



Planning Committee

Wed 27 May
2020
7.00 pm

Virtual Meeting

REDDITCH BOROUGH COUNCIL

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a
difference*

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If you have any queries on this Agenda please contact

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REDDITCH BOROUGH COUNCIL

PLANNING COMMITTEE



GUIDANCE ON VIRTUAL MEETINGS AND PUBLIC SPEAKING

Due to the current Covid-19 pandemic Redditch Borough Council will be holding this meeting in accordance with the relevant legislative arrangements for remote meetings of a local authority. For more information please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police Crime Panels meetings) (England and Wales) Regulations 2020.

The meeting is open to the public except for any exempt/confidential items. Where a meeting is held remotely, “open” means available for live viewing. Members of the public will be able to see and hear the meeting via a video conferencing tool. Details of the website for Councillors and members of the public to use, and any access codes/passwords will be made available separately.

If you have any questions regarding the agenda or attached papers please do not hesitate to contact the officer named below.

PUBLIC SPEAKING

The usual process for public speaking at meetings of the Planning Committee will continue to be followed subject to some adjustments for the smooth running of virtual meetings. For further details a copy of the amended Planning Committee Procedure Rules can be found on the Council’s website at:

<https://moderngovwebpublic.redditchbc.gov.uk/documents/s39137/Urgent%20decision%20form%20-%20public%20participation%20at%20Planning%20Committee.pdf>

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:

- 1) Introduction of application by Chair
- 2) Officer presentation of the report
- 3) Public Speaking - in the following order:-
 - a) Objectors to speak on the application;
 - b) Supporters to speak on the application;
 - c) Ward Councillors
 - d) Applicant (or representative) to speak on the application.

Speakers will be called in the order they have notified their interest in speaking to the Democratic Services Team and invited to unmute their microphone and address the committee via Skype.

- Each individual speaker will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair.
 - 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.
- 4) Members' questions to the Officers and formal debate / determination.
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Notes:

- 1) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Democratic Services Team on 01527 64252 Extn.2884 or by email at sarah.sellers@bromsgroveandredditch.gov.uk before 12 noon on Friday 22nd May.
- 2) Advice and assistance will be provided to public speakers as to how to access the meeting and those registered to speak will be invited to participate via a Skype invitation. Provision has been made in the amended Planning Committee procedure rules for public speakers who cannot access the meeting by Skype, and those speakers will be given the opportunity to submit their speech in writing to be read out by an officer at the meeting. Please take care when preparing written comments to ensure that the reading time will not exceed three minutes. Any speakers wishing to submit written comments must do so by 12 noon on Friday 22nd May.
- 3) Reports on all applications will include a summary of the responses received from consultees and third parties, an appraisal of the main planning issues and a recommendation. All submitted plans and documentation for each application, including consultee responses and third party representations, are available to view in full via the Public Access facility on the Council's website www.redditchbc.gov.uk
- 4) It should be noted that, in coming to its decision, the Committee can only take into account planning issues, namely policies contained in the Borough of Redditch Local Plan No. 4 and other material considerations, which include Government Guidance and other relevant policies published since the adoption of the Development Plan and the "environmental factors" (in the broad sense) which affect the site.
- 5) Although this is a public meeting, there are circumstances when the committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded and for any such items the live stream will be suspended and that part of the meeting will not be recorded.
- 6) 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.

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COMMITTEE

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Virtual Meeting

Agenda

Membership:

Cllrs:

Salman Akbar (Chair)
Gemma Monaco (Vice-Chair)
Brandon Clayton
Andrew Fry
Bill Hartnett

Anthony Lovell
Nyear Nazir
Gareth Prosser
Jennifer Wheeler

1. Apologies

2. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests and / or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

3. Confirmation of Minutes of the Planning Committee meeting held on 4th March 2020 (Pages 1 - 8)

4. Update Reports

To note Update Reports (if any) for the Planning Applications to be considered at the meeting.

5. Application 20\00307\CUPRIO Meadow Farm 33 Droitwich Road Feckenham Worcestershire B96 6RU - Mr and Mrs Cole (Pages 9 - 20)

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MINUTES

Present:

Councillor Salman Akbar (Chair), and Councillors Brandon Clayton, Andrew Fry, Bill Hartnett, Anthony Lovell, Nyear Nazir, Gareth Prosser, Jennifer Wheeler and Michael Chalk

Officers:

Helena Plant, Emily Farmer, Steve Edden and Amar Hussain

Democratic Services Officer:

Sarah Sellers

79. APOLOGIES

Apologies for absence were received from Councillor Gemma Monaco. Councillor Mike Chalk attended as substitute for Councillor Monaco.

80. DECLARATIONS OF INTEREST

There were no declarations of interest.

81. CONFIRMATION OF MINUTES

RESOLVED that

The Minutes of the Planning Committee held on 19th February 2020 be confirmed as a correct record and signed by the Chair.

82. UPDATE REPORTS

The Update Report was noted.

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Chair

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**83. APPLICATION 19/01159/FUL - CHAPEL HOUSE FARM
FECKENHAM ROAD HUNT END REDDITCH B97 5QG - MR S
JONES**

Single storey side extension, demolition of the existing modern conservatory and a single storey rear extension

Officers outlined the application for the addition of a new side extension and the replacement of the existing modern extension at the rear. Members were advised that although the side extension was shown on the plans, it did not require planning permission as it could be built under permitted development rights. Members were therefore primarily considering the rear extension that would replace the existing modern conservatory.

The Conservation Officer had been consulted due to the building being a non -designated heritage asset and because it was located in close proximity to an Ancient Scheduled Monument, namely the medieval moated site of Hunt End consisting of earthworks (former moat structure) and the remains of a Jacobean House and a Grade II Listed Building and Moat House. The property was also located close to historic stable buildings classified as non-designated heritage assets. The Conservation Officer had expressed views regarding the side extension but in the report these had had to be balanced by the fact that the extension was permissible under permitted development.

Officers had also assessed the application in relation to the relevant Green Belt policies and the proposal was compliant.

At the request of the Chair the following speakers addressed the Committee under the Council's Public Speaking Rules:-

- Councillor Craig Warhurst - Ward Member for Astwood Bank and Feckenham
- Mr Stephen Protherough (Planning Agent) and Mr Simon Jones (Applicant)

In response to questions from Members officers clarified the difference between Designated Heritage Assets listed by Historic England and assets on the local list which are known as "Non Designated Heritage Assets". The application site fell into the second category and the owners were entitled to seek planning permission to extend.

In debating the application a range of views were expressed with some Members questioning the appropriateness of the extension given the historic nature of the building, its location in the Green Belt and its proximity to other historic buildings. Views in support of

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the application were also expressed referring to the advantages of replacing the existing conservatory with a better designed structure that would blend in. Members noted that the rear extension was located largely out of sight behind the main dwelling, and as such it was felt that any impact on the historic setting and the Green Belt would be negligible.

A motion for refusal was moved and there was further discussion as to the proposed refusal reasons suggested with officers advising as to why in their professional opinion such reasons would not represent sufficient grounds for a decision to refuse the application.

Following further debate, the recommendation to approve as set out on page 16 of the agenda was put to the vote.

RESOLVED that

Having regard to the development plan and to all other material considerations, planning permission be granted subject to the conditions and informatives set out on pages 16 to 18 of the agenda.

84. APPLICATION 19/01263/FUL MARLPIT FARMHOUSE MARLPIT LANE REDDITCH B97 5AW - MR BRIAN HANDS

Demolition of Dutch Barn, alterations and extensions to existing farmhouse, conversion of two barns to dwellings to include extensions and alterations, erection of two new detached dwellings and erection of garages and associated works

Officers outlined the application for the unoccupied farmhouse and associated farm buildings at Marlpit Farm to be re-developed to provide 5 dwellings. Members were reminded that there had been a previous refusal of planning permission for a residential scheme at the site which had involved the demolition of all the existing structures. Under the current application the farmhouse and two existing barns would be retained and refurbished and extended. The Dutch barn would be demolished and replaced with 2 new dwellings.

Access to the site would be via the existing private lane. This would be widened to 4.1 metres. The existing visibility splays were considered to be sufficient and barriers would be installed at the intersection between the existing footpath and the lane. As such County Highways had no objections to the application. Overall the scheme would preserve the farmhouse which was a non designated heritage asset and bring the site back into use and the application was supported by the Council's Conservation Officer.

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At the invitation of the Chair Mr Andy Bywater local resident, and Mr Alan Smith, Planning Agent, addressed the Committee under the Council's Public Speaking Rules.

In responding to questions from Members, officers clarified that:-

- The widening the access road to 4.1 metres would be in line with the County Highways Design Guide and would allow 2 cars to pass each other.
- There were conditions in place to cover any contamination issues and wildlife.
- Responsibility for maintenance of the access road would be a private matter and there were no proposals for the road to be adopted.

Whilst acknowledging comments made in public speaking regarding highways issues, in debating the application Members welcomed the changes to the previous proposals and the opportunity this presented to retain the historic structures under a residential use.

RESOLVED that

Having regard to the development plan and to all other material considerations, planning permission be granted subject to:-

- (1) **The conditions and informatives set out on pages 29 to 36 of the agenda, and**
- (2) **The addition of an extra condition to ensure that standard construction working hours are imposed at the site in the interests of the amenity of neighbours.**

85. APPLICATION 19/01279/FUL - 17 ALCESTER STREET REDDITCH - MR RICHARD LANYON

Proposed change of use to include: at ground floor – separation and modification of part of existing A1 (retail) use, change of use of part of existing A1 use to A3 (restaurant), B1 (offices) and B8 (self-storage) uses; and at first floor: change of use from D2 (bingo) to B8 (self-storage) and installation of mezzanine floor

Officers presented the report and outlined the proposed changes of use to the different areas of the building by reference to the relevant plans. It was noted that the changes included the extension of the existing restaurant at ground floor level, the sub-division of the large unoccupied retail unit into several smaller units and the creation of a new shared office space. It was proposed that the former bingo

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hall be divided into two levels by the addition of a mezzanine floor, and that the original level, the mezzanine and a part of the ground floor be used for a self-storage facility.

At the invitation of the Chair the Applicant Mr Richard Lanyon addressed the Committee under the Council's public speaking rules.

In debating the application member's welcomed the sub-division of the building and the opportunities this would provide for local businesses and noted that this could improve footfall on Alcester Street. Some reservations were expressed by members regarding the change to B8 use and whether this could lead to other less appropriate types of storage in the future. Officers advised that this was the appropriate use class for the self-storage facility and the location provided constraints to future changes given its position in the town centre.

RESOLVED that

Having regard to the development plan and to all other material considerations, planning permission be granted subject to the conditions and informatives set out on pages 43 to 45 of the agenda.

86. APPLICATION 19/01464/FUL 23 HOOPERS LANE ASTWOOD BANK REDDITCH B96 6AP - MRS CLARE WHALLEY

Proposed new 3 bedroom detached dwelling with associated parking and landscaping

Officers presented the report and outlined the proposal to demolish the attached garage at 23 Hoopers Lane and construct a three bedroom dwelling in the curtilage. The application had been assessed to be compliant with the relevant policies as to the principle of development, scale and design and amenity. Whilst noting that there had been objections from residents of neighbouring properties, officers were satisfied that the garden of the proposed dwelling would meet the required standard for area and that separation distances complied with the relevant policy requirements.

At the invitation of the Chair Mr and Mrs Nigel and Sally Hawes addressed the Committee under the Council's public speaking rules.

In response to Members questions officers clarified that the use of obscure glazed windows would be imposed through conditions 4 and 5 and that there were no issues arising from the separation

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distance between the existing dwelling and the new one proposed. With regard to over shadowing to number 29 Hoopers Lane, officers had concluded that there would not be a material loss of light that would be detrimental to amenity.

Members requested that an additional condition be added to the permission to impose standard construction working hours.

RESOLVED that

Having regard to the development plan and to all other material considerations, planning permission be granted subject to:-

- (1) The conditions and informatives set out on pages 53 to 56 of the agenda, and**
- (2) The addition of an extra condition to ensure that standard construction working hours are imposed at the site in the interests of the amenity of neighbours.**

87. APPLICATION 19/0616/FUL - R Z STORES COSTERS LANE WINYATES EAST REDDITCH B96 6AP - MR SARWAR

Creation of 4 apartments above existing stores; new A5 unit together with associated internal works

Officers outlined the application for construction of two storeys above the existing shop to provide 4 two bedroomed flats together with a small single storey extension to the shop. It was proposed that the internal lay out at ground floor level be reconfigured to slightly reduce the size of the shop and create a new A5 hot food takeaway unit of 35m². The proposal also included the provision of a walled amenity area at the rear and an extended car parking area with 12 new parking spaces to be used by the residents of the flats and shoppers.

In assessing the proposal officers had noted that the creation of the extra storeys would increase passive surveillance of the area at the rear of the shop and it was hoped that this would deter any anti-social behaviour issues.

Members were referred to the additional condition with regard to hours of operation of the A5 unit as set out on page 2 of the Update Report.

At the invitation of the Chair Mr John Leonard local resident and Mr Henry Morris, architect on behalf of the applicant, addressed the Committee.

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In debating the application members referred to issues of litter, land ownership with regard to the new parking area, the potential benefits of the scheme as a whole and the public amenity area specifically in improving the area and whether the car park should be marked to provide for specific parking spaces for the owners of the flats.

In this regard an amendment was carried that the recommendation be altered to add an extra condition that the applicant submit a management plan for the use of car park, such plan to include details of the marking out of car parking spaces for the use of the occupants of the flats.

RESOLVED that

Having regard to the development plan and to all other material consideration's, planning permission be granted subject to:-

- (1) The Conditions and informatives set out on pages 63 to 66 of the agenda; and
- (2) Condition 12 set out on page 2 of the Update Report: and
- (3) The addition of an extra condition to require the applicant to submit a management plan for the use of car park, such plan to include details of the marking out of car parking spaces for the use of the occupants of the flats.

**88. CONSULTATION ON A PLANNING APPLICATION -
19/01356/FUL - BARN HOUSE FARM FOXLYDIATE LANE
REDDITCH B97 5PB (BROMSGROVE DISTRICT COUNCIL
MATTER)**

Bromsgrove Planning Application No 19/01356/FUL

Full planning application for the demolition of existing buildings and the development of 63 dwellings with associated public open space and infrastructure

Members were reminded that the Planning Committee had previously considered this Bromsgrove planning application in December 2018 when it was an outline application and had made representations to Bromsgrove District Council.

Whilst the outline application had not yet been determined, the applicant had now submitted a full application and Redditch Borough Council had been invited by Bromsgrove District Council to comment on the full application.

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The site formed part of the larger Foxlydiate site but was self-contained with a single access point for vehicles onto Foxlydiate Lane. Officers described the layout of the site by reference to the relevant plans, and invited Members to endorse the officer comments set out in Appendix 1 to the agenda at pages 71 to 75.

Officers responded to questions from Members and clarified that whilst there would be walking and cycling connectivity from this site to the wider Foxlydiate site, there would be no vehicular connectivity. It was emphasised that the recommendation required appropriate transport mitigation at construction stage and thereafter, in relation to the wider Foxlydiate site and other developments in the vicinity.

RESOLVED that

- (1) The principle of housing on the site be supported as long as all appropriate transport mitigation measures have been fully outlined and accounted for. The impact of the site must be considered cumulatively alongside the wider Foxlydiate site, at both the construction stage and thereafter, and also with regard to other development sites in the vicinity.**
- (2) Members endorse the comments under the heading Officer appraisal (attached at Appendix 1).**

The Meeting commenced at 7.00 pm
and closed at 10.45 pm

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Planning Application 20/00307/CUPRIO**Change of use of building from agriculture to dwellinghouse****Meadow Farm, 33 Droitwich Road, Feckenham, Worcestershire, B96 6RU,****Applicant: Mr And Mrs Cole**
Ward: Astwood Bank And Feckenham Ward**(see additional papers for site plan)**

The case officer of this application is Emily Farmer, Planning Officer (DM), who can be contacted on Tel: 01527 881657 Email: emily.farmer@bromsgroveandredditch.gov.uk for more information.

Site Description

The application site is an agricultural nursery covered in hardstanding with one polytunnel for growing plants and a metal clad storage building in the south-west corner of the site. The metal clad storage building is subject to this application and was constructed in 2004 as a storage building to facilitate the existing use onsite.

The site is located south of the Droitwich Road and has two vehicular accesses; one from the Droitwich Road to the north-east of the site and one down a private derive to the north-west of the site. This private drive is also a Public Right of Way.

Proposal Description

The proposal is to convert the existing building into one 2 bedroom dwelling. The site will utilise the existing access from the private drive to the north-west and parking will be provided within the existing hard standing area around the building. A small area to the rear of the building will be converted to garden space to serve the dwelling. Concerns have been raised on the garden area due to its size and the proximity of a hedge. Applications for conversion under this part of the Schedule only allow for an amenity space no larger than the footprint of the dwelling and therefore the size of the garden is restricted by the development and usually can only facilitate a strip of land around the building. The external appearance of the building will be relatively unaltered however the conversion does include the introduction of new window and door openings. The land beyond this area will be unaltered and will remain in agricultural use.

Relevant Policies :

Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

National Planning Policy Framework

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National Planning Practice Guidance

Relevant Planning History

| | | | |
|--------------|--|----------|------------|
| 2004/552/FUL | Replacement Storage Building | Approved | 16.11.2004 |
| 1999/239/FUL | Polythene Tunnel For Growing Ornamental Plants | Approved | 04.10.1999 |

Consultations**Highways Redditch**

No highways objections to the proposed conversion. The access via the private drive from Droitwich Road is considered acceptable. No new vehicular access is proposed for the proposed dwelling. The gated field access located off Droitwich Road has not been assessed however we would require further information for this access to be considered appropriate. Applicant also to note the gated field access located off Droitwich Rd is not to be used as a construction access or to be associated with the proposed development.

Worcestershire County Council Countryside Service

The definitive line of Feckenham footpath FH-693 runs along the access track to the application site. No objection subject to informatives.

WRS - Contaminated Land

Sufficient information is provided as part of the application to determine that contaminated land risk assessment is not required. The photographic survey provides a detailed review of both the internal and external use of the building. The Planning Statement confirms that the building has not been used for the storage of pesticides.

WRS - Noise

No objection to the application in terms of any noise / nuisance issues.

North Worcestershire Water Management

The proposed development site is situated in the catchment of the Bow Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Risk to the site from surface water flooding is indicated as low based on

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the EA's flood mapping (indicated above). Correctly designed drainage will mitigate any flood risk from surface water on the site.

Based on the available information there is no reason to withhold approval of this application on flood risk grounds. I don't deem it necessary for this planning application to recommend attaching a drainage condition as a future building control application will deal with this aspect.

Public Consultation Response

3 representations have been received raising objections to the proposal which have been summarised as follows;

- Covenant on private access track
- Highways safety on use of access from Droitwich Road
- Noise impact on amenity of neighbouring dwelling
- Unsustainable location for residential development
- Design
- There is no provision for a boiler, flue or oil storage tank shown on the plan.
- Site in location close to Special Wildlife Site
- Development contrary to policies in Borough of Redditch Local Plan
- Government's intentions behind Prior Approval applications.
- Conversion works involve the construction of new structural elements since it requires the constriction of all outer walls (within the metal cladding) contrary to the *Hibbitt v SoS*
- Site adjacent to Special Wildlife Site
- Existing site solely for growing plants and not customers and therefore will have greater impact on noise.
- New openings do not retain the character and evidence of previous use

Procedural matters

Members should note that this is not a planning application. In 2015 Central Government introduced a range of permitted development rights to allow the change of use of a variety of different buildings to a residential use without the need for full planning permission. These proposals are, however, subject to a 'lighter touch' prior approval process. As such the proposal has been submitted as a Prior Approval application under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). A copy of the relevant part of the Order has been attached as an appendix to this report.

Class Q. a and b of the above legislation allows for a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order together with building operations reasonably necessary to convert the building. To establish whether the development can be considered under this process the application must be considered against the fixed criteria as outlined in detail within your officers report.

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Where development can be considered under Class Q (a and b), development is permitted subject to the condition that before beginning the development, the developer must apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to;

- a) transport and highways impacts of the development,
- b) noise impacts of the development
- c) contamination risks on the site
- d) flooding risk on site
- e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from an agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and
- f) the design and external appearance of the building.

Only the above list of considerations can be taken into account when making an assessment on this application. Having regards to this both Local and National policies relating to matters such as Green Belt and sustainability cannot be considered as part of this assessment.

Assessment of Proposal

Prior approval is sought under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended to convert an agricultural building to one residential dwelling.

In determining the proposal, regard has to be had to whether the proposal constitutes permitted development under Class Q and in the event that it does, an assessment is required under Class Q.2(1) regarding a series of six criteria.

Q.1 (a) specifically states that the last use of the building or the use of the building on 20th March 2013 must have been solely for agricultural purposes as part of an established agricultural unit. The building forms part of an established nursery and therefore the use therefore accords with criteria Q.1 (a)

Q.1 (b-d) restricts the number of units and the scale of the units available under a Class Q application. The proposal is for one dwelling and therefore complies with this section.

Q.1 (e-f) requires the agricultural tenancy be terminated on site. This has been confirmed by the applicant on the application form. The building therefore complies with this criterion.

Q.1 (g). Having reviewed the planning history no buildings have been constructed under Class A(a) or Class B(a) of Part 6 of the General Permitted Development Order since March 2013.

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Q.1 (h). The Council have been mindful that the development should not result in external dimensions extending beyond the external dimensions of the existing building at any given point. The building is to retain the external metal cladding and therefore will comply.

Q.1(i) allows building operations comprising the installation or replacement of windows, doors, roofs, or exterior walls, or water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwelling. In addition, demolition is permitted to the extent reasonably necessary to carry out the building operations listed above.

In order to comply with the permitted development criteria it needs to be established that the works required for the building to function as a dwelling are not so substantial as to amount to the construction of a new building. The Planning Practice Guidance supports this by stating that the intention of the permitted development right is not to allow rebuilding work which would go beyond what is reasonably necessary for conversion to a residential use. It is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right. Furthermore, the Hibbitt case established that it is a matter of judgement as where the line is drawn between a conversion and a rebuild.

In this case, supporting documents have been submitted with the application including an annotated plan and Supporting Statement outlining the extent of the works required to the building. The existing building is of metal clad construction with flooring and electricity already installed and is in good condition. In this case, the documentation submitted with the application indicates that the existing walls, roof, and frame are to be retained with the insertion of additional doors and windows. Some internal works are proposed relating to the installation internal walls. However having regard to paragraph 105 of the Planning Practice Guidance advises that internal works are not Development. Concerns have been raised from third parties that the works go above and beyond that allowed and that the internal walls should be considered as new structural elements which go above and beyond a conversion. Various Appeal Decisions have determined that new internal walls are not structural and are commonly required on such conversions. Having regards to the extent of the building retained and the creation of new openings, the works required to enable the residential use would not go beyond the works outlined to be acceptable within the Planning Practice Guidance and therefore are considered to fall within the scope of Class Q permitted development.

Q.1 (j-m). The site does not fall within article 2(3) land, a site of special scientific interest, a safety hazard area, a military explosive storage area, a scheduled monument or a listed building. It is noted that the site is close to a Site of Special Wildlife however the legislation does not restrict development under this part of the Schedule in such locations.

On the basis of the above, the proposal complies with the criteria included within paragraph Q. 1.

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Condition Q.2 of Class Q

Q.2 (a) The application utilises an existing vehicular access and has provided sufficient parking. There has been some dispute from the public comments as to which access the applicant intends to use to facilitate this change of use. The applicant has confirmed they intend to use the access via the private drive and have annotated the submitted plans to make this clear (Rev B). The Highways Authority raised no objection to the use of this access on Highways safety grounds it is therefore not reasonable to refuse the application on these grounds. Objections from the owner over the legal use of this access are noted. The ownership and right of access over the private drive is a civil matter to be dealt with through the relevant covenants on site. Planning permission does not override any legal covenants on the land and the applicant would need to go through the correct legal processes to ensure access as proposed.

Q.2 (b) objections have been received from the neighbouring dwelling on noise grounds. It is acknowledged that the site is subject to a planning condition restricting the selling of plants to customers however a small single dwelling is not likely to have an undue impact on the neighbouring dwelling in terms of noise given this would not create an unusual relationship or proximity. No objection has been received on noise grounds by Worcestershire Regulatory Services. For these reasons it would not be reasonable to refuse the application on these grounds.

Q.2 (c) Worcestershire Regulatory Services have raised no objection to the scheme. Sufficient information is provided as part of the application to determine that contaminated land risk assessment is not required. The photographic survey provides a detailed review of both the internal and external use of the building. The Planning Statement confirms that the building has not been used for the storage of pesticides.

Q.2 (d) The site falls within Flood Zone 1 and is not shown to be susceptible to flooding. The drainage engineer consultee has raised no objection to the scheme.

Q.2 (e) given existing residential uses are within the locality it is not considered the location impractical or undesirable for a use falling within C3. Comments have been received suggesting that the site is not sustainable given the lack of public transport and thereby is not a good location for residential dwellings. The unsustainable location of the site is not disputed and Highways have also raised this matter in their comments. However, a Ministerial Statement in March 2015 updated the Planning Practice Guidance (PPG) to remove this test from the assessment of such applications. A Class Q application needs to be seen as part of a wider and more positive approach in considering appropriate opportunities, such as the re-use of rural buildings, to meet housing need in rural areas. This as updated in paragraph 109 of the PPG which states. "That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval." It is therefore not reasonable to refuse the application on these grounds. It is noted there is some dispute from the residents as to the exact distance of

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the bus stop from the site. In any event Highways agree and concluded the site is unsustainable.

Q.2 (f) In respect of design it is noted that the representations received from the neighbouring properties make comment on this matter. The Councils Supplementary Planning Guidance suggests that agricultural buildings to be converted should be designed to retain their character and evidence of previous use. This building has been constructed for storage purposes and not traditional farming practices. Therefore with the retention of the existing external materials and the inclusion of a small number of new openings this is considered to comply with this guidance. One letter has made reference to an appeal decision for a change of use of a metal agricultural building which was dismissed on the excessive number of new openings creating a domesticated appearance to the building. In this instance, the building is very modern, with modern openings which are to be utilised as part of the conversion. The conversion does also create a number of small openings for windows. These openings are not considered to be excessive and given the nature of this building with little agricultural character as existing it would not be reasonable to object on these grounds. The extent of new openings has been disputed however the building has been designed to ensure that the numbers of new openings are kept to a minimum and given the modern nature of the building it is not unreasonable to except these alterations. Having regards to this, the design is considered acceptable in this rural location.

No objections have been received from statutory consultees in relation to criteria (a) - (d) and therefore it is considered unreasonable to refuse the prior approval on these grounds.

Public Consultation

A number of comments have been received from the neighbouring properties in respect of this application. Comments have also been received from the Parish Council objecting to the scheme. The Parish Council are not a consultee on such applications and their comments reflect that received from the neighbours. Matters such as proposed works carried out to the building, highways, noise, design and sustainability are addressed within this report. Other matters raised including the Governments intentions with the creation of these Prior Approval change of use applications are not for the Borough Council to make comment. Any questions on the wording chosen for such legislation should be directed to your MP.

There is no requirement for water drainage, electricity, gas or other services to be shown on the plans as this falls into the Building regulations remit.

The site is located close to the boundary of a special wildlife site however the legislation only restricts such application types that are located within a Site of Special Scientific Interest.

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Comments have also been made stating planning policies within the Borough of Redditch Local Plan. This is not an application for planning permission and is a Prior approval sought under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended to convert an agricultural building to one residential dwelling. In determining such proposals, no consideration is made to Local or National Planning Policies and regard has to be had to whether the proposal constitutes permitted development under Class Q and in the event that it does, an assessment is required under Class Q.2(1) regarding a series of six criteria as outlined previously in this report.

The applicants have confirmed in writing and made clear on the plans which access the application is proposing to use and it is clear to the Council what is being considered as part of this application. Conditions have been used to ensure that the access directly off the Droitwich Road, which has caused concern over its use with residents and the Parish Council, is not used as part of the conversion or during any construction works.

Conclusion

The building to be converted is a modern metal structure sited on concrete with no roof tiles or separate roof void. Having regards to this it has not been considered necessary to require a protected species survey in this instance. It has however been deemed appropriate to condition the installation of bat boxes to provide a net gain in biodiversity.

On the basis of the information submitted with the application and all the comments received from the neighbouring properties and relevant consultees, the proposed conversion complies with Schedule 2, Part 3, Class Q of the GPDO.

RECOMMENDATION:

That having regard to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and to all other material considerations, Prior Approval is required and GRANTED subject to the following conditions:

Conditions:

- 1) The development hereby approved under must be completed within three years starting with the prior approval date.

Reason: Required as a result of the provisions of Class Q, Part 3 Schedule 2 of the Town and Country Planning General Permitted Development Order 2015.

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

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125312-100 Location and Block Plan
125312-102 Proposed Plans
125312-103a Proposed Block Plan

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

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

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

- 4) To provide a net gain in biodiversity two 'schwegler bat boxes' or equivalent shall be placed on site in suitable locations and kept thereafter in perpetuity.

Reason: To ensure that the proposal results in a net gain of biodiversity having regard Policy 41 of the Borough of Redditch Local Plan and Paragraph 175 of the NPPF.

- 5) The Development hereby approved shall not be occupied until an area has been laid out within the curtilage of the dwelling for the parking of 2 cars at a gradient not exceeding 1 in 8. This area shall thereafter be retained for the purpose of parking a vehicle only.

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

- 6) The Development hereby permitted shall not be first occupied until the proposed dwelling has been fitted with an electric vehicle charging point. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851 and the Worcestershire County Council Streetscape Design Guide. The electric vehicle charging points shall be retained for the lifetime of the development unless they need to be replaced in which case the replacement charging point(s) shall be of the same specification or a higher specification in terms of charging performance.

REASON: To encourage sustainable travel and healthy communities.

- 7) The Development hereby approved shall not be occupied until the parking has been provided as shown on drawing 125312-103 Rev B.

Reason: To ensure conformity with submitted details.

- 8) The Development hereby approved shall not be occupied until the existing gated vehicular access located off Droitwich Rd shall be permanently closed in

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accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. In addition, this access shall not be used for construction vehicles as part of the conversion works at any time.

REASON: To ensure the safe and free flow of traffic using the adjoining highway.

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.
- 2) Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.
- 3) A public right of way crosses the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may be stopped up or diverted by Order under section 257 of the Town and Country Planning Act 1990, provided that the Order is made before the development is carried out. If the right of way is obstructed before the order is made, the Order cannot proceed until the obstruction is removed.

Procedural matters

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

Appendix to application 20/00307/CUPRIO

Extract from Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Permitted development

Q. Development consisting of—

(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Q.1 Development is not permitted by Class Q if—

(a) the site was not solely used for an agricultural use as part of an established agricultural unit -

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least ten years before the date development under Class Q begins;

(b) in the case of—

(i) a larger dwellinghouse, within an established agricultural unit –

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing buildings or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

(ba) the floor space of any dwellinghouse developed under Class Q having a use Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

(c) in the case of—

(i) a smaller dwellinghouse, within an established agricultural unit –

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor area of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order Exceeds 100 square metres:

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following –

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes exceeds 5;

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and tenant has been obtained;

(f) Less than one year before the date development begins –

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under Class Q,

Unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit –

(i) since March 2013; or

(ii) where development under Class Q begins after 20th March 2023, during the period which is ten years before the date development under Class Q begins;

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

(i) The development under Class Q(b) would consist of building operations other than –

(i) The installation or replacement of –

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas or other services,

To be reasonably necessary for the building to function as a dwellinghouse; and

(ii) Partial demolition to the extent reasonably necessary to carry out building operations allows by paragraph Q.1 (i)(i);

(j) the site is on article 2(3) land;

(k) the site is, or forms part of –

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

(l) the site is, or contains, a scheduled monument; or

(m) the building is a listed building.

Conditions

Q.2 – (1) *Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for determination as to whether the prior approval of the authority will be required as to –*

(a) transport and highways impacts of the development,

(b) noise impacts of the development,

(c) contamination risks on the site,

(d) flooding risks on the site,

(e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule of the Use Classes Order, and

(f) the design or external appearance of the building.

And the provisions of Paragraph W (Prior Approval) of this Part apply in relation to that application.

(2) *Where the development proposed is development under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.*

(3) *Development under Class Q is permitted subject to the condition that development under Class A(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.*