

REDDITCH BOROUGH COUNCIL

**PLANNING
COMMITTEE**

12th August 2015

Planning Application 2014/321/FUL

Conversion of existing Unit 2 into 14 apartments (first and second floors)

Unit 2 Millsborough House, Ipsley Street, Smallwood, Redditch

Applicant: Mr David Gough: James Mace Ltd
Expiry Date: 3rd February 2015
Ward: CENTRAL

(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

The site comprises a roughly rectangular parcel of land near to the Town Centre located immediately to the south of the ring road. The site slopes away from the northern boundary which faces Ipsley Street. The site contains substantial, generally three storey brick buildings which were formerly in use by Herbert Terry & Sons Ltd when Millsborough House was built in 1912 as a spring production factory. To the west, the site is bounded by Ipsley Street and to the south and east by Summer Street and Millsborough Road respectively. A large central courtyard provides car parking and access to the various buildings. This is accessed via Millsborough Road through a vehicular and pedestrian tunnel.

To the south west of the site lie 6 terraced houses facing towards Lodge Road.

Unit 2, the subject of this planning application is a steel framed, three storey building with substantial brickwork external walls and large buttressing piers. The steel frame supports substantial timber intermediate floors and a lightweight steel truss roof. Unit 2 is situated to the rear of gardens serving the 6 terraced houses (above) and borders the remaining southern boundary to the site (Summer Street) and a part of Millsborough Road. The application site includes a small parcel of land on the opposite site of Summer Street which is tarmacked and capable of accommodating 10 cars.

Background

In the 1970's, Millsborough House was purchased by G&C Properties Ltd, a predecessor of the applicant company following the decision of Herbert Terry & Sons to vacate the premises. The former spring factory was subdivided into multiple units for letting to small businesses. Some of the units have been sold (such as Omega Tiles) but the majority of the site is still managed by the original owner. A variety of businesses operate from the site including tile showroom, gymnasium, hairdressers, tattoo studios, picture framer, café uses amongst others. Since the mid 2000's the first and second floors within many of the

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units have become difficult to let because of access issues for many businesses which manufacture, retail or store goods.

With respect to Unit 2, which is subject to this application, the ground floor is occupied by 'Where Next' Industries. The remaining upper floors which comprise approximately 980 square metres of floor area have been vacant for approximately 6 years. The applicant explains that the upper floors are in a poor state of general repair partly due to existing leaks in the roof and have access only via means of an external staircase (via the internal courtyard), since the existing lift needs replacing.

Proposal Description

This is a full planning application to change the use of the (vacant) first and second floors of Unit 2 in order to create a total of 14 no. two bedroomed flats (7 flats to the first and 7 to the second floor).

A bin and cycle storage facility would be located within part of the existing ground floor of the building which would be accessed via the internal courtyard.

10 car parking spaces would be available for use by future residents on an area of land to the southern side of Summer Street and a further 6 spaces would be dedicated for the proposed residential use on land to the immediate east of number 27 Lodge Road.

The existing inner courtyard parking area (accessed via Millsborough Road) is not allocated to particular businesses and is used on a communal basis at present.

It is not proposed to allocate any car parking spaces for residents within the inner courtyard since this area is well used by existing commercial uses during the day although this would be available to use on an ad-hoc basis if required after the commercial uses have ceased trading for the day.

In support of the application, the applicant has stated that the vacant first and second floors within Unit 2 (and other vacant first and second floor units at Millborough House) continue to attract business rates and as such, the annual rental income will shortly be insufficient to pay essential running costs for the building unless alternative long-term uses can be found. To make the upper floor units lettable, the applicant comments that the building and access would need to be completely refurbished at a significant cost and as such, the proposed refurbishment costs would include a new lift, stair access and a new roof in addition to the replacement of leaking and broken windows, internal renovations, new electricity and water supplies.

Relevant Policies:

Borough of Redditch Local Plan No.3

CS06 Implementation of Development

CS07 The Sustainable Location of Development

BHSG5 Affordable Housing

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BBE11 Buildings of Local Interest
BBE13 Qualities of Good Design
ETCR3 Peripheral Zone

Emerging Draft Local Plan No. 4

Policy 4: Housing Provision
Policy 5: Effective and Efficient use of Land
Policy 6: Affordable Housing
Policy 30: Town Centre and Retail Hierarchy
Policy 31: Regeneration for the Town Centre
Policy 37: Historic Buildings and Structures
Policy 40: High Quality Design and Safer Communities

Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
SPG Encouraging Good Design
SPD Open Space Provision
SPD Affordable Housing Provision
Worcestershire Waste Core Strategy (WWCS)

Millsborough House is designated as a building of historical interest within the Councils 'Schedule of Buildings of Local Interest 2009'.

The site is within the Town Centre Peripheral Zone as designated by the Local Plan No.3. The (draft) Local Plan No.4 proposes to remove the Peripheral Zone designation and as such, the site would fall within the Town Centre boundary.

Consultations

Highway Network Control

No objection. The County request that a contribution under the 'Infrastructure Delivery Plan' be sought as part of the application.

Town Centre Co-ordinator

No objection

Conservation Advisor

No objection

Housing Strategy

An affordable housing contribution should be sought by means of a commuted sum in accordance with the Councils Affordable Housing Supplementary Planning Guidance.

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Development Plans

The principle of residential development is strongly supported in this sustainable, central location as it has the potential to enhance the vitality of the town centre. The application cannot be fully supported from a planning policy perspective in the absence of any affordable housing provision or a financial contribution for off-site provision.

Education Authority

Confirm that a financial contribution towards education provision would NOT be required in this case

Area Environmental Health Officer

It is recommended that the applicant be directed to the WRS Technical Note which contains guidance regarding demolition and new construction work. Standard contaminated land conditions should be attached to any consent.

Worcestershire Archaeological Service

In accordance with the requirements of Paragraph 141 of the NPPF, photographic records of the existing building should be deposited with the County Councils Historic Environment Record as the archive for historic structures in Worcestershire. Subject to the imposition of an appropriate planning condition to this effect, no objections are raised.

Public Consultation Response

None received at the time of writing

Assessment of Proposal

The key issues for consideration in this case are as follows:

Principle

Millsborough House is located within the Peripheral Zone as identified on the current LP proposals map where development proposals are required to complement the role and function of the Town Centre. The Policy requires that development proposals comprise one or a mix of residential, retail, commercial, light industrial, warehousing, social, community, education, leisure or entertainment uses.

The proposal is in accordance with the requirements of this policy because it is one of the acceptable uses (residential) and would complement the role and function of the town centre. Further, the application site is previously developed (brownfield) land within very close proximity of the current town centre boundary and is therefore considered to be in a highly sustainable location.

Design and layout

The scheme has developed following pre-application advice from your officers and detailed discussions with the Councils Conservation Advisor due to the historic nature of the building. Much of the works proposed are internal although external works are also proposed which include the replacement of the existing roof, new windows together with a new access arrangement by constructing a steel access balcony with staircases facing

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the inner courtyard. The second floor of this access system would be sheltered with a patent glazed canopy.

Your officers are satisfied that the proposed works would closely reflect and respect the industrial nature and character of this former factory building.

Highways, access and parking

County Highways have raised no objections to the proposed access and parking arrangements. The 16 car parking spaces to be provided to the immediate south of Unit 2 would comply with the Councils standards for two bedroomed flats and are therefore considered to be acceptable. No objections have been received from nearby residents in this respect.

It is not considered appropriate in this case to seek the infrastructure contribution following legal advice which has been received.

Affordable Housing Issues

The Councils Affordable Housing SPD comments that sites proposing 15 or more dwellings should provide 40% of the units as affordable housing. This proposal is for 14 units and is therefore under the threshold required to provide affordable housing. However, the applicants Design and Access Statement submitted with this application states at paragraph 1.14 "The applicant regard[s] this application as phase one of future phases to convert more of the building group into residential developments". Furthermore, the 'red line' for this proposal covers a larger area than that which is proposed to be converted through this application. Your officers have considered that, as such, Paragraph 5.5 of the SPD should be applied, which comments that

"When a development site, whether allocated in the Local Plan or not, has a capacity of 15 or more dwellings or a total area of 0.5 hectares or more, is brought forward for planning consent and development on a piecemeal basis, involving parcels of land for development with potential capacities of less than 15 dwellings or less than 0.5 hectares in size, Redditch Borough Council will assess 'affordable housing' targets for each part of the larger site on a pro-rata basis having regard to the overall requirements generated by the whole site".

Your officers have therefore considered that because there is a stated intention to provide further residential development on this site, an element of affordable housing either on site or as a commuted sum should be provided as part of this proposal.

Having regards to the particulars of this application proposing 14 no. two bedroomed flats, the Councils Housing Strategy team have considered that it would not be appropriate to require a proportion of the units to be provided as affordable dwellings on-site and have instead requested that a commuted sum be sought as part of a S106 Planning Obligation.

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Viability Issues

The NPPF places a significant emphasis on the deliverability of housing and comments under Paragraph 173:

“Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

The applicant argues that the scheme would not be viable based on the financial contributions requested by the Council in respect to community infrastructure and affordable housing and have submitted a viability report to support their claims. Your officers have asked the District Valuer from the Valuation Office Agency (VOA) to independently examine the applicants viability report who has concluded that the scheme would not be viable based on the payment of all of the contributions requested. However, they state that the scheme would be viable based on a smaller financial contribution.

Planning Obligation required

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation. Following receipt of the District Valuers report, Housing Strategy have confirmed that they will not be seeking the (revised) contribution towards the provision of affordable housing due to its size. Your officers are therefore seeking contributions towards the provision of:

- Playing pitches, play areas and open space in the area, due to increased demand/requirement from future residents, in compliance with the SPD; and
- Refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy

At the time of writing, the planning obligation is in draft form.

Conclusion

It is considered that this proposal should be supported since it would revitalise an important historic building in a highly sustainable location. The application is considered to comply with the provisions of the planning policy framework and would not give rise to highway safety or amenity concerns. Subject to the satisfactory completion of the planning obligation, a favourable recommendation can be made.

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RECOMMENDATION:

That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Regeneration to GRANT planning permission subject to:

a) The satisfactory completion of a S106 planning obligation ensuring that:

- Contributions are paid to the Borough Council in respect to off-site open space, pitches and equipped play in accordance with the Councils adopted SPD; and
- A financial contribution is paid to the Borough Council towards the provision of wheelie bins for the new development

and

b) Conditions and informatives as below:

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 their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area 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 added 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

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- 4) No development approved by this permission shall be commenced until:
- a) A desktop study identifying previous site uses, potential contaminants and other relevant information and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been undertaken and submitted in approval for writing by the LPA;
 - b) If deemed necessary as a result of the desktop study, a site investigation has been designed using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model), and has been submitted to and approved in writing by the LPA;
 - c) The site investigation has been undertaken in accordance with details approved and a risk assessment has been produced;
 - d) A method statement detailing the remediation requirements using the information obtained from the site investigation has been approved in writing by the LPA.

Reason: To identify contamination which may pose a risk to the environment or harm to human health, and in accordance with the National Planning Policy Framework.

- 5) If during development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the LPA) shall be carried out until either;
- a site investigation has been designed and undertaken in accordance with details approved in writing by the LPA, a risk assessment has been produced and a method statement detailing the remediation requirements using the information obtained from the site investigation has been approved by the LPA or;
 - If the above has been previously undertaken, the developer has submitted and obtained written approval from the LPA for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters and in accordance with National Planning Policy Framework.

- 6) All remediation works detailed in the method statement shall be undertaken and a report submitted to the LPA providing verification that the works have been carried out in accordance with the approved details.

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Reason: To protect controlled waters by ensuring that the remediated site has been claimed to an appropriate standard and in accordance with National Planning Policy Framework.

- 7) No development shall take place until the applicant has provided a photographic record of the building affected by this development in accordance with the written guidance provided by the Worcestershire Archive & Archaeology Service dated 19th December 2014.

Reason: In the interests of historic building recording 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.
- 2) The applicant should be aware that this permission also includes a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) and that the requirements of that and the conditions listed above must be complied with at all times.
- 3) The applicant is directed to the following document for best practice during demolition and construction:

<http://www.worcsregservices.gov.uk/pdf/WRS%20contractor%20guidance%20July%202011%20V.1.2.pdf>

Procedural matters

This application is being reported to the Planning Committee because the recommendation is that permission be granted subject to a planning obligation. In addition, the application is for major development (10 or more new dwellings) and as such the application falls outside the scheme of delegation.