

# Planning Committee

Wed 23 Oct  
2013  
7.00 pm

Council Chamber  
Town Hall  
Redditch



[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

# Access to Information - Your Rights

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The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all formal Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agendas and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees

(or summaries of business undertaken in private) for up to six years following a meeting.

- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, on request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.

A reasonable number of copies of agendas and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its, Committees etc.

- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, most items of business before the Executive Committee are Key Decisions.
- Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:

[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

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**If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact the following:**

**Janice Smyth**  
**Democratic Services Officer**  
**Town Hall, Walter Stranz Square, Redditch, B98 8AH**  
**Tel: (01527) 64252 Ext. 3266 Fax: (01527) 65216**  
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**REDDITCH BOROUGH COUNCIL**  
**PLANNING COMMITTEE**



**GUIDANCE ON PUBLIC**  
**SPEAKING**

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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:

in accordance with the running order detailed in this agenda and updated by the separate Update report:

- 1) Introduction of application by Chair
- 2) Officer presentation of the report (as originally printed; updated in the later Update Report; and updated orally by the Planning Officers at the meeting).
- 3) Public Speaking - in the following order:-
  - a) Objectors to speak on the application;
  - b) Supporters to speak on the application;
  - c) Applicant to speak on the application.

Speakers will be called in the order they have notified their interest in speaking to the Committee Services Team (by 12 noon on the day of the meeting) and invited to the table or lectern.

- Each individual speaker will have up to a maximum of 3 minutes to speak, subject to the discretion of the Chair. (Please press button on “conference unit” to activate microphone.)
  - 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.
  - After each of a), b) and c) above, Members may put relevant questions to the speaker, for clarification. (Please remain at the table in case of questions.)
- 4) Members’ questions to the Officers and formal debate / determination.

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**Notes:**

- 1) 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.3, the County Structure Plan (comprising the Development Plan) 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.
- 2) No audio recording, filming, video recording or photography, etc. of any part of this meeting is permitted without express consent (Section 100A(7) of the Local Government Act 1972).
- 3) Once the formal meeting opens, members of the public are requested to remain within the Public Gallery and may only address Committee Members and Officers via the formal public speaking route.
- 4) 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.
- 5) Anyone wishing to address the Planning Committee on applications on this agenda must notify the Committee Services Team **by 12 noon on the day of the meeting.**

**Further assistance:**

If you require any further assistance **prior to the meeting**, please contact the Committee Services Officer (indicated at the foot of the inside front cover), Head of Democratic Services, or Planning Officers, at the same address.

At the meeting, these Officers will normally be seated either side of the Chair.

The Chair’s place is at the front left-hand corner of the Committee table as viewed from the Public Gallery.

# Welcome to today's meeting.

## Guidance for the Public

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### ***Agenda Papers***

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

### ***Chair***

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

### ***Running Order***

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

***Refreshments*** : tea, coffee and water are normally available at meetings - please serve yourself.

### ***Decisions***

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

### ***Members of the Public***

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

### ***Special Arrangements***

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

### ***Further Information***

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

### ***Fire/ Emergency instructions***

**If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.**

**If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.**

**Do Not stop to collect personal belongings.**

**Do Not use lifts.**

**Do Not re-enter the building until told to do so.**

**The emergency Assembly Area is on Walter Stranz Square.**





# PLANNING

## Committee

23rd October 2013

7.00 pm

Council Chamber Town Hall

### Agenda

#### Membership:

Cllrs:	Andrew Fry (Chair)	Roger Hill
	Alan Mason (Vice-Chair)	Wanda King
	Joe Baker	Brenda Quinney
	Roger Bennett	Yvonne Smith
	Michael Chalk	

<b>1. Apologies</b>	To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.
<b>2. Declarations of Interest</b>	To invite Councillors to declare any interest they may have in the items on the Agenda.
<b>3. Confirmation of Minutes</b> (Pages 1 - 8)	To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 25th September 2013.  (Minutes attached)
<b>4. Planning Application</b> <b>2013/143/COU - 272</b> <b>Evesham Road, Redditch</b>  (Pages 9 - 16)  Head of Planning and Regeneration	To consider a Planning Application for a Change of Use to provide additional surgery space at first floor and ancillary office/storage.  Applicant: Kingfisher Dental Practice  (Report attached, Site Plan under separate cover)  <b>(Headless Cross &amp; Oakenshaw Ward)</b>
<b>5. Planning Application</b> <b>2013/170/FUL - 6 Mount Pleasant, Redditch, Worcestershire B97 4JB</b>  (Pages 17 - 22)  Head of Planning and Regeneration	To consider a Planning Application for a proposed change of use of ground floor from Class A2 (Financial and Professional Services use) to A5 Hot Food Takeaway, including installation of external kitchen extract flue.  Applicant: Mr S Khan  (Report attached, Site Plan under separate cover)  <b>(Central Ward)</b>

# PLANNING

Committee

Wednesday, 23 October 2013

<p><b>6. Planning Application 2013/173/FUL - Unit 12 Winyates Shopping Centre, Redditch, Worcestershire B98 ONR</b></p> <p>(Pages 23 - 26)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a change of use from shop unit (A1) to a community facility to provide training / workshops with ancillary office</p> <p>Applicant: Ms Liz Williams</p> <p>(Report attached, Site Plan under separate cover)</p> <p><b>(Winyates Ward)</b></p>
<p><b>7. Planning Application 2013/195/FUL - 34 Hither Green Lane, Redditch, Worcestershire B98 9BW</b></p> <p>(Pages 27 - 30)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a proposed balcony, proposed conversion of garage into bedroom and amendment to Planning Permission 2010/121.</p> <p>Applicant: Dr S Ananthram</p> <p>(Report attached, Site Plan under separate cover)</p> <p><b>(Abbey Ward)</b></p>
<p><b>8. Planning Application 2013/242/S73 - Unit 9 Matchborough Centre, Matchborough Way, Redditch</b></p> <p>(Pages 31 - 38)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Section 73 Application for the removal of Condition 2 of Planning Approval 2010/244/COU to allow wholly A5 (hot food takeaway) consent and to allow all types of hot food to be sold on the site for consumption off the premises.</p> <p>Applicant: Mr F Dadash</p> <p>(Report attached, Site Plan under separate cover)</p> <p><b>(Matchborough Ward)</b></p>



## 9. Exclusion of the Public

During the course of the meeting it may be necessary, in the opinion of the Chief Executive, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. It may be necessary, therefore, to move the following resolution:

**“that, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it/they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended.**

**These paragraphs are as follows:**

**subject to the “public interest” test, information relating to:**

- Para 1 - any individual;**
- Para 2 - the identity of any individual;**
- Para 3 - financial or business affairs;**
- Para 4 - labour relations matters;**
- Para 5 - legal professional privilege;**
- Para 6 - a notice, order or direction;**
- Para 7 - the prevention, investigation or prosecution of crime;**

**may need to be considered as “exempt”.**

## 10. Confidential Matters (if any)

To deal with any exceptional matters necessary to consider after the exclusion of the public (none notified to date.)





## **Planning Committee**

25th September 2013

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### **MINUTES**

#### **Present:**

Councillor Andrew Fry (Chair), Councillor Alan Mason (Vice-Chair) and Councillors Roger Bennett, Michael Chalk, Roger Hill, Wanda King, Brenda Quinney and Yvonne Smith

#### **Officers:**

S Edden, A Hussain and A Rutt

#### **Committee Services Officer:**

J Smyth

#### **34. APOLOGIES**

An apology for absence was received on behalf of Councillor Joe Baker.

#### **35. DECLARATIONS OF INTEREST**

Councillor Alan Mason declared an Other Disclosable Interest in Item 9 (Planning Application 2013/205/COU – Unit 1A Millsborough House, Millsborough Road) as detailed at Minute 42 below.

#### **36. CONFIRMATION OF MINUTES**

##### **RESOLVED that**

**the minutes of the meeting of the Planning Committee held on 28th August 2013 be confirmed as a correct record and signed by the Chair.**

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Chair

**37. PLANNING APPLICATION 2013/130/RC3 –  
GRASSED AREA NEXT TO REDDITCH TOWN HALL,  
WALTER STRANZ SQUARE, REDDITCH**

Public art piece to celebrate the  
Redditch Springs and Wireform industry.

Applicant: Redditch Borough Council

The following people addressed the Committee under the Council's public speaking rules:

Mr M Hall – Arts Council (supporting)  
Mr M Davies – Davies Springs (supporting)  
Mr H Nuttall – Wild Springs (supporting)  
Mr J Cochrane – on behalf of the Applicant  
Mr T Tolkien – on behalf of the Applicant

**RESOLVED that**

**having regard to the Development and to all other material considerations, Planning Permission be GRANTED, subject to the conditions and informatives set out or referred to in the main report.**

**38. PLANNING APPLICATION 2013/145/FUL –  
LAND AT WIRE HILL DRIVE, LODGE PARK, REDDITCH**

Erection of 12 new detached dwellings with garages.

Applicant: JMH 10 Ltd

The following people addressed the Committee under the Council's public speaking rules:

Mr J Crow – local resident and objector  
Mr P Bird – local resident and objector  
Councillor Andrew Fry – Ward Councillor

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Planning Permission be REFUSED for the following reasons:**

- 1. The site is designated as an area of Primarily Open Space in the Borough of Redditch Local Plan. The Council considers that the need for this development**

**does not outweigh the current value of the land as an open area. The proposal would therefore be contrary to Policy R.1 of the Borough of Redditch Local Plan No. 3 which states that proposals which would lead to the total or partial loss of a Primarily Open Space will not normally be granted planning permission unless it can be demonstrated that the need for the development outweighs the value of the land as an open area.**

- 2. The proposed development would lead to the creation of two accesses on a stretch of classified highway (a district distributor) which carries significant traffic movements. Vehicular movements associated with the use of the proposed accesses would lead to traffic conflict and detriment to highway safety, contrary to the provisions of the National Planning Policy Framework.**

(Having noted and considered the speaker representations, Officers report and Update, which had provided details in respect of an amendment to the site layout plan, Members raised concerns about highway safety issues in relation to Wire Hill Drive and the loss of open space to the local community.

In view of these issues, the Committee refused the Application for the reasons stated in the resolution above.)

Further to having advised at the start of the meeting of his intentions to withdraw from the Committee to the public gallery for this item in order to speak to the Application in his capacity as a local Ward Member, the Chair, Councillor Andrew Fry, withdrew from the meeting following the Officer's presentation and conclusion of public speaking on the item in accordance with the Council's public speaking rules, and was not present for the Committee's debate and decision on the matter,

The Committee's Vice-Chair, Councillor Alan Mason was in the Chair for this matter.)

**39. PLANNING APPLICATION 2013/157/FUL –  
FIELDHOUSE, FECKENHAM ROAD,  
HUNT END, REDDITCH B97 5QP**

New dwelling and garage in the garden

Applicant: Mr and Mrs R Pearse

The following people addressed the Committee under the Council's public speaking rules:

Mrs S Oddy – local resident and objector  
Councillor B Clayton – Ward Councillor  
Mr R Pearse - Applicant

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Planning Permission be GRANTED, subject to conditions and informatives as summarised in the main report.**

(The Committee received an Update on the item in relation to the submission of an amended Location Plan and Site Plan and an amendment to the Design and Access Statement.)

**40. PLANNING APPLICATION 2013/167/FUL –  
WINSLOW CLOSE, WINYATES EAST,  
REDDITCH B98 0NQ**

Installation of refuse and recycling bin storage

Applicant: Redditch Borough Council

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, authority be delegated to the Head of Planning and Regeneration Services to GRANT Planning Permission, subject to: the expiry of the consultation period on 27th September 2013 and there being no new material considerations raised, and the Conditions and Informatives summarised in the main report.**

(The Committee noted an Update on the application in regard to presentations received from the Highways Authority and the correction of an error in the report in relation to Ward information.)

**41. PLANNING APPLICATION 2013/193/ADV –  
NEW PETROL FILLING STATION,  
LAND AT TEARDROP SITE, BORDESLEY LANE,  
REDDITCH B97 6RR**

Three internally illuminated fascia signs,  
one internally illuminated totem sign,  
four non-illuminated 'Fill Up Either Side' signs,  
eight non-illuminated pump flag signs and  
one non-illuminated brand wall sign

Applicant: Sainsbury's Supermarkets Ltd

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Advertisement Consent be GRANTED, subject to the Conditions and Informatives summarised in the main report.**

**42. PLANNING APPLICATION 2013/205/COU –  
UNIT 1A, MILLSBOROUGH HOUSE,  
MILLSBOROUGH ROAD, REDDITCH**

Change of use from Class A1 (Retail) to Class D2 (Assembly and Leisure)

Applicant: Mr Russell Vincent

**RESOLVED 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: the expiry of the consultation period on 1st October 2013 and there being no new material considerations having been raised; and the conditions and informatives summarised in the main report.**

(Prior to consideration of this item, Councillor Alan Mason declared an other disclosable interest in view of the fact that he had previously worked for and was personally acquainted with, the Applicant. Councillor Mason withdrew from the meeting and took no part in its consideration or voting thereon.)

**43. PLANNING APPLICATION 2013/206/ADV –  
TRAFFIC ISLAND A4023, ALDERS DRIVE, REDDITCH**

Four Advertisement sign panels

Applicant: Redditch Borough Council

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Advertisement Consent be GRANTED, subject to the Conditions and Informatives summarised in the main report.**

**44. PLANNING APPLICATION 2013/207/ADV –  
WOODROW DRIVE AND ROUGH HILL DRIVE  
ROUNDAABOUT**

Four Advertisement sign panels

Applicant: Redditch Borough Council

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Advertisement Consent be GRANTED, subject to the Conditions and Informatives summarised in the main report.**

**45. PLANNING APPLICATION 2013/208/ADV –  
BUTLERS HILL LANE AND BROCKHILL DRIVE  
ROUNDAABOUT**

Four Advertisement sign panels

Applicant: Redditch Borough Council

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Advertisement Consent be GRANTED, subject to the Conditions and Informatives summarised in the main report.**

**46. PLANNING APPLICATION 2013/209/ADV –  
HEWELL LANE, BROCKHILL DRIVE AND  
BIRCHFIELD ROAD ROUNDAABOUT**

Three Advertisement sign panels

Applicant: Redditch Borough Council

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Advertisement Consent be GRANTED, subject to the Conditions and Informatives summarised in the main report.**



**47. PLANNING APPLICATION 2013/210/ADV –  
WARWICK HIGHWAY AND ALDERS DRIVE  
ROUNDBOUT**

Four Advertisement sign panels

Applicant: Redditch Borough Council

**RESOLVED that**

**having regard to the Development Plan and to all other material considerations, Advertisement Consent be GRANTED, subject to the Conditions and Informatives summarised in the main report.**

(The Committee noted two corrections detailed in the Update to the report relating to Ward information and the location address for the application.)

The Meeting commenced at 7.00 pm  
and closed at 9.05 pm

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CHAIR



## **PLANNING COMMITTEE**

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### **Planning Application 2013/143/COU**

**Change of use to provide additional surgery space at first floor and ancillary office/storage space**

**272 Evesham Road, Redditch**

**Applicant: Kingfisher Dental Practice**  
**Expiry Date: 5th August 2013**

**Ward: HEADLESS CROSS & OAKENSHAW**

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on extension 3206 (e-mail: [steve.edden@bromsgroveandredditch.gov.uk](mailto:steve.edden@bromsgroveandredditch.gov.uk)) for more information.

**(see additional papers for Site Plan)**

Members will be aware that this application was considered at Planning Committee on 31<sup>st</sup> July 2013. The application was deferred to allow Officers to discuss, with the applicant, a staff travel plan together with a potential re-design of the current parking facilities at the practice in an attempt to provide additional parking spaces for staff and clients. Officers can clarify that a travel plan has been submitted together with a re-designed parking layout which would accommodate a further two car parking spaces. This increases provision from 12 spaces to 14. The parking layout plan submitted will be shown as part of the powerpoint presentation for the application. Officers consider that the details submitted are acceptable; the report follows below.

#### **Site Description**

The application site consists of a relatively large two storey building, originally constructed as a dwelling, now operating as a dental practice. The building accommodates three surgeries, a reception area, waiting room and ancillary facilities such as kitchen and toilets at ground floor. At first floor, the building accommodates storage and office space together with a larger staff kitchen.

The building has a car park to the frontage containing space for 12 no. cars. The practice has a large rear garden which is bounded by mature trees and hedges, particularly on the southern and western boundaries.

Access to the site is via Evesham Road to the east.

The surrounding area is residential in character.

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**Proposal Description**

Permission is sought for additional surgery space within the existing building used as a dental surgery. No extensions or external alterations are proposed. It is proposed to rationalise the first floor space to provide two surgeries which would allow for the employment of a trainee dentist and a hygienist.

The applicant states that the application is made to secure the future of this dental practice as result of further changes in NHS funding due to come in during 2014.

**Relevant Key Policies:**

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

[www.communities.gov.uk](http://www.communities.gov.uk)

[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

***National Planning Policy***

The National Planning Policy Framework (NPPF)

The NPPF supports existing business sectors, taking account of them expanding or contracting in order to encourage sustainable development and building a strong and competitive economy. The proposal would contribute towards economic prosperity as it involves the expansion of an existing business and as such will assist towards building a strong, responsive, sustainable and competitive economy. Therefore, the proposal would comply with the relevant aims of the NPPF.

***Borough of Redditch Local Plan No.3***

B(BE).13 Qualities of Good Design

C(T).12 Parking Standards (Appendix H)

**Relevant Site Planning History**

Application no	Proposal	Decision	Date
1992/238/FUL	Conversion of property to dental surgery (two surgeries) and self contained flat	Approved	03.09.1992
2000/154/FUL	Additional dental treatment room	Approved	07.06.2000

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2006/547/FUL	Expansion of existing dental practice (from three to six treatment rooms)	Refused	12.01.2007
2007/124/FUL	Re-submission of application 2006/547/FUL (increase in number of treatment rooms from three to five)	Refused	26.04.2007
2007/303/FUL	Extension of dental practice by refurbishment of existing building and construction of single storey ground floor rear extension	Approved	07.09.2007

**Public Consultation Responses****Responses against**

3 letters received. Comments are summarised as follows:

- Upper floor is accessed via an external staircase. Any increase in its use would be detrimental to residential amenity
- Cars belonging to both staff and patients of the practice already fill the existing on-site car park in addition to the five available spaces on the road outside whenever the surgery is in full use. The regularity of use already results in highway safety problems
- Whilst most users park their cars without actually blocking the driveways of the three houses affected, cars are regularly parked half on and half off the pavement on both sides of residents drives, significantly reducing visibility for the emerging vehicles of residents and of users of the on-site car park. Parking on the pavement is also a significant inconvenience to pedestrians
- Evesham Road is a busy road and bus route whose width is constrained just north of the application site by bollards in the middle of the road
- The existing level of use of the dental practice already causes a high level of on-street parking in this location which is a significant danger to road users and residents alike
- The proposal would represent a 33% increase in the use of the premises which would not be matched by an equivalent increase in car parking
- The Councils standards should require 20 spaces on site for the proposed use. There are only 12 provided

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- Patient numbers have increased significantly since the original consent. The proposals would suggest that patient numbers would rise again

### Consultee Responses

#### ***County Highway Network Control***

Comments as follows:

The applicant has provided information as requested to show patient location.

A considerable number of patients live either within reasonable walking distance of the practice or near to a regular bus route. Given the above, it is considered that, for the usual patient base, the practice is in a sustainable location.

Similarly, as there are other travel methods open to patients, the parking facilities situated within the application site are considered adequate.

The County Council as Highway Authority therefore considers that the traffic generation from the proposal has negligible effect on the surrounding Highway Network and therefore has no objection to the grant of permission.

#### ***Worcestershire Regulatory Services (Environmental Health)***

No objection

### Background

The planning history related to the site is as set out above. The single storey extensions to the rear, approved under application 2007/303/FUL were not implemented, and this consent has now expired. This application essentially sought to provide the practice with more usable circulation space including a larger waiting area, but unlike the earlier applications, did not propose to increase the number of treatment rooms. Because this permission has expired, a new planning application would need to be submitted for further such extensions to the building in the future. The applicant has however stated that they would not wish to extend the premises in the future in a similar manner to that scheme submitted under application 2007/303/FUL. The premises remain as a dental practice containing three treatment rooms / surgeries.

### Assessment of Proposal

Under the consideration of earlier, (refused) planning applications, as set out above, Officers considered that the expansion of the practice by increasing the number of surgeries without commensurate in-curtilage parking facilities would be likely to lead to a danger to highway safety as a result of additional vehicles being parked 'on-street' along Evesham Road.

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A detailed statement has been submitted by the applicant's agent in support of the application. It states that although two rooms are proposed as surgeries, the additional hours worked would only be by one full time equivalent (FTE). The existing practice operates having three FTE dental practitioners. If permission were to be granted under this consent, the additional one FTE post would be split between that of a trainee dentist (4 days a week) and a dental hygienist (1 day a week). The applicant would be willing for a condition to be attached to any consent restricting the use of the existing and additional surgeries granted such that they could be used by a maximum of three FTE dentists and a trainee dentist and hygienist only.

The applicant states that the proposal is required because of changes to NHS dental care and associated targets set by Government for dental practitioners.

With respect to the perceived detrimental impact upon nearby residential amenity regarding the location and use of the existing external staircase (located on the south facing gable, facing towards number 274 Evesham Road), there is already internal access to the existing stairway to the first floor through the reception area serving the dental surgery. The external access was primarily used by occupiers of a first floor flat (which is now vacant) and has not been used for some time. In the event of consent being granted, a proposed new car parking space located in this area would mean that the external staircase would need to be removed, thus removing external movements to and from the first floor.

The applicant states that the amount of on street car parking varies during the day and that not all is by visitors to the Dental practice. The applicant states that neighbours opposite are noted to regularly park their vehicles on Evesham Road. However, where there are no restrictions it is lawful to park on the road and this is the case here. The on-street parking situation which occurs at present is not considered to be of detriment to highway safety. If it were to be, it is likely that yellow lines would have been introduced along this particular stretch to prevent on-street parking.

It is stated that the hygienist would generally see patients at the same time as they have a routine dental appointment and as such it is considered unlikely that a material increase in car journeys would be generated. The proposal also includes plans for a trainee. The applicant explains that the speed at which a trainee works (under supervision) means that they see far fewer patients than a fully trained and experienced dentist.

Detailed information submitted by the applicant has demonstrated to your officers and County Highway Network Control that the proposed development would indeed be unlikely to cause increased pressure on car parking that cannot be met in both the on site car park and off site on the adjacent road.

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The view expressed in the objections that the 33% increase in use of the premises is not matched by an equivalent increase in car parking' is questioned as a 33% increase refers to the proposed increase in surgery numbers, not by a 33% increase in patients.

Officers consider that the use of planning conditions in this case could justify the increase in surgery space whilst safeguarding nearby residential amenities. By attaching such conditions, Officers do not consider that harm to highway safety or amenity could be demonstrated, also having regard to the context of the benefit of retaining this dental practice in this part of Redditch to serve local need, thus being sustainably located.

As far as patient numbers are concerned, the application submission shows that existing patients over the last few years average 8,704 per year. This figure is around 300 less than the 9000 patients projected in the documents produced in 2000 when permission was granted for an increase to 3 surgeries under reference 2000/154/FUL. A trainee working a 4 day week is anticipated to result in little increase over the patient base of 9000 that was projected and considered acceptable in the year 2000. It is also noted that the practice is now more 'child friendly' and that children are likely to attend in family groups not individually and thus share transport. Further, no significant change to the existing patient base is anticipated as Redditch is well served by existing established dental practices. The proposal is not therefore considered to warrant the provision of additional car parking on site. Further, on street parking is lawfully available and public transport (having regard to Evesham Road being a bus route with frequent services) and walking are alternative transport options.

### Conclusion

The benefit of maintaining this local NHS dentist as a viable business serving the local community should be carefully considered and weighed against the alleged car parking problems. On street parking is not entirely due to patients and the level of increase of demand for car parking when considered objectively is likely to be very small and so would not cause any demonstrable additional harm to local residents. Notwithstanding nearby residents concerns over the proposed new development, the proposals are considered to accord with national and local policy criteria. On balance, it is considered that the proposals would not prejudice highway safety or residential amenities. As such, the application is recommended for approval.

### Recommendation

**That having regarded to the development plan and to all other material considerations, planning permission be GRANTED subject to conditions below:**



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- 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 implemented in accordance with the following plans:

tbc

and to be implemented on site to the satisfaction of the LPA before first use of the development hereby approved

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

- 3) The use of the premises as a whole shall comprise a maximum of 3 FTE dentists, a trainee dentist and a hygienist only and no other health care professionals.

Reason: In the interests of ensuring the practice is run in such a way that the numbers of visitors does not exceed the available parking on and around the site to such an extent as to result in highway safety concerns in accordance with Policy CT(12) of the Borough of Redditch Local Plan No.3.

**Procedural matters**

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



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**Planning Application 2013/170/FUL**

**Proposed change of use of ground floor from Class A2 Financial and Professional Services use to A5 Hot Food Takeaway use including installation of external Kitchen extract flue**

**6 Mount Pleasant, Redditch, Worcestershire, B97 4JB**

**Applicant: Mr S Khan**  
**Expiry Date:**  
**Ward: CENTRAL**

**(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 and Proposal Description**

The site lies in an area of mixed uses, of terraced built form at back of pavement with mostly residential use, but some retail and other related uses, especially at ground floor. The application site is a corner unit, with a retail shop frontage at ground floor and residential flats above. It was formerly occupied by a launderette.

The application proposes the change of use of the ground floor from A1 retail to A5 hot food takeaway use.

### **Relevant Policies :**

**Borough of Redditch Local Plan No.3:**  
BBE13 Qualities of Good Design  
ETCR12 Class A3 Uses

**Emerging Borough of Redditch Local Plan No. 4**  
Policy 30: Town Centre and Retail Hierarchy  
Policy 35: Health of District Centres

**Others:**  
NPPF National Planning Policy Framework

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**Relevant Planning History Relevant Planning History**

2010/258/COU	Proposed alterations to form Class A2 Financial and Professional Services and B1 Business uses at ground floor level with 2 no. self contained flats over	Approved	09.12.2010
1984/228/FUL	Change Of Use To Tattoo Artist's Studio		06.07.1984

**Consultations****Highway Network Control**

No objection subject to an informative note for the applicant

**Environmental Health- Food**

No objection subject to conditions relating to odour, noise and hours of operation and an informative relating to food safety.

**Development Plans**

No objection raised as complies with emerging LP4 policies relating to small groupings of shops

**Public Consultation Response**

One letter of objection has been received raising the following concerns:

- Litter
- Noise
- Smell
- Anti Social Behaviour
- Parking difficulties would increase

Other issues which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application.

**Assessment of Proposal****Principle**

A5 hot food takeaway uses have traditionally been uses directed to town and district centre sites by planning policy. The site is in neither. However, the (more recent) NPPF does not seek such locations exclusively, and the emerging local plan 4 for the Borough of Redditch identifies small groupings of shops as equally appropriate locations in which A5 uses can be located, and does not seek to provide an exhaustive list to identify these locations.

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Therefore, on this occasion, it is noted that the site forms part of a small group of shops and that none of the others is a takeaway use. Therefore, the principle of the change of use is considered to be acceptable in this location.

### Other issues

The environmental health team have confirmed that the extraction details provided are acceptable; they have identified that it would be possible to ensure adequate noise mitigation between the unit and the residence above; they have raised no objections to the hours of use proposed. All these matters can therefore be dealt with through the imposition of conditions.

The highways officer has raised no objections, as there is on site parking provision for staff and it is considered that there are sufficient options for short term parking in this area for those who do not walk/cycle to the proposed takeaway. It is not considered that the proposed use would be any more demanding on parking provision than the former launderette use would have been, and therefore there are no concerns in this regard.

### Conclusion

It is considered that the proposal complies with the relevant local and national planning policies and no material considerations have been identified to outweigh this.

### **RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, planning permission be granted subject to the following conditions and informatives:**

- 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 implemented in accordance with the following plans and documents:

1322.1

1322.2

1322.3

Ventilation extraction statement

Planning statement

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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- 3) The use hereby approved shall only open to the public between the hours of 5pm - 11.30pm Sunday - Friday and 5pm - 12am on Saturday.

Reason; In the interests of nearby residential amenity and in order to comply with Policy B(BE)13 of the Borough of Redditch Local Plan No.3.

- 4) Prior to the commencement of the use hereby permitted, an appropriate odour extraction system shall be fitted to the kitchen to ensure that the odours from the kitchen are appropriately treated and/or dispersed, and operated, as agreed in writing with the Local Planning Authority. This odour extraction system shall first be submitted for the approval of the Local Planning Authority.

Guidance should be sought from the following link:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69280/pb10527-kitchen-exhaust-0105.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69280/pb10527-kitchen-exhaust-0105.pdf)

Reason: To prevent disturbance to nearby residential and commercial premises and comply with Policy B(BE)13 of the Borough of Redditch Local Plan No.3.

- 5) Prior to the commencement of development, a scheme of sound attenuation shall be submitted for the approval of the Local Planning Authority and the agreed scheme shall be implemented prior to the commencement of the use hereby permitted. The measures shall include attenuation of any extraction fan unit and use of anti-vibrational mounts on the extraction ducting as well as the impacts of the use on the upper floors.

Reason: To ensure that there is sufficient sound attenuation between the ground floor commercial use and the first floor residential use to protect residential amenities in accordance with Policy B(BE)13 of the Borough of Redditch Local Plan No.3.

- 6) Due to the close proximity of commercial and residential properties, a construction environmental management plan (CEMP) for the construction works shall be submitted for the approval of the Local Planning Authority prior to the commencement of development. The CEMP shall include hours of operation and information on proposed methods of working that will prevent noise and dust issues to the surrounding area.

In producing the CEMP guidance should be sought from the link below:

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

The works for the conversion of the premises to the use hereby approved shall be implemented in accordance with the agreed CEMP.

Reason: In the interests of amenity and in accordance with Policy B(BE)13 of the Borough of Redditch Local Plan No.3.

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**Informatives**

- 1) The applicant is advised to note the comments of the environmental health officer in relation to the layout of the unit and seek advice from the food safety team.

**Procedural matters**

This application is being reported to the Planning Committee because it proposes the change of use to A5 hot food takeaway. As such the application falls outside the scheme of delegation to Officers.





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**Planning Application 2013/173/FUL**

**Change of use from shop unit (A1) to a community facility to provide training / workshops with ancillary office**

**Unit 12 Winyates Shopping Centre, Redditch, Worcestershire, B98 0NR**

**Applicant: Ms Liz Williams**  
**Expiry Date: 1 October 2013**  
**Ward: WINYATES**

**(see additional papers for Site Plan)**

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

### **Site Description**

The site comprises of a purpose built shopping centre comprising of a parade of shops at ground floor level with maisonettes above. Communal car parking exists nearby and the site has good access to the local bus route.

The frontage of the building comprises of a glazed shopfront with signage that matches the neighbouring units.

### **Proposal description**

The unit is currently vacant and has been for a considerable time. It is proposed to convert the premises to a community facility that would provide a number of services such as:-

- Training area for individual community members in life skills such as cookery, food hygiene, healthy eating demonstrations etc.
- Training/ meeting/activity space for local community activity organised by the AoHN (Area of Highest Need) project.
- Community meetings.
- Drop in centre for internet service.
- After school club for at risk children.
- Other activities such as jewellery making groups etc.

The proposal involves internal alterations to create a larger office towards the rear of the unit and the provision of an accessible toilet. The middle of the premises would be laid out to provide a kitchen facility for demonstration purposes. The front of the premises would remain open plan for the various activities proposed. No plans are proposed to alter the shop front in any way and the existing steel shutter for the frontage would be maintained.

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The hours of operation would be 09:00 - 20:00 hours Monday to Friday, and 09:00 - 19:00 hours Saturday.

### **Relevant Policies :**

#### **Borough of Redditch Local Plan No.3:**

ETCR09 District Centres  
CT07 Public Transport Infrastructure  
CCF01 Community Facilities

#### **Others:**

#### **SPD9 Designing for Community Safety**

### **Relevant Planning History**

88/489 Change of use to licensed betting office Approved 15.9.89

### **Consultations**

#### **Environmental Health- Food**

No Comments Received To Date

#### **Property Services Manager**

No Comments Received To Date

#### **Crime Risk Manager**

No Comments Received To Date

#### **Town Centre Co-ordinator**

No Comments Received To Date

#### **Highway Network Control**

No Comments Received To Date

### **Public Consultation Response**

No comments submitted.

### **Assessment of Proposal**

The key issues for consideration in this case are:-

#### **Principle**

The application site is within the Winyates District Centre. Policy E(TCR).9 of the Borough of Redditch Local Plan No.3 would apply which encourages the refurbishment, redevelopment, and extension of existing retail facilities, where this is consistent with the scale and function of the Centre. Typically a District Centre would accommodate a newsagent, green grocery store, post office, pharmacy, hairdresser and other small

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shops of a local nature. Proposals that would undermine the retail and community function of a District Centre would be refused.

Due to the nature of the proposed use, it is considered that it would be an important community facility for this area and therefore would comply with policy E(TCR).9 of the Borough of Redditch Local Plan No.3.

In addition, policy C(CF).1 of Local Plan No. 3 would apply and refers to community facilities that should complement neighbouring land-uses, be accessible by a range of transport modes, and meet a genuine community need. Given the facilities are being organised by the AoHN project for this area, it is considered that the proposal would comply with this Policy.

One of the NPPF's core planning principles is to "deliver sufficient community and cultural facilities and services to meet local needs." It is considered that the proposal would contribute positively to this principle.

The application details submitted clarify that the facility would be open 09:00 - 20:00 hours Monday to Friday, and 09:00 - 19:00 hours Saturday. It is considered that the hours of operation would complement the role and function of this District Centre and would not hinder the amenities of neighbouring occupiers.

### Highways and access

The application site is within the District Centre which has communal car parking facilities and public transport links adjacent to the site. Therefore, the proposal is unlikely to cause highway issues. Comments are still awaited from County Highway Network Control.

### Conclusion

The principle of the facility in this location complies with policies in the Local Plan No.3 and is considered to be acceptable.

### **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.

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- 2) The use hereby approved shall operate only between the hours of 09:00 - 20:00 hours Monday to Friday, 09:00 - 19:00 hours Saturday and shall be closed on Sundays, Bank and Public Holidays.

Reason: In the interests of nearby residential amenity and in accordance with policy E(TCR).9 of the Borough of Redditch Local Plan No.3.

- 3) The development hereby approved shall be implemented in accordance with the following plans:-

Site location plan		received 6 August 2013
Detailed plans	Dwg. No. JH / Winyates /12/2	received 6 August 2013

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

- 4) The development hereby approved shall be used for the purposes of a community facility to provide community related training / workshops with ancillary office and for no other purpose.

Reason:- To define the terms under which permission for this development is granted and in accordance with Policy of the Borough of Redditch Local Plan No.3

**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.

**Procedural matters**

This application is being reported to the Planning Committee because the applicant is Redditch Borough Council. As such the application falls outside the scheme of delegation to Officers.

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Planning Application 2013/195/FUL

**Proposed Balcony, proposed conversion of garage into bedroom and Amendment to Planning Permission 2010/121**

**34 Hither Green Lane, Redditch, Worcestershire, B98 9BW**

**Applicant: Dr S Ananthram**  
**Expiry Date: 13th August 2013**  
**Ward: ABBEY**

**(see additional papers for Site Plan)**

The author of this report is Claire Gilbert, Planning Officer (DM), who can be contacted on Tel: 01527 64252 ext 3214 Email: [claire.gilbert@bromsgroveandredditch.gov.uk](mailto:claire.gilbert@bromsgroveandredditch.gov.uk) for more information.

### **Site Description**

34 Hither Green Lane is a detached house situated within a residential area of Redditch where the principle of development is considered to be acceptable. The house fronts onto an area of open space which forms the Abbey Golf course.

### **The proposal**

- o Construct a first floor balcony at the front of the property
- o Convert the garage into a habitable room.
- o Amend part of the permission granted under application 2010/121/FUL. Planning application 2010/121/FUL granted permission for a two and single storey rear extension. This application is applying to amend this scheme by altering the single storey element by: extending the line of the single storey extension by a further 0.7 metres and changing the roof pitch of this single storey extension from pitched to flat.

### **Relevant Policies**

#### **Borough of Redditch Local Plan No.3:**

BBE13 Qualities of Good Design  
BBE14 Alterations and Extensions

#### **Others:**

SPG2 Encouraging Good Design  
NPPF National Planning Policy Framework

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**Relevant Planning History Relevant Planning History**

1988/317/FUL	Extension To Utility Area And First Floor Extension Over Existing Garage	Approved	29.06.1988
2006/086/FUL	Two Storey Extension	Approved	30.03.2006
2010/121/FUL	Proposed two storey and single storey extension and alterations	Approved	28.06.2010
2013/194/FUL	Proposed detached garage	Withdrawn	27.09.2013

**Consultations**

None

**Public Consultation Responses**

2 neighbours have made comments objecting to this application, and here is a summary of these comments:

- o Single storey extension will further block the side outlook of No. 22, particularly because No. 34 is set two or three feet higher than this property.
- o Proposed ground floor bedroom will only have one point of access to the main house via the door leading into the front porch; potential for this to become self-contained.
- o Window on side elevation shown as a square opening on plans, when in fact the window is a long narrow obscure glazed window giving minimal visual intrusion. Would not want this to be changed in any way as it could invade privacy.
- o Any alterations to the appearance of the current garage facade should be carefully designed to ensure the integrity of the main elevation is preserved.
- o The proposed additions will make it quite a large property for the size of the plot.
- o The rear boundary would come uncomfortably close to No. 24, which goes against the planning and development of Hither Green Lane and the considerations for the space and privacy afforded between neighbouring properties.

**Assessment of Proposal****The First Floor balcony:**

The proposed balcony would cut into the existing pitched roof at the front of the property above the existing garage. It would face out on to the Abbey Golf course so would not overlook any neighbouring properties. The materials to be used and the overall design of the balcony would not detract from the character and appearance of the house or the street.

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### **The conversion of the garage into a habitable room:**

The proposed garage conversion will not enlarge the house, and the materials used to block up the two garage doors on the front elevation shall be of a similar appearance to the materials used in the construction of the existing house. This element of the proposal would therefore be permitted development under Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended); and as such does not require planning permission. Therefore this needs no consideration.

### **The amendments to application 2010/121/FUL:**

The proposal would not bring the whole of the rear wall of the house closer to the neighbouring property; it would bring the single storey extension in line with the two storey extension approved under application 2010/121/FUL. It is therefore considered that the design, appearance and scale of the extension would reflect the main house and as it is not visible from the street it will not detract from the character of the street scene.

The height of the proposal would be lower than the highest part of the single storey extension approved under application 2010/121/FUL. As such although the proposal will alter the outlook of the neighbouring property from their rear garden it is not considered that it would have an unacceptable detrimental impact on the amenities of the occupiers of the neighbouring property.

### **Conclusion**

The proposed extensions comply with the provisions of the development plan and would be acceptable.

### **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 proposal must be started within 3 years from the date of this notice.

Reason: To comply with National Legislation.

- 2) The materials you use on the roof and wall of your development should match those of the existing building. If matching materials cannot be found then you must give details of, or send a sample of the type, colour and finish of the materials that you are going to use to the Council. The Council will agree these details with you in writing and you must use these materials when you build the development.

Reason: To make sure that the development relates to the area in which it is being built and protects how that area looks, in order to comply with Policy B (BE).13 of the Borough of Redditch Local Plan Number 3.

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- 3) The proposal shall be carried out as shown on the plans, schedules and other documents listed below:

Drawing No. 2746 Rev. C -Proposed plans and Elevations

Reason: To make sure the development is carried out exactly as shown on the plans, to ensure that it relates to the area in which it is being built and protects how that area looks, in order to comply with Policy B (BE).13 of the Borough of Redditch Local Plan Number 3.

**Procedural matters**

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



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### **Planning application 2013/242/S73**

**Section 73 application: Removal of condition 2 of planning approval 2010/244/COU to allow wholly A5 (hot food takeaway) consent and to allow all types of hot food to be sold on the site for consumption off the premises**

**Unit 9 Matchborough Centre, Matchborough Way, Redditch**

**Applicant: Mr F Dadash**  
**Expiry date: 24th November 2013**

**WARD: MATCHBOROUGH**

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on extension 3206 (e-mail: [steve.edden@bromsgroveandredditch.gov.uk](mailto:steve.edden@bromsgroveandredditch.gov.uk)) for more information.

**(See additional papers for Site Plan)**

### **Background**

Prior to the submission of planning application 2013/242/S73, an application was lodged for an identical proposal which is referenced 2013/255/S73. The expiry date for this application was 11<sup>th</sup> September 2013. Application 2013/255/S73 was not determined by this expiry date and the applicant has appealed against non-determination of the application. This matter is currently with the Planning Inspectorate who confirmed validation of the appeal on 3<sup>rd</sup> October. While the appeal is being progressed, the applicant has submitted a fresh, identical application which is to be considered here. The applicant is entitled to do this since application 2013/242/S73 was submitted to the Council after the expiry period for application 2013/255/S73 on 11<sup>th</sup> September 2013. The decision taken by the Planning Committee on this application (2013/242/S73) may however determine whether or not the appellant wishes to continue with or withdraw their appeal for the Council's non-determination of application 2013/255/S73.

### **Site Description**

Unit 9 is situated within the Matchborough District Centre between two commercial premises, also within the District Centre: a Fish and Chip Takeaway (Unit 8) and a former Bookmakers (now vacant) (Unit 10). Beyond the District Centre boundary lie a busway to the west, and large public car parks to both the north and south. Since the granting of consent under application 2010/244/COU which will be discussed later in the report, the front of the unit which was previously a seating area (18 covers) has been replaced by that of a counter. RBC Property Services (who are owners and landlords of the premises) consider, as do your Officers, that Unit 9 is already operating as a wholly A5 use.

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**Proposal Description**

This is a retrospective application made under Section 73 of the Town and Country Planning Act 1990 to remove Condition 2 of planning approval 2010/244/COU which would allow wholly A5 (hot food takeaway) consent and allow all types of hot food to be sold on the site for consumption off the premises.

**Relevant Key Policies:**

All planning applications must be considered in terms of the planning policy framework and all other relevant material considerations (as set out in the legislative framework). The planning policies noted below can be found on the following websites:

[www.communities.gov.uk](http://www.communities.gov.uk)

[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

***National Planning Policy***

The National Planning Policy Framework (NPPF)

***Borough of Redditch Local Plan No.3***

CS.7            The Sustainable Location of Development  
B(BE).13      Qualities of Good Design  
E(TCR).9      District Centres  
E(TCR).12     Class A3/A4/A5 uses  
C(T).12        Parking Standards  
S.1              Designing Out Crime

***SPDs***

Designing for Community Safety

**Relevant Site Planning History**

2010/244/COU	Retrospective application: change of use from A1 (retail) to mixed A3 (cafe/restaurant) and A5 (hot food takeaway) use	Approved subject to conditions	10.11.2010
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Appeal made against imposition of Condition 2 (application 2010/244/COU).  
Appeal allowed in part subject to the variation as set out later in this report  
Decision date: 6 July 2011

**Public Consultation Responses**

No comments received

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**Consultee Responses*****County Highway Network Control***

Comments awaited

***Police Crime Risk Manager***

Comments awaited

***Worcestershire Regulatory Services***

Comments awaited

**Assessment of Proposal**

When application 2010/244/COU which proposed to change the use of a shop to a mixed cafe/restaurant and hot food takeaway use was reported to the Planning Committee in 2010, Officers explained that the relevant planning policy was E(TCR).9 of the Borough of Redditch Local Plan since the unit falls within the Matchborough District Centre. Policy E(TCR).9, along with Policy E(TCR).12 which examines the impact of A5 uses upon nearby occupiers, remain the relevant key planning policies in the determination of such applications.

Policy E(TCR).9 comments that the Town Centre is the primary focus for major shopping needs. District Centres are the secondary level of shopping, meeting daily needs for basic items. Typically District Centres in the Borough accommodate a newsagent, a general store, a sub-post office and occasionally a pharmacy, a hairdresser and other small shops of a local nature. It is important to protect and where appropriate, enhance District Centres particularly with regard to their useful retail function. Proposals that would undermine the retail and community function of the District Centre would normally be refused.

Occupation of the various units within the District Centre is currently as follows:

Unit 1 Boxing Gymnasium	D2
Unit 2 Boxing Gymnasium	D2
Unit 3 Chemist/Pharmacy	A1
Unit 4 Hairdressers	A1
No Unit number: Public House	A4
Unit 5 Indian Takeaway	A5
Unit 6&7 Supermarket and Post Office	A1
Unit 8 Fish and Chips takeaway	A5
Unit 9 Cafe/restaurant with subsidiary hot food takeaway	A3 & A5
Unit 10 Currently vacant, last used as bookmakers	A2
Unit 11 (upstairs) Dentists	D1
Unit 12 (upstairs) residential flat	C3

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Unit 13 (upstairs) residential flat

C3

Officers considered that the application as submitted under 2010/244/COU would not have an adverse impact on the vitality and viability of the District Centre and nor would it detrimentally impact upon nearby amenities provided a condition were imposed restricting the hot food takeaway element as an ancillary part to the primary cafe / restaurant use.

Condition 2 attached to permission 2010/244/COU read as follows:

*The hot food takeaway element approved under this consent is restricted to the sale of pizzas only, with this use remaining strictly ancillary to the primary use of the premises as a café/restaurant use falling within Class A3 of the Town and Country Planning (Use Classes) Order 1987, as amended 2010, or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order with or without modification*

*Reason:*

*The sale of hot foods other than pizzas from the premises may have required an alternative cooking odour extraction system, details of which have not been submitted with the application, and to restrict the sale of hot foods to an acceptable level in accordance with Policy E(TCR).9 and E(TCR).12 of the Borough of Redditch Local Plan No.3*

An appeal was made against the imposition of the condition where the Planning Inspector considered that the condition should be re-worded. The condition now reads as follows:

*The A5 (hot food takeaway) use hereby permitted shall remain subsidiary to the primary A3 (café/restaurant) use and the range of hot foods sold for takeaway shall be restricted to pizzas, and other foods sold for consumption in the café, but with the exception of fried foods which shall not be sold for consumption off the premises.*

It is the above condition which the Planning Inspector imposed, which the applicant is seeking to remove in order that the premises can operate as a wholly A5 (hot food takeaway) use.

The Inspector, in her deliberations commented that:

*'In view of the location of the site, in a small district shopping centre, and the other nearby uses which include two hot food takeaways, it is reasonable for the Council to seek to retain the café function as the primary use in order to avoid an over-concentration of A5 uses which would be detrimental to the character and vitality of the centre'*

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She went on to say that:

*'At present frying appears to be carried out in small quantities and the extraction system appears to be commensurate with a low key operation. Although, there is nothing to prevent the café from increasing the range of fried foods on its menu, if the takeaway part of the business was to expand without restriction, the intensity of the operation, and in particular the frying of foods, could materially increase and unless odour control was adequate this would be detrimental to the living and working conditions of nearby occupiers'*

Her decision letter continued by stating:

*The Council suggests that in order to cope with increased cooking odours from additional frying a large flue would need to be sited to the rear of the premises, which it suggests may be unacceptable. The appellant has provided details of a proposed system. However, whilst the drawings show this venting through the rear wall of the unit, as does the existing system, this is inconsistent with the written details which state that the discharge would be via a stack and 1000mm above ridge height. Moreover, it is not clear how, if this is correct, it would be achieved. Overall the details of the proposed system are therefore inadequate to demonstrate that satisfactory odour control could be achieved if the range of hot food for takeaway included fried foods.*

The Inspector was of the opinion that, provided the takeaway use remains subsidiary to the cafe and the frying of foods does not materially intensify, it would be unlikely that cooking smells from other hot food would materially affect the living and working conditions of nearby occupiers, including residents and a dentists occupying units on the first floor of the parade. In the absence of adequate evidence to demonstrate that a satisfactory odour control system could be provided to cope with smells from materially larger quantities of fried food, she considered that fried foods should remain limited to those sold for consumption on the premises.

Officers would suggest that a wholly (and unrestricted) A5 use would have a detrimental impact upon nearby amenities. The applicant's agent has stated that the applicant has installed a new (internal) ventilation system in the unit which addresses the concerns raised by the Inspector and alternatively comments that such a matter could be dealt with by condition. Officers are seeking the comments of Environmental Health on the current (internal) ventilation system but have historically and would continue to suggest that an external flue system (taking into consideration the premises location between units either side which are attached to it) would be inappropriate on visual grounds alone, considering the residential and dental surgery uses at first floor level.

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The Inspector considered that the provisions of the original Condition 2 were, in part, necessary to protect the character and vitality of the Matchborough District Centre but considered that the restrictions on the takeaway menu were unreasonable hence the substitution of the original Condition 2, to that set out earlier in the report which in her view addresses:

*'a balance between the A5 and A3 uses to remain biased towards the A3 use, but which would expand the permitted range of hot takeaway foods to include, in addition to pizzas, other hot foods sold in the café, with the exception of fried foods'*

### Other issues

A significant level of parking exists to both the north and the south of this courtyard of commercial premises: 44 spaces to the north and 45 spaces to the south. No objections have been raised by County Highways. This level of provision is thought by your officers to be sufficient and the proposal would not be considered to give rise to any harm to highway safety.

### Conclusion

Allowing an unrestricted A5 consent by the removal of Condition 2 (permission 2010/244/COU) would in your officer's view seriously harm the vitality and viability of this small district centre to its detriment. Insufficient evidence has been submitted which suggests that the ventilation system installed would adequately safeguard the working and living conditions of nearby occupiers. The proposal is therefore recommended for refusal being contrary to Policies E(TCR).9 and E(TCR).12 of the Borough of Redditch Local Plan No.3.

### Recommendation

**That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Regeneration to REFUSE planning permission following the expiry of the consultation period on 31<sup>st</sup> October 2013 for the following reason:**

1. Allowing an unrestricted A5 consent by the removal of Condition 2 (permission 2010/244/COU) would seriously harm the vitality and viability of this small district centre to its detriment. Insufficient evidence has been submitted which suggests that the ventilation system installed would adequately safeguard the working and living conditions of nearby occupiers. The proposal is therefore contrary to Policies E(TCR).9 and E(TCR).12 of the Borough of Redditch Local Plan No.3.

### Informative

- 1) Plan refused consent

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**Procedural Matters**

All A5 use applications are automatically referred to Committee. In addition where the landowner is Redditch Borough Council such applications are reported to Committee as they fall outside the scheme of delegation.

