

**PLANNING
COMMITTEE**

14th October 2015

Planning Application 2015/043/FUL

Demolition of existing former nightclub building. Erection of new four storey building containing 27 no. apartments with associated car parking, bin and bike storage areas

Area Night Club, Church Road, Redditch, Worcestershire, B97 4AB,

**Applicant: Mr Mark Mifflin
Expiry Date: 30th October 2015
Ward: ABBEY**

(see attached 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.

Background

This application was reported to members of the Planning Committee at the meeting of 9th September 2015.

The officer recommendation was that planning permission be granted. A motion to approve the application was defeated but without a positive decision on any alternative to refuse. Accordingly, no decision on the matter has been made.

The full report as presented at the 9th September 2015 meeting is set out below.

Site Description

The site was used originally as a cinema before the building operated as Gala Bingo. The nightclub use commenced in around 2000. It is understood that the nightclub has been vacant since January 2015.

The existing building consists of 644 square metres of floorspace and fronts onto Church Road to the south-west.

The site is bounded to the east by the historic building of the former Scientific and Literary Institute, to the north by the car park of Smallwood Hospital and to the west by an alley which leads to the hospital car park. Beyond the west of the alley lies the bus depot.

The existing structure is a four-storey building which has a basement and a steel framed, pitched, corrugated metal roof. The building has an L-shaped floor plan.

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Proposal Description

This is a full planning application to demolish the existing building and to erect a new building over 4 floors which would contain 27 no. apartments (12 no. 1 beds and 15 no. 2 beds), with 17 no. car parking spaces on the ground floor, a gated vehicular entrance and a lobby.

The ground floor would contain 17 car parking spaces for use by new residents, together with a cycle storage facility and refuse storage area.

Vehicular access to the ground floor car park would be via secure gated access from Church Road. To its left would be a lobby for pedestrian access which would lead to the main stairs and lift within a circulation area.

The four storey building would predominantly be constructed using red brick walls under a roof constructed from composite metal sheets, at a pitch ranging from between 4 and 20 degrees. The red brickwork area also includes horizontal stripes of white glazed bricks. Walls to the building would also be rendered in ochre and white, predominantly to the western and north facing elevation.

The application is supported by a Design and Access Statement; Transport Statement; Environmental Assessment; Economic Statement and Ecological Survey.

Relevant Policies :

Borough of Redditch Local Plan No.3

ETCR01 Vitality and Viability of the Town Centre
ETCR02 Town Centre Enhancement
ETCR06 North West Quadrant
CS06 Implementation of Development
CS07 The Sustainable Location of Development
BHSG05 Affordable Housing
BBE11 Buildings of Local Interest
BBE13 Qualities of Good Design

Emerging Borough of Redditch 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 Town Centre
Policy 37: Historic Buildings and Structures
Policy: 40 High Quality Design and Safer Communities

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Others

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
SPG Encouraging Good Design
SPD Open Space Provision
SPD Affordable Housing Provision
SPD Church Road, Town Centre (Formerly known as the North West Quadrant) SPD (September 2007)
Worcestershire Waste Core Strategy (WWCS)
Redditch Town Centre Strategy

The building is situated adjacent to the former Scientific and Literary Institute building, located at the corner of Church Road and Church Green West and situated opposite the County Court building. Both buildings are designated as buildings of historical interest within the Councils 'Schedule of Buildings of Local Interest 2009'.

The site falls within the Town Centre boundary as defined within Local Plan No.3 and the (draft) Local Plan No.4.

The site is immediately adjacent (but outside) the defined Town Centre Conservation Area.

Relevant Planning History

2000/414/CPL	Certificate of Lawfulness for a Proposed Use: To use premises as a Night Club	Granted	19.10.2000
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Consultations

Highway Network Control

No objection subject to the imposition of planning conditions relating to construction, turning and parking provision.

The County request that a contribution under the 'Infrastructure Delivery Plan' be sought as part of the application.

Town Centre Co-ordinator

No objection. Requests that a contribution be sought towards town centre enhancements and improvements in accordance with Policy E(TCR).2 of the Local Plan.

Conservation Advisor

No objection

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Housing Strategy

8 units of affordable housing should be provided as part of this scheme. Based on the numbers of one and two bedroomed flats proposed, we would expect 5 x 1 bed flats to be provided as social rented housing, with 3 x 2 bed flats provided at intermediate rent or for shared ownership.

Education Authority

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

Area Environmental Health Officer

No objections raised with respect to noise pollution, however it is advised that due to the close proximity of other residents to the application site that the applicant should be directed to the following document for best practice during demolition and construction:

Worcestershire Regulatory Services "Code of Best Practice for Demolition and Construction Sites"

North Worcestershire Water Management

No comments received to date

Crime Risk Manager

I would request that the development adheres to Secured by Design guidelines with regard to access control, both for vehicles entering the car park and from the car park into the main building, levels of lighting, etc.

Worcestershire Wildlife Trust

No comments received to date

Public Consultation Response

Responses

2 letters received, both of which write in support of the application. Comments received summarised as follows:

- Beneficial use of the site
- Would aid in regeneration of the Town Centre
- Ideal location for residential use as close to amenities

No representations received in objection

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Assessment of Proposal

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

Principle

The site and the wider area is designated under Policy E(TCR).6 and the Councils Church Road SPD for mixed use development. Therefore retail, leisure and residential developments are acceptable in principle.

A residential use would complement the role and function of the town centre. Further, the application site is previously developed (brownfield) land within a highly sustainable location.

Design and layout

Achieving a high quality design for any new buildings within the 'Quadrant' is one of the key objectives as set out within the Councils Church Road SPD.

The building subject to this application is situated within close proximity to two fine public buildings of considerable architectural merit, namely the former Scientific and Literary Institute building and the County Court building. Further, the building is located adjacent to the Town Centre Conservation Area. As such, the scheme has developed following detailed pre-application discussions between your officers, the Councils Conservation Advisor and the applicants Architect.

The buildings front elevation draws references from the surrounding environment and in particular, the architectural qualities of the adjacent historic buildings and is considered to contribute to the public realm through the thoughtful use of materials. Public access to the building would be via Church Road ensuring an active frontage to the building. A direct relationship with the adjacent building has been achieved by the use of horizontal stripes on the facade that are in line with the cornices and string courses of the former Scientific and Literary Institute building drawing the street view focus towards it.

The proposed building is considered to respect the skyline of Church Road, where the roof and tower of the former Scientific and Literary Institute building are considered to have prominence in terms of height, form and historic significance. In this regard, the walls of the highest floor are set back from both the front and rear building lines such that the roof is hidden from street view at ground level.

The openings to the ground floor car park would be enclosed with black metal railings which your officers and the Councils Conservation Advisor consider to represent an appropriate treatment.

In all other respects, the design of the proposed apartment scheme is considered to be appropriate in its context.

Highways, access and parking

County Highways have raised no objections to the proposed access and parking arrangements which include a ground floor car park capable of accommodating 17 cars.

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Although some of the smaller apartments would not have dedicated on-site provision, it is important to note that one of the key objectives of the Councils Church Road SPD is to ensure the site is safely accessible by a range of modes of transport in order to reduce the need to travel by private car and to increase the desirability of sustainable alternative modes of transport, particularly walking and cycling. The site itself is highly sustainable being within easy walking distance of public transport facilities such as the bus and train stations.

No objections have been received from nearby residents in respect to highway safety.

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

Viability Issues

The size of the proposed development is above the policy threshold for requiring contributions which would normally be sought via a planning obligation. In this case, your officers have sought contributions towards

- *The provision of on-site affordable housing
- *Public Open Space provision
- *Refuse and re-cycling bin provision on site
- *Public Realm enhancements

in accordance with relevant policies of the development plan.

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 any of the contributions requested, including the provision of affordable dwellings on site as requested by the Councils Housing Strategy Team.

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After careful consideration of the submitted DV report, your officers are not seeking a planning obligation in this case.

Conclusion

A residential use in the manner proposed under this application is fully supported by your officers who agree with the applicants assertions that the approval of such a scheme is likely to catalyse future revitalisation in other parts of Church Road and the town centre as a whole. 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. As such, 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 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) The Development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason:- In the interests of highway safety, to ensure the free flow of traffic using the adjoining highway and in accordance with the National Planning Policy Framework.

Informatives

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through pre-application advice and discussion.
- 2) 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>
- 3) This permission does not authorise the laying of private apparatus within the confines of the public highway. The applicant should apply to Worcestershire County Council for consent under the New Roads and Streetworks Act 1991 to install private apparatus within the confines of the public highway. Precise details of all works within the public highway must be agreed on site with the Highway Authority.
- 4) This planning permission does not authorise the applicant to carry out works within the publicly maintained highway since such works can only be carried out by the County Councils Approved Contractor following the issue of a licence under Section 184 and 278 of the Highways Act, 1980.

The applicant should contact Worcestershire County Councils Highway Network Control Manager, County Hall, Spetchley Road, Worcester, WR5 2NP (telephone 0845 607 2005), regarding the issue of the necessary license authorising the access works to be carried out by the County Councils Approved Contractor at the applicants expense.

- 5) Whilst the full remit of the Secured by Design Scheme covers more than Land Use Planning and Development Control, Redditch Borough Council actively encourage developers to take full account of Crime Prevention and Community Safety issues

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throughout the design and construction of any development as an integral part of achieving good design. Applicants are advised that further details of Secured by Design and relevant construction specifications can be found at www.securedbydesign.com or by contacting the West Mercia Constabulary Crime Risk Manager on 01527 586181

- 6) The applicant is advised that development should not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development have been submitted to and approved by Severn Trent Water Ltd.

Procedural matters

This application is reported to Planning Committee for determination because the application is for major development where the recommendation is that permission is granted. As such the application falls outside the scheme of delegation to Officers.