the historic environment, local amenity and wellbeing of an area and requires that the harm of the loss of the building should be identified.

The legislation also requires that all the representations received should be taken into account.

Non Designated heritage assets are worthy of significant protection as noted at section 12 of the NPPF. The response should be proportionate to the significance of the asset, and in this case it is considered that the building makes a significant contribution to the character of the streetscene in this location and as such its loss would have a negative visual impact on the surrounding area.

National and local policies seek the retention and reuse of heritage assets such as this one and state that buildings should be protected in accordance with such policies. Therefore, it was considered necessary to ensure that the LPA retained control over the premises and its loss in order to ensure compliance with the retention and reuse objectives of policy. In policy terms, the reuse of the premises for a variety of other uses would be acceptable in principle and therefore it is considered that it would indeed be possible to retain and reuse the premises, albeit with some repairs and modification.

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Local interest in its retention has also been voiced in the representations made, and some weight is given to this in the consideration of the case. Further, the comments from the consultees are such that it seems that the building is not in imminent danger of collapse and therefore its retention would be practically possible. It is noted that some repair would be required, however the owner seems to claim that more significant and costly works would be required but at this stage, simply whether it is practical and possible or not is all that needs to be considered.

The applicant has argued economic reasons for the demolition of the premises, however it is not considered that this is the correct arena for dealing with such matters – this would need to form part of a justification in support of a planning application.

Members should be aware that an article 4, whilst protecting the building in the short term, does not necessarily prevent the future demolition of the premises, however it does render the control back in the hands of the local planning authority through considering a planning application for demolition, which would be supported by significant information in relation to its loss and justification thereof.

Procedural matters and those related to potential future uses/developments on site not relevant here

Representations have been made in relation to potential ecological issues, however these would be dealt with under separate legislation from the planning process.

Customer / Equalities and Diversity Implications

- 3.12 The customers have been provided with the relevant notification, and will receive a formal notification of the committee decision.
- 3.13 Equalities and Diversity implications – none.
- 3.14 As this case forms part of the wider review of LLBs and has been brought forward as a result of the submission of an application for prior approval of demolition, and this would be likely on any LLB as a result of this review, then it is not considered that the owner of the premises has been unfairly treated.

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4. RISK MANAGEMENT

- 4.1 The risk of not protecting the building is that in the long term it is likely to be demolished such that its significance and contribution to the wider area would be lost.

5. APPENDICES

Appendix 1 - Article 4 direction and plan for confirmation.

6. BACKGROUND PAPERS

Relevant documentation on file

AUTHOR OF REPORT

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REDDITCH BOROUGH COUNCIL**PLANNING
COMMITTEE**11th March 2015**Town and Country Planning (General Permitted
Development) Order 1995 (as amended)****DIRECTION MADE UNDER ARTICLE 4 TO WHICH ARTICLE
6 APPLIES**

WHEREAS Redditch Borough Council being the appropriate local planning authority within the meaning of article 4(4) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) are satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out on the land shown edged orange and cross hatched pink on the attached plan, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

NOW THEREFORE the said Council in pursuance of the power conferred on them by article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995, as amended, hereby direct that the permission granted by article 3 of the said Order shall not apply to development on the said land of the description set out in the Schedule below.

THIS DIRECTION is made under article 4(1) of the said Order and, in accordance with article 6(7), shall remain in force until **5th June 2015** (being six months from the date of this direction) and shall then expire unless it has been confirmed by the appropriate local planning authority in accordance with paragraphs (9) and (10) of article 5 before the end of the six month period.

SCHEDULE

Any building operation consisting of the demolition of a building being development comprised within Class A of Part 31 of Schedule 2 of the said Order and not being development comprised within any other Class.

1. Made under the Common Seal of The Council of the Borough of Redditch
this Fifth day of December 2014.

The Common Seal of
The Council of the Borough of Redditch
was affixed to this Direction
in the presence of

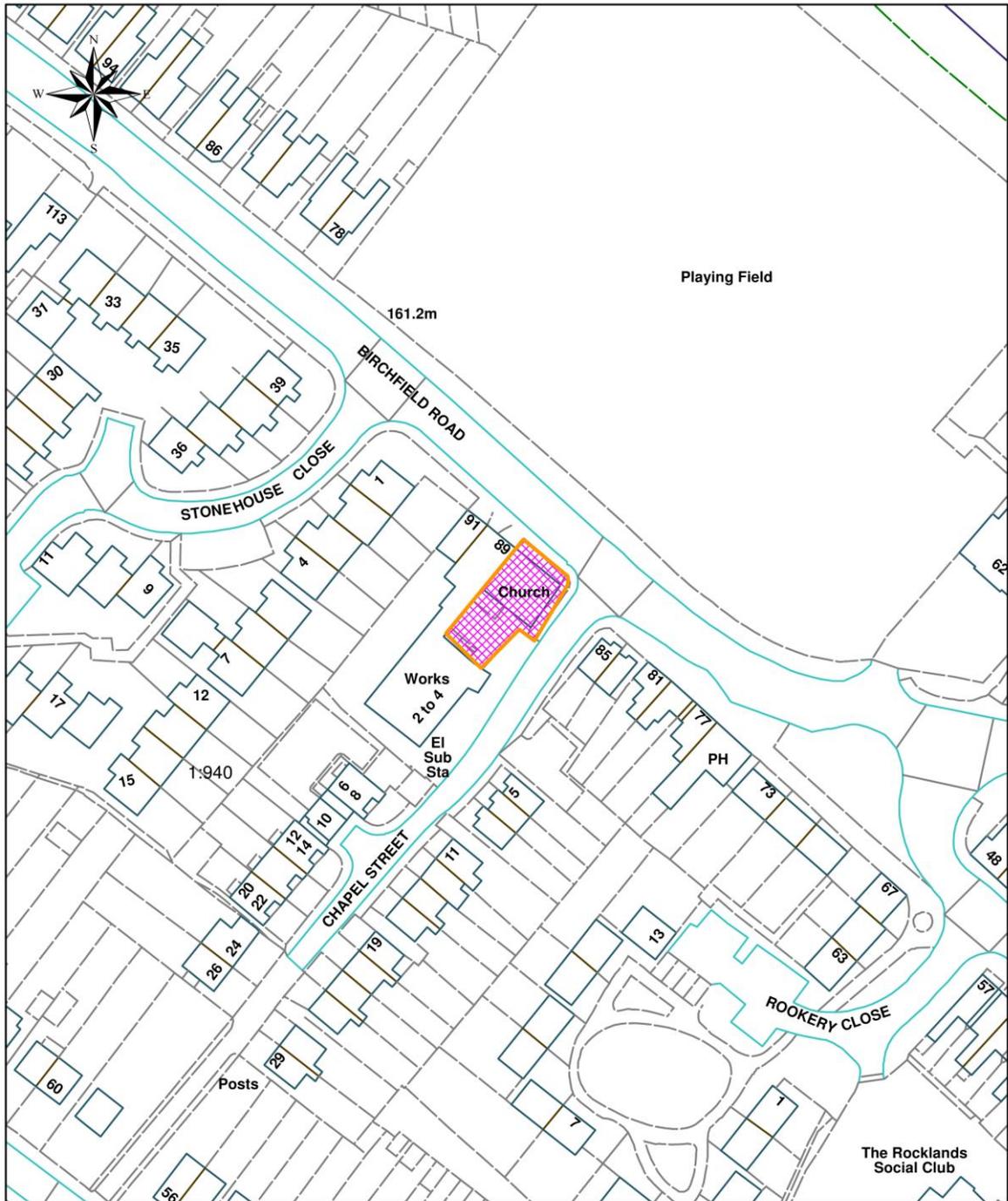
2. Confirmed under the Common Seal of The Council of the Borough of Redditch
this day of 20

The Common Seal of
The Council of the Borough of Redditch
was affixed to this Direction
in the presence of

REDDITCH BOROUGH COUNCIL

**PLANNING
COMMITTEE**

11th March 2015



Planning & Regeneration
Town Hall
Walter Stranz Hall Square
Redditch
B98 8AH

Article 4(1) direction
Sub Title
5 December 2014

Not Set
Scale 1:940