

**PLANNING
COMMITTEE**

9th September 2020

Planning Application 20/00044/FUL

Change of use of Former Medical Centre, including first and second floor extensions to 19no residential apartments.

Churchill Medical Centre, Tanhouse Lane, Redditch, Worcestershire, B98 9AA,

**Applicant: Mr & Mrs Ian Young
Ward: Church Hill Ward**

(see additional papers for site plan)

The case officer of this application is Sharron Williams, Planning Officer (DM), who can be contacted on Tel: 01527 534061 Ext 3372 Email: sharron.williams@bromsgroveandredditch.gov.uk for more information.

Site Description

The site accommodates the former medical centre with existing vehicular access and car parking off Tanhouse Lane. The site has been unoccupied for some time and the building (built in the late 70s/early 80s) is falling into some disrepair. The site is located within the Church Hill District Centre as designated in the Borough of Redditch Local Plan No 4. The site also fronts the public transport route (Church Hill Way).

Proposal Description

Proposal involves the change of use of the building from a medical centre to residential accommodation. 19 No. 1 No. bedroom flats are proposed. The current building is two storey fronting onto the bus route and single storey fronting onto Tanhouse Lane. To enable the development, extensions are proposed generally on the single storey element of the building to provide two additional floors. The building as a whole will be remodelled externally with additional facing materials such cladding and render and a modern shallow mono-pitched roof is also proposed to bring the building up to date and to complement the recent redevelopment of the nearby Church Hill Centre.

A small part of the overall site is excluded from this proposal and is likely to be a phase 2 future development of the site.

Relevant Policies:

Borough of Redditch Local Plan No. 4

- Policy 1: Presumption in favour of Sustainable Development
- Policy 4: Housing Provision
- Policy 5: Effective and Efficient use of Land
- Policy 6: Affordable Housing
- Policy 18: Sustainable water Management
- Policy 19: Sustainable travel and Accessibility
- Policy 20: Transport Requirements for New Development

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Policy 30: Town Centre and Retail Hierarchy
Policy 33: Use of Upper Floors
Policy 35: Health of District Centres
Policy 39: Built Environment
Policy 40: High Quality Design and Safer Communities

Others

NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance
Redditch High Quality Design SPD
Open Space Provision SPD
Church Hill District Centre SPD
Affordable Housing Provision SPD
Planning Obligations for Education Contributions SPD
Designing for Community Safety SPD
Worcestershire Local Transport Plan (WLTP)
Town Centre Strategy
Worcestershire Waste Core Strategy

Relevant Planning History

1978/551/IDC	Proposed Development Of A Health Centre	05.01.1979
2015/343/OUT	Demolition of former Medical Centre and re-development to accommodate up to 16 residential units.	Application pending

Consultations

Crime Risk Manager

No objection to this application.

Education Authority

The proposal, as submitted, is set out as 19 one bedroomed apartments. It is anticipated that the pupil yield from this development, if approved, will be low and the impact on school places will be minimal. An obligation towards education infrastructure will not be required.

North Worcestershire Water Management

The proposed development site is situated in the catchment of the Church Hill Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. As the site is a brownfield site a SuDS scheme should be provided and can form part of the details to be submitted and approved under the recommended drainage condition.

WRS - Contaminated Land

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Recommend condition and advisory note.

First Midland Red

No comments received.

Highways Redditch

No highway objections to the proposed change of use of former medical centre, including first and second floor extensions to provide 19 no residential apartments. Recommend conditions and IDP Contributions improvements to the local walking and cycling infrastructure i.e. improvements from the development site to the cycle infrastructure linking to the town centre and the industrial zones.

NHS/Medical Infrastructure Consultations

No comments received

NHS Acute Hospitals Worcestershire

Request a contribution to enable the Trust to provide services needed by the occupants of the new homes and the community at large.

Waste Management

The bin store area will need to be re-located to be adjacent to Tanhouse Lane which is where they will be emptied.

Housing Strategy

Object to scheme as there is no provision for affordable housing in this scheme. There would be an expectation of six units on a scheme of this size.

Trees

No objections to the loss of trees on the site for the proposed new development. Would request that suitable mitigation measures be provided for their replacement.

There are a small number of Oak, Field Maple and Hawthorn species already on site and should be retained within the new scheme where possible. Any trees that are retained should be offered full protection under BS5837 2012 regulations.

Ecology

Support the application subject to conditions.

Public Consultation Response

3 letters of support for the scheme as there is a need for housing in the area.

3 letters of objection. Concerns relate to speeding traffic and increase of traffic in the area including crossing the bus route towards Rickyard Lane/ Moon Moat. Concern about the car parking provision for the scheme.

Assessment of Proposal

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Members may recall that an outline application for residential development has been considered at Planning Committee in 2016. The proposal was to demolish the existing building to enable the development of 16 residential units. Members resolved to approve the application subject to a legal mechanism. However, the application is still pending as the S106 Agreement is yet to be signed.

This application seeks to change the use of the existing building and extend it in order to provide 19 No. 1 bedroom flats.

Principle

The site is within the Church Hill District Centre as designated in the Borough of Redditch Local Plan No 4. Policy 30 applies and encourages general retail uses and other development of an appropriate scale and nature that would enhance and promote the existing provision, but also facilitate sustainable development. It is considered that the scheme would enhance the District Centre with the provision of 1 bedroom units in a sustainable location adjacent to public transport facilities and local amenities. The proposal would comply with Policy 30 of Local Plan No.4.

Density of Development

The 2019 NPPF requires local planning authorities and developers to make effective use of land, especially if this would help to meet identified needs for housing where land supply is constrained. Section 11 of the NPPF emphasises the importance of making effective use of land, and with respect to density, Para 123 states that "*where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.*"

Policy 5 of the Local Plan No. 4 requires a general density of 70 dwellings per hectare within the District Centres. The site as a whole measures approximately 0.25 hectare in area, although there would be residual land for a phase 2 scheme, it is likely that the scheme would generate a density of exceeding 76dph. Therefore, the density of the scheme would be acceptable in this District Centre location, and complies with Policy 5 of Local Plan No.4.

Layout and appearance

The scheme is utilising the footprint of the existing building and therefore the distances between the building as extended and neighbouring properties would remain the same. The spacing between the proposed flats and existing flats of Knowle Close would be 24m minimum.

The design of the building is attractive and would consist of existing brickwork with the introduction of render and cladding and be finished with a shallow mono pitched roof. The aesthetics of the scheme will complement the surrounding housing in the area and recently re-developed Church Hill Centre.

Highway matters

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The site is located in a residential and sustainable location off an unclassified road, the site benefits from an existing vehicular access with good visibility in both directions. An existing pedestrian / cycle route is also available which connects to Church Hill Way. The proposed development has excellent access to a high frequency bus service that operates 7 days a week along Church Hill Way. The site is located within walking distance of amenities, bus route and bus stops which are located approx. 80m.

In accordance with Streetscape Design Guide it is recommended 19 car parking be provided on site. A revised plan has been submitted showing this provision.

Section 9 of the NPPF requires that "*significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help reduce congestion and emissions, and improve air quality and public health.*" It is considered that the application site does offer some choice of transport modes given its adjacent to a circular bus route that provides a regular public transport service to the Town and its environs. Policy 19 of the Local Plan (Sustainable Travel and Accessibility) focuses on the need to reduce private car use and increase the use of public transport. County Highways raise no objection to the scheme, and recommend conditions and financial contributions.

Sustainability

As mentioned above, the application site is adjacent to a public transport route that enables regular bus services to the Town and wider area. The proposed development therefore benefits from the NPPF's "presumption in favour of sustainable development" and also complies with the NPPF's objective of significantly boosting the supply of housing. In addition, the scheme meets the NPPF's requirement to make "effective use" of under-utilised land in a relatively sustainable location.

Members will be aware that the Council cannot demonstrate a 5 year supply of housing land within the Borough. Para. 11 of the NPPF says that in such circumstances relevant policies for the supply of housing should not be considered up-to-date. The so called tilted balance as advocated by the NPPF is engaged and the presumption in favour of sustainable development, as set out in the NPPF applies. Where relevant policies are out of date Para. 11 advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, significant weight should be afforded to the fact that the scheme would make a meaningful contribution to the Councils housing figures where the Council cannot demonstrate a 5 year supply of housing land as required under the NPPF.

Landscape

In order to enable the development, some vegetation and trees will need to be removed to facilitate the parking area. The Arboricultural Officer does not object to the removal of the trees concerned but requests some replacement tree planting. A landscaping scheme is proposed to be imposed as a condition to provide some mitigation planting for the scheme.

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Drainage

NWWM do not raise any objections to the application and recommend the imposition of a drainage condition.

Residential Amenity Considerations

3 objection letters have been submitted mainly raising concerns in respect to traffic and car parking. As mentioned above adequate car parking would be provided for the scheme and County Highways raise no objections to the proposal.

Planning obligations

Contributions are required for the scale of the development proposed. This would be sought via a planning obligation and cover the following matters:

Open Space

Contributions towards off site open space provision due to increased demand from future residents, is required in compliance with the SPD. In this case, a contribution to improvements of the play area at the top of Heronfield Close and approach pathway and access route to the play area in addition to the upgrade of the local kickabout pitches in Petton Close, Costers Lane and The Mayfields.

Bins and Waste Management

Contributions for refuse and re-cycling bins for the new development in accordance with Policy WCS.17 of the adopted Worcestershire Waste Core Strategy.

Town Centre Enhancements

Contributions towards Town Centre Enhancements within Market Place/Church Green specifically towards improved lighting / street furniture including bins and benches in accordance with the Town Centre Strategy.

Affordable Housing

Borough of Redditch Local Plan No.4 Policy 6 requires the provision of 30% affordable housing on sites of 11 or more dwellings, incorporating a mix of tenure types. Due to the number of units proposed, a total of 6 units would be required. However, following on from the submission of a Viability Statement from the applicant, the Council's Viability Advisor agrees with the arguments put forward that if the affordable housing were to be provided as part of the development, the scheme would be unviable. Therefore, on this occasion, affordable housing will not form part of the Heads of Terms of the planning obligation for this application.

Infrastructure Delivery Plan (Highways)

A financial contribution is sought to be used towards improvement to local walking and cycling infrastructure.

NHS – Worcestershire Acute Hospitals NHS Trust (WAHT)

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Worcestershire Acute Hospitals NHS Trust has requested a contribution to enable the body to provide services needed by the occupants of the new homes and the community at large.

The Trust has made representations in relation to this application. It is considered that the request made by WAHT is compliant with guidance in the NPPG, the three tests in Regulation 122 of Community Infrastructure Levy Regulations and paragraph 56 of the NPPF (2019).

Legal advice is currently being sought having regard to the calculation method and as such the final sum is to be delegated to the head of Planning and Regeneration Services until this matter has been concluded.

County Education have confirmed that as the scheme comprises of 1 bedroom accommodation, the County will not be seeking a contribution on this occasion.

The applicant is agreeable to the above Heads of Terms.

Monitoring

A Section 106 monitoring fee (as of 1 September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met.

Other matters

Sections 100ZA(4-6) of the Town and Country Planning Act 1990 requires the applicant's written agreement to the terms of a pre-commencement condition. Written agreement to the terms of relevant recommended conditions has been sought and agreed by the applicant.

Conclusion

The proposal would provide much needed housing in this area of the Borough. The scheme would enable the opportunity to upgrade the existing building that is currently in a poor condition, to provide a scheme that would complement the recently redeveloped Church Hill Centre. As such the scheme is considered to be acceptable in accordance with policies in Local Plan No. 4. The location of the site to public transport links and local amenities means the site is ideally located for residential development, and benefits from the NPPF's presumption in favour of sustainable development.

RECOMMENDATION:

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

- a) The satisfactory completion of a suitable legal mechanism ensuring that:**

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1. Contributions are paid to the Borough Council in respect to off site open space and equipped play and sport provision in accordance with the Council's adopted SPD.
2. Contributions are paid to Borough Council towards the provision of domestic and recycling bins for the new development in accordance with the County's Waste Strategy.
3. Contributions are paid towards Town Centre enhancement in accordance with the Town Centre Strategy.
4. Contribution to be paid to the Worcestershire Acute Hospitals NHS Trust (WAHT) to be used to provide services needed by the occupants of the new homes and the community at large. Agreement of a final sum to be Delegated to the Head of Planning and Regeneration Services (subject to verifying any deductions based on services already provided by the WAHT).
5. Contribution to be paid to County Highways to be used towards improvement to local walking and cycling infrastructure, Community transport and footway improvements.
6. A Section106 monitoring fee (as of 1 September 2019, revised Regulations were issued to allow the Council to include a provision for monitoring fees in Section 106 Agreements to ensure the obligations set down in the Agreement are met)

And

b) Conditions and informatives as summarised 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) The development hereby approved shall be carried out in accordance with plans and drawings (to be defined)

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

- 3) 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.

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

- 4) No works or development shall take place above foundation level until complete details for scheme for surface water drainage have been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. This scheme should be indicated on a drainage plan and the approved scheme shall be completed prior to the first use of the development hereby approved.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

- 5) The applicant is advised to consider incorporating matching gas protection measures within the foundations of the proposed extensions, so as not to compromise any existing gas protection measures which may have been installed in the existing building. If the existing building has no protection measures currently there is no need to install gas protection measures within the proposed extension.

REASON ;To ensure that the risks to buildings and their occupants from landfill sites are adequately addressed.

- 6) No demolition, site clearance or development shall take place until all trees and hedges and their root protection areas (RPA) to be retained on the site and around the boundaries of the site must be protected during clearance and construction phase in accordance with British Standard BS:5837 2012, and shall remain in situ for the duration of the development.

Reason:-To ensure the protection of trees and hedgerows in the interests of visual amenity.

- 7) No development above foundation level of the scheme hereby approved shall take place until all hard and soft landscaping details have been submitted to and agreed by the Local Planning Authority. The approved works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes or species unless the local planning authority gives written approval to any variation.

Reason:- In the interests of the visual amenity of the area.

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- 8) The Development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:-
- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
 - Details of site operative parking areas, material storage areas and the location of site operatives facilities;
 - Hours of work during construction.
 - Proposals to minimise dust from construction.
 - Construction noise suppression.
 - Provision of boundary hoarding and lighting.

The measures set out in the approved Plan shall be carried out and complied with in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To ensure the provision of adequate on-site facilities and in the interests of highway safety.

- 9) The Development hereby approved shall not be occupied until the first 5 metres of the access into the development, measured from the edge of the carriageway, has been surfaced in a bound material.

REASON: In the interests of highway safety.

- 10) The Development hereby permitted shall not be first occupied until 3 of the car parking spaces have been fitted with electric vehicle charging points. 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.

- 11) The Development hereby permitted shall not be first occupied until sheltered and secure cycle parking to comply with the Council's adopted highway design guide has been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority and thereafter the approved cycle parking shall be kept available for the parking of bicycles only.

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REASON: To comply with the Council's parking standards.

- 12) The Development hereby approved shall not be occupied or be brought into use until the parking and turning facilities have been provided as shown on drawing No. (to be defined).

Reason: To ensure conformity with submitted details.

- 13) The Development hereby approved shall not be occupied until the applicant has submitted to and had approval in writing from the Local Planning Authority a residential welcome pack promoting sustainable forms of access to the development. The pack shall be provided to each resident at the point of occupation.

Reason: To reduce vehicle movements and promote sustainable access.

- 14) Prior to commencement of development a Mitigation Method Statement (MMS) shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the Bat Low Level Impact License Ecologist overseeing the works and a description of the mitigation including locations of compensation bat boxes.

Reason: To ensure the Local Planning Authority's duty to conserve biodiversity under section 40 of NERC Act (2006).

- 15) Prior to commencement of development a biodiversity strategy for the site should be submitted to and approved in writing by the local planning authority and shall include general precautionary measures (RAMs) and proposals for on site biodiversity enhancements. Reasonable Avoidance Measures (RAMs) should be implemented as follows:

- i) A Reasonable Avoidance Measures (RAMs) method statement should be prepared and implemented to facilitate pre demolition/ construction checks for reptiles, amphibians, bat species and small mammals.
- ii) A Reasonable Avoidance Measures (RAMs) statement should be prepared and implemented in relation to badgers during demolition and construction.
- iii) A Reasonable Avoidance Measures (RAMs) method statement should be prepared and implemented in relation to breeding birds prior to demolition and construction i.e. removal of trees, buildings and hedgerows.

Biodiversity enhancements shall include measures to increase the value of habitats on site for wildlife species likely or known to occur nearby. Such measures shall include, at least one bat brick for each new house (similar in specification to the bat bricks produced by Habitat), at least one bird box per house, wildflower seeding in public areas and retention or replacement and maintenance of an east-west hedgerow on site.

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Reason: To ensure the Local Planning Authority's duty to conserve biodiversity under section 40 of NERC Act (2006).

Informatives

- 1) In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising from the application in accordance with the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The authority has helped the applicant resolve technical issues such as:

- o improving the design of the proposed development.

The proposal is therefore considered to deliver a sustainable form of development that complies with development plan policy.

- 2) This 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 Council's Approved Contractor, Ringway Infrastructure Service who can be contacted by email worcestershirevehicle.crossing@ringway.co.uk. The applicant is solely responsible for all costs associated with construction of the access.
- 3) 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.
- 4) As with any change of use from office/commercial to residential (Worcester Regulatory Services) WRS advise that consideration is given to the presence of asbestos containing materials (ACMs) in the office building(s) and any ACMs removed during alterations should be disposed of appropriately such that the development site may not be considered contaminated land under Part 2A at a later date. Appropriate asbestos surveys prior to demolition and/or alterations and handling of ACMs during works should be undertaken by competent and qualified professionals with experience of surveying and handling ACMs in accordance with the Control of Asbestos Regulations 2012.

Procedural matters

This application is being reported to the Planning Committee because the application is for major development and requires a S106 Agreement, and there have been more than two objections to the application. As such the application falls outside the scheme of delegation to Officers.