

**PLANNING
COMMITTEE**

11th February 2015

Planning Application 2015/009/S73

**Removal of conditions to remove restriction on uses in Threadneedle House only:
Condition 3 of 79/588 and conditions 2 and 4 of 80/272**

Threadneedle House, Alcester Street, Redditch, Worcestershire, B98 8AJ

**Applicant: Ms Amanda de Warr, Redditch Borough Council
Expiry Date: 14th April 2015
Ward: ABBEY**

(see additional papers for Site Plan)

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

Site Description

The application relates to the whole of the building known as Threadneedle House, located opposite the town hall. It formerly accommodated Barclays Bank and other government public facing office uses at ground floor, along with the Post Office which continues to operate from the northern end of the building. It also has two upper floors, balconies etc and is of a typical early 1980s brick design with metal mansard style cladding to upper floors and flat roofs.

It lies within the pedestrianised area of the town centre, and vehicle access is limited. Vehicles can access the rear of the building from access 2 off the Ringway, but there is little parking provision, and none of it is included within this application.

Proposal description

The application proposes the removal of the following two conditions:

Application 79/588 was for the 'construction of civic and commercial offices' (Town Hall and Threadneedle House). It included:

Condition 3: The proposed Commercial Offices building shall be used only for the purposes of offices and a Post Office and for NO other purpose whatsoever.

Application 80/272 was for the 'construction of commercial offices to include Use Class II office accommodation throughout and alternatively Class I purposes on ground floor only'. It included:

Condition 2: The proposed commercial offices shall be used only for purposes included within Class II of the Town and Country Planning (Use Classes) Order 1972, throughout

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and alternatively Class I of the Town and Country Planning (Use Classed) Order 1972, on the ground floor only and for NO other purposes whatsoever.

Condition 4: This permission does NOT authorise any variations to the elevations of the ground floor units, separate applications for which shall be submitted to the Local Planning Authority.

No reasons are given on the decision notices for attaching such conditions, and committee decision records are not kept that far back. It is therefore not clear why they were imposed at that time.

Relevant Policies :

Borough of Redditch Local Plan No.3:

CS07 The Sustainable Location of Development
S01 Designing Out Crime
ETCR01 Vitality and Viability of the Town Centre
ETCR02 Town Centre Enhancement

Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

Relevant Planning History

1981/067/ADV	Sign Is A General Lettings Board	Granted	02.03.1981
1984/040/FUL	Alterations To Parapet Walls At Rear Of Premises	Granted	29.02.1984
1988/122/FUL	Installation Of Second Cash Dispensing Machine	Granted	31.03.1988
2002/580/ADV	ATM Box Panel Sign	Granted	17.01.2003

Consultations

Development Plans

The purpose of this application is to allow for a wider range of permitted development rights to be exercised for Threadneedle House than the existing planning permissions allow. From a planning policy perspective, the alternative uses that can be achieved under current legislation, are acceptable, in principle, in the Town Centre. The application states that removing the conditions restricting its use will allow it to be brought back into use. This, in

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itself, can make a positive contribution to the vitality and viability of the Town Centre as the building has been vacant for a number of years. The extent to which other policy objectives, such as creating mixed use areas, can be achieved is uncertain because the future use(s) is/are not known. However, there is no adopted or emerging planning policy which sets out what alternative use(s) would be preferred for this particular building or location. Therefore there is no objection to this proposal in the context of adopted or emerging planning policy.

Town Centre Co-ordinator

No Comments Received To Date

Highway Network Control

No Comments Received To Date

Public Consultation Response

None received

Assessment of Proposal

An application to remove conditions has the effect in planning law of providing a replacement planning permission. Therefore, the effect of this application would be to grant consent for Threadneedle House again however as the development has already physically occurred in accordance with the permission granted, this element does not need to be considered. However, any conditions attached to the original consent that are still relevant should be attached to any replacement consent and will be discussed later.

Existing situation

The building is currently or was last used, for a mix of B1(a) and A2 office uses as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

The application proposes the removal of three conditions, in order that the premises as a whole at Threadneedle House would benefit from an unfettered planning consent. This would then transfer to it additional 'permitted development rights' from which it currently does not benefit. These would include both rights to carry out works to the property and also to change its use.

The intention of the original permissions for the building appear to have been to ensure that the premises remained in use as offices, either falling under what is now use class B1(a) which relates to general office uses, or under class A2 which relates to professional and financial services such as banks, estate agents, recruitment agencies and other office type uses more commonly found in a town centre and often in premises with a shopfront style window at ground level.

Effect of removal of conditions

Class I as cited in the old condition is the equivalent of the current class A1 retail, and Class II that of both the current A2 financial and professional services uses and also the current B1(a) office use. Therefore, the conditions as they stand restrict the use of

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Threadneedle House to offices (with the exception of the Post Office which was to remain as such) or the ground floor could be used for retail purposes.

If the restrictions were removed, the premises would benefit from the following permitted development rights as they would become an unrestricted use with existing/last known uses as noted above. Other rights might also result from its ownership (certain government bodies benefit from additional rights under the legislation):

- Minor operations such as external painting, fencing, gates etc
- Change of use (subject to prior approval application) from:
 - A2-C3(dwellinghouses) for up to 150m² floor area
 - A2 – A1 (retail) where there is a ground floor display window
 - A2 – A1 (retail) and up to two flats where there is a ground floor display window
 - B1(a) – C3 (dwellinghouses)
- Temporary change of use for up to 2 years from A2 to A1 (retail) or A3 (café) or B1 (office)
- Consent to demolish (subject to prior approval application)
- CCTV camera installation (subject to various criteria)
- Extensions and alterations of an office building including hard surfacing externally subject to various criteria but no formal application (notification afterwards)
- Extensions and alterations at ground floor level subject to various criteria but no formal application (notification afterwards)
- Non-domestic micro generation equipment installation

Where the rights noted above refer to specific uses, those rights could only be used in the parts of the building that are or last were in those particular uses.

Planning policy considerations

Having examined the current use of the premises and the proposed changes and their implications, the proposal should be considered against the planning policy framework for the site.

The site lies within the town centre as identified in the Local Plan. Both the local plan and the NPPF seek to attract uses into the town centre that would maintain and enhance its economic vitality and viability. They also recognise that town centres are some of the most sustainable locations and as such that uses that attract many visits should be located there. However, in order to retain a mix of daytime and evening economic

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options, it is often appropriate to encourage residential uses on upper floors with more active frontages at ground floor level such as shops and other public services.

It is likely that such objectives, along with the need to provide customer facing office based services, were what drove the imposition of the conditions on the original planning permissions.

It is noted from the comments of the consultees that the policy framework makes no distinction between different uses at different levels, and therefore although the town centre strategy details a preference for ground floor to remain in A class uses as an objective for Redditch going forwards, it is difficult to award this document sufficient weight to attach restrictions to this particular premises going forwards, especially given the potential for other nearby premises to change outside the control of the Local Planning Authority.

It is not possible to second guess what future uses the premises might be put to and therefore what other planning applications might be made on this site, if necessary. Any future applications on the site would be determined on their own merits on the basis of the relevant planning policy framework at the time. It is not considered reasonable in planning terms to withhold consent on the basis of what could happen and there is no clear planning policy need to restrict the premises to particular uses and not others that would be equally acceptable in policy terms within the town centre.

Conclusion

The balance here lies between the additional benefits to the wider community of retaining the restrictions and the reasonableness of doing so when they do not sit comfortably alongside the current policy objectives for this area of the town centre.

There are no recommended conditions as the permission, if granted would take immediate effect and as no physical development is proposed there is no need to control any such matters through the imposition of any other conditions. The conditions not sought to be removed here have already been complied with and therefore do not need to be re-applied. No further conditions have been identified as necessary.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, planning permission be GRANTED.

Procedural matters

This application is reported to Planning Committee for determination because the application is for major development and because the applicant is Redditch Borough Council and as such the application falls outside the scheme of delegation to Officers.