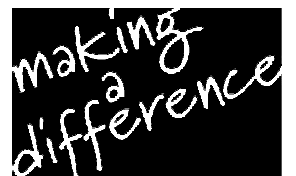


Planning Committee

Tue 14th Sep
2010
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

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

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

**Member and Committee Support Services Assistant
Town Hall, Walter Stranz Square, Redditch, B98 8AH**

Tel: (01527) 64252 Ext. 3266 Fax: (01527) 65216

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Minicom: 595528

REDDITCH BOROUGH COUNCIL **PLANNING COMMITTEE**



GUIDANCE ON PUBLIC **SPEAKING**

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 follows:

in accordance with the running order detailed in this agenda (Applications for Planning Permission item) 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) Councillors' questions to the Officers - to clarify detail.
- 4) Public Speaking - in the following order:-
 - a) Objectors to speak on the application;
 - b) Supporters to speak on application;
 - c) Applicant to speak on application.

Speakers will be called in the order they have notified their interest in speaking to the Planning Officers (by the 4.00 p.m. deadline on the Friday before the meeting) and invited to the table or lecturn.

- Each individual speaker, or group representative, will have up to a maximum of 3 minutes to speak. (Please press button on "conference unit" to activate microphone.)
 - 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.)
- 5) Members' questions to the Officers and formal debate / determination.

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.2, 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 5.00 p.m. on the Friday before the meeting.
- 5) Anyone wishing to address the Planning Committee on applications on this agenda must notify Planning Officers by 5.00 p.m. on the Friday before 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

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.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

and

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).



PLANNING COMMITTEE

14th September 2010

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs: Michael Chalk (Chair) Bill Hartnett
 Nigel Hicks (Vice-Chair) Roger Hill
 Peter Anderson Robin King
 Kath Banks Wanda King
 Brandon Clayton

<p>1. Apologies</p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a member of the Committee.</p>
<p>2. Declarations of Interest</p>	<p>To invite Councillors to declare any interest they may have in the items on the Agenda.</p>
<p>3. Confirmation of Minutes (Pages 1 - 8)</p>	<p>To confirm, as a correct record, the minutes of the meeting of the Planning Committee held on 17th August 2010. (Minutes attached)</p>
<p>4. Planning Application 2010/166/FUL - Land at former Mayfields Works, The Mayfields (Pages 9 - 18) Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a residential development of 23 apartments and associated landscaping. Applicant: Mr A Coupe (Report attached – Site Plan under separate cover) (Central Ward)</p>
<p>5. Planning Application 2010/182/COU - Unit 14 Kingfisher Square, Kingfisher Centre, Town Centre (Pages 19 - 22) Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a change of use from Retail (A1) to an adult gaming centre (sui generic). Applicant: Direct Leisure Partners, Birmingham (Report attached – Site Plan under separate cover) (Central Ward)</p>

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<p>6. Planning Application 2010/191/COU - Redditch Bus Station, Kingfisher Way, Town Centre</p> <p>(Pages 23 - 26)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for the reconfiguration and change of use of internal circulation space and existing units to provide a Coffee Shop (Class A3) and associated permanent seating at Redditch Bus Station.</p> <p>Applicant: Scottish Widows PLC and Scottish Widows Unit Funds</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Central Ward)</p>
<p>7. Planning Application 2010/192/COU - 64 Crabbs Cross Lane, Crabbs Cross</p> <p>(Pages 27 - 32)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a change of use of existing premises from Shop (Class A1) to Hot Food Takeaway (Class A5).</p> <p>Applicant: Mr T Tatli</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Crabbs Cross Ward)</p>
<p>8. Planning Application 2010/205/COU - Bar Fever, 11 and 12 Market Place, Town Centre</p> <p>(Pages 33 - 36)</p> <p>Head of Planning and Regeneration</p>	<p>To consider a Planning Application for a change of use of part of first floor to A4 use (drinking establishment).</p> <p>Applicant: Mr N Blair</p> <p>(Report attached – Site Plan under separate cover)</p> <p>(Abbey Ward)</p>
<p>9. Exclusion of the Public</p>	<p>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:</p> <p>“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.</p>

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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

17th August 2010

MINUTES

Present:

Councillor Michael Chalk (Chair), Councillor Nigel Hicks (Vice-Chair) and Councillors Peter Anderson, Brandon Clayton, Adam Griffin (substituting for Councillor Kath Banks), Bill Hartnett, Roger Hill and Robin King

Also Present:

M Collins (Standards Committee Observer)

Officers:

C Flanagan, I Mackay, A Rutt, S Skinner and S Williams

Committee Officers:

J Smyth

23. APOLOGIES

Apologies for absence were received on behalf of Councillors Banks and W King.

24. DECLARATIONS OF INTEREST

No declarations of personal interested were declared. Councillor Hill, however, made a declaration in relation to Planning Application 2010/155/OUT (Land to the rear of 21-25 Jubilee Avenue, Headless Cross), as detailed at Minute 28 below.

25. CONFIRMATION OF MINUTES

RESOLVED that

the minutes of the meeting of the Committee held on 20th July 2010 be confirmed as a correct record and signed by the Chair.

.....
CHAIR

PLANNING

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17th August 2010

**26. PLANNING APPLICATION 2010/137 –
DOROTHY TERRY HOUSE AND
203 EVESHAM ROAD, HEADLESS CROSS**

Demolition of existing Dorothy Terry House together with ancillary buildings and 203 Evesham Road; construction of new high dependency dementia housing with care scheme, consisting of 42 flats and support accommodation
Applicant: Evesham and Pershore Housing Association

Mr M Haslam, Agent for the Applicant, addressed the Committee under the Council's public speaking rules.

RESOLVED that

- 1) **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) **a planning obligation ensuring that a financial contribution towards improvements to bus shelters close by; and that housing nomination rights be given to Redditch Borough Council; and**
 - b) **the conditions and informatives as summarised in the main report and the following additional conditions:-**
 - “8. Use of premises to be a care scheme for people with dementia.**
 - 9. Café, laundry facility and hair salon located to the west of the site shall be ancillary facilities of the development only and shall not be separated from the scheme in order to be used as independent facilities for use by the general public.**
 - 10. Mitigation measures referred to in the Bat Mitigation Method Statement Report to be implemented in accordance with guidance set out in PPS9.**
 - 11. Mitigation measures referred to in the Flood Risk Assessment to be implemented.**

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12. **Details of boundary treatment to be submitted and agreed.**
 13. **Highway condition – Access, turning and parking.**
 14. **Full Arboricultural Method Statement be submitted, approved and implemented”; and**
2. **In the event that the planning obligation cannot be completed by 10th September 2010,**
- a) **authority be delegated to the Head of Planning & Regeneration to refuse the application, on the basis that, without the planning obligation, the proposed development would be contrary to policy and therefore unacceptable due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements: and**
 - b) **In the event of a refusal on this ground and the applicant resubmitting the same or a very similar planning application with a completed legal agreement attached, authority be delegated to the Head of Planning and Regeneration to GRANT planning permission subject to the conditions summarised above as amended in any relevant subsequent update paper or by Members at this meeting.**

(Following the Committee’s decision on this matter, the meeting adjourned from 7.45pm to 7.50pm for the Legal Services Manager to clarify a procedural issue with residents in the public gallery, who had been under the impression that they would be allowed to speak to the Committee on the Planning Application and had become distressed and angry that, further to being informed that they had not been registered to speak, they had not been given the opportunity to state their objections.

On reconvening the meeting, Members were advised that neither the Chair or Officers had been aware of the residents’ desire to speak to the application and that, so far as they were aware, no request to do so had been made prior to the meeting commencing.

The chair also confirmed, following advice from Officers, that normal Planning process and procedure had been followed and that

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the case Officer had, in this particular instance, met twice with residents to explain amendments on the plans and had advised on public speaking procedures on both occasions. The Chair had therefore considered that all due processes had been properly complied with.)

**27. PLANNING APPLICATION 2010/154/FUL –
WELLINGTON WORKS, 15 HIGH STREET, ASTWOOD BANK**

Demolition of existing buildings and the
erection of seven dwellings with garages

Applicant: Mr and Mrs Newton

Mr A McNaughton, Objector, and Mr A Newton, the Applicant, addressed the Committee under the Council's public speaking rules.

RESOLVED that

- 1) **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) **a Planning Obligation, ensuring that the County Council be paid appropriate contributions in relation to the development of education provision, and that Redditch Borough Council receives contributions towards provision and maintenance of playing pitches, play areas and open space in the locality; and**
 - b) **the conditions and informatives as summarised below:**

Conditions

1. **Development to commence within three years.**
2. **Details of materials (walls and roofs) to be submitted.**
3. **Landscape scheme including details of boundary treatment to be submitted.**
4. **Landscape scheme including details of boundary treatment to be implemented in accordance with approved details.**

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5. Limited working hours during construction period.
6. Dwellings to be built to a minimum Level 3 requirement set out under Code for Sustainable Homes.
7. Access, turning and parking.
8. All hard surfaces to be permeable and retained as such.
9. Development to be carried out in accordance with plans submitted with application.
10. Contamination: standard conditions.
11. Historic Asset evaluation condition recommended by County Council.

Informatives

1. Drainage details to be in agreement with Severn Trent Water.
 2. Any external security lighting to comply with guidance to ensure that it does not adversely affect neighbours amenities.
 3. No burning on site.
 4. Adequate measures to be put in place to prevent migration of dust and particulates beyond the site boundary"; and
- 2) in the event that the Planning Obligation cannot be completed by 19th August 2010:
- a) authority be delegated to the Head of Planning and Regeneration to REFUSE Planning Permission on the basis that, without the Planning Obligation the proposed development would be contrary to Policy and therefore unacceptable due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements; and
 - b) in the event of a refusal on the ground at 2a) above, and the Applicant resubmitting the same or a very similar Planning Application with a

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completed Legal Agreement attached, to cover the points noted, authority be delegated to the Head of Planning and Regeneration to GRANT planning permission, subject to the conditions summarised above.

**28. PLANNING APPLICATION 2010/155/OUT –
LAND TO THE REAR OF 21-25 JUBILEE AVENUE,
HEADLESS CROSS**

Outline Planning Permission with all matters reserved
For three detached single storey bungalows
Applicant : Mr P Field

RESOLVED that

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

- 1) The proposal, by reason of its location to the rear of existing properties on Jubilee Avenue and Yvonne Road, would result in development that would be out of character and thus out of keeping with the surrounding pattern of development which would not respect the context and local distinctiveness of the area and streetscene. As such the proposal is considered to be contrary to Policies B(HSG)6 and B(BE)13 of the Borough of Redditch Local Plan No. 3 and to PPS1 paragraph 35 and PPS3 paragraph 16; and
- 2) Whilst recognising that the area is predominantly residential in character, the Local Planning Authority considers that any development deemed acceptable in this backland location should take place in a comprehensive and planned way rather than in individual piecemeal developments as proposed in this application, contrary to PPS1 paragraph 28 and PPS3 paragraph 69.

(This decision was taken contrary to Officer recommendation for the reasons stated above.)

(Prior to consideration of this item Councillor Hill stated that, whilst he had no personal interest to declare in relation to the Planning Application, owing to a very detailed site visit he had recently undertaken, he felt that his impartiality might be thought to have been compromised and therefore withdrew from the Committee for the

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duration of the consideration on the matter and took no part in its determination.)

**29. PLANNING ENFORCEMENT ACTIVITY –
SIX MONTH UPDATE**

The Committee received a report which detailed the statistics on Planning Enforcement activity undertaken during the previous six month period. Officers were congratulated on the positive results they had achieved during this period.

The Committee requested Officers to report on these Enforcement successes, by way of press releases and / or on the Council's Website for the public to see what enforcement work was being undertaken.

RESOLVED that

the information detailed in the Appendices to the report be noted.

The Meeting commenced at 7.00 pm
and closed at 8.50 pm

.....
CHAIR

REDDITCH BOROUGH COUNCIL**PLANNING
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PLANNING APPLICATION 2010/166/FUL**RESIDENTIAL DEVELOPMENT OF 23 APARTMENTS AND ASSOCIATED
LANDSCAPING****LAND AT FORMER MAYFIELDS WORKS, THE MAYFIELDS, REDDITCH****APPLICANT: MR A COUPE**
EXPIRY DATE: 5TH OCTOBER 2010**WARD: CENTRAL**

The author of this report is Ailith Rutt, Development Control Manager, who can be contacted on extension 3374 (e-mail: ailith.rutt@redditchbc.gov.uk) for more information.

(See additional papers for Site Plan)

Site Description

Cleared site, sloping down to north and east, steeply inclined. Site lies in residential area, and is overlooked to a small extent by the rear of properties which front onto Mount Pleasant (on the east, facing west) and lie much further up the hill. These have rear garage blocks facing the site, built into the terraced hillside at a lower level than the Mount Pleasant dwellings. To the east lies more modern residential development at a significantly lower level than the site. There is no uniform character or pattern of development in terms of layout, style, design, materials, age etc in this area.

The site has a heap of used building materials on it towards the rear, which is likely to be the materials from which the previous buildings on the site were made. Some buildings to the rear of the site remain, but are not of substantial construction. There are some scrub plants to the rear of the site, and a tall conifer hedge to the eastern boundary which shields the site from views from the residential properties on Hillside, to the east. The site slopes downwards both from west to east and from south to north (front to back).

Proposal description

This is a full planning application for the erection of 23 apartments on this site in two blocks. The block to the front would be 2-3 storeys at the front and four at the rear due to the difference in land levels and accommodate 18 apartments. A vehicular access would be located to the eastern side of this block leading to a parking courtyard behind, beyond which a three storey block of five apartments would be located, with amenity space for all the occupants laid out around the parking courtyard and tot the rear of the site.

The front apartment block would have a hipped roof with projecting gables to front and rear, and is shown as brick at ground floor level with a string course of soldier bricks, and render above with a tiled roof. The maximum size of the

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building footprint would be 30m x 19m with a maximum ridge height at the rear of 14m.

The rear apartment block would have a fully hipped roof, with protruding gables to front and rear at either end, and in the centre at the front to form an entrance feature. The block is shown as brick at ground floor level with a string course of soldier bricks, and render above. The roof would be tiled. The maximum size of the building footprint would be 16m wide and 11.4m deep. The height to ridge would be 9.3m.

The courtyard between the two blocks would provide 16 car parking spaces and a cycle parking area.

The application is supported by a Design & Access Statement, a community involvement statement, climate change statement, Secured by design statement, transport statement, planning supporting statement & S106 statement.

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

www.wmra.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National planning policy

PPS1 (& accompanying documents) Delivering sustainable development
PPS3 Housing

Worcestershire County Structure Plan

SD3 Use of previously developed land
SD4 Minimising the need to travel
T1 Location of development
T3 Managing car use#
IMP1 Implementation of development

Borough of Redditch Local Plan No.3

CS6 Implementation of development
CS7 The sustainable location of development
S1 Designing out crime
B(HSG)6 Development within or adjacent to the curtilage of an existing dwelling
B(BE)13 Qualities of good design

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C(T)12 Parking standards

Supplementary Planning Guidance / Supplementary Planning Documents

Encouraging good design
Open Space
Education
Designing for community safety

Other relevant corporate plans and strategies

Worcestershire Community Strategy (WCS)
Redditch Sustainable Community Strategy (SCS)
RBC Corporate and performance plan

Relevant site planning history

Appn. no	Proposal	Decision	Date
2010/021/FUL	5 apartments in block at rear	Withdrawn	7/3/2010
2006/187/FUL	18 apartments and ancillary development	Granted	20/7/2006

It should be noted that the 2006 consent showed a block very similar to that now proposed at the frontage of the site, with amenity space and parking to the rear, however the consent has lapsed and cannot now be implemented. The more recent application was intended to add the rear block as now proposed, however at that time it was realised that the earlier consent had lapsed and so the application was not progressed.

Public Consultation responses**Responses in favour**

One comment received raising the following points:

- This windfall development opportunity would improve an eyesore site and provide a sustainable location for needed residential development

Responses against

Five comments received raising the following points:

- Dominant impact of large apartment blocks on neighbouring residents
- Front block should be reduced in height and bulk
- Loss of privacy through east facing windows proposed
- Inadequate on-site parking provision
- Car parking likely to overspill onto highway at a distance from the site or in contravention of parking regulations and restrictions nearby
- Traffic noise disturbance
- Existing boundary screening should be retained
- Bin store area is located adjacent residential properties

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- Impact on drainage facilities
- Removal of asbestos from existing building should be done properly

The last issue is not a material planning consideration but has been raised, and so is reported here for information only and cannot be considered in the determination of this application.

Consultee responses

Development Plans Team

No objection in principle, subject to contributions, dwelling types and all other details being acceptable

Environmental Health

No objection subject to conditions and informatives

Drainage Officer

Comments awaited

Waste disposal team

Waste compound needs to be of sufficient size to accommodate refuse receptacles for a development this size. Confirmation from the applicant has been sought to ensure that the proposed compound is large enough.

County Highway Network Control

No objection subject to conditions

County Education Officer

No objection subject to contributions as per SPD being achieved – need detailed

Crime Risk Manager

No objection subject to condition relating to various design details

Severn Trent Water

No objection subject to a condition regarding drainage details

Economic Adviser

Comments awaited – these will relate to the information provided by the applicant regarding the viability of the development and their request to be excused from the usual contributions required by the policy framework

Procedural matters

This application is reported to Planning Committee for determination because it falls within the 'major applications' category and is recommended for approval.

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Assessment of proposal

Background

The previous approval on this site is a material consideration to which some weight can be attached when determining this application. However, any changes in the planning policy framework that have occurred since its determination and which also have a bearing on the proposal should also be taken into consideration, along with the additional block of flats also now proposed, and the cumulative impact of the whole scheme therefore. It is therefore recommended by Officers that the entire scheme, as now proposed, be re-considered, as set out below.

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

Principle

The site is previously developed land, and within close proximity to the town centre, such that the principle of development is considered to be acceptable. It is not under any specific use designation within LP3, and is within a residential area. Therefore, the principle of residential development on this site is considered to be acceptable.

Design and layout

The details of design, siting and appearance of the block proposed at the front of the site are as for those previously approved, and the policy framework relating to these has not changed since that decision was made. Therefore, these elements are considered to be acceptable and in compliance with the relevant policies and guidance.

The addition of the second block to the rear is also considered to be acceptable. It would be at sufficient distance from both existing properties and those proposed at the front of the site that it would be unlikely to cause significant harm to amenity and would not have any impact on the streetscene. Whilst it would reduce the overall amenity space provision on the site relative to the previous scheme, it is considered that sufficient would remain that the proposed scheme would be acceptable.

Landscaping and trees

The existing tree screening to the perimeter of the site is to be retained and thus the existing views of the site from surrounding residential properties would not increase. Minimal details of landscaping proposed have been provided, other than the layout for the site and therefore it is recommended that a condition be imposed to agree these details and implement them as appropriate.

Any of the trees that have been on the site since 1965 are also protected by a TPO and therefore would remain on site and retain their protection. It is not

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considered that the proposed development would result in any significant or long term harm to their health and vigour.

Highways and access

No concerns have been raised by the highways adviser, who has commented that a reduction from the maximum parking standards is considered to be acceptable in this sustainable location in close proximity to the town centre.

Sustainability

The site lies within a sustainable location, and is therefore an appropriate location for a development of this type. Minimal information has been provided regarding the construction to sustainable standards of the proposed development, and therefore rather than recommend a condition seeking a particular level of the code for sustainable homes, it is considered more appropriate to require that the standard of sustainable construction be agreed prior to the development commencing, and for monitoring to be carried out to ensure this through the construction phase. This would be done in liaison with the Building Control team.

Planning obligation

The previous 18 unit scheme included a planning obligation which related to open space and education provision only. One change to the policy framework that is considered to be particularly significant in this case is the reduction of the threshold where social housing is sought, in that the previous scheme fell below the threshold at the time of 25 units or more, whereas the threshold now is 15 or more units, and thus social housing is required under the policy framework.

The size of the proposed development is above the policy threshold for requiring contributions which should be sought via a planning obligation:

- A contribution towards County education facilities would normally be required, and the County have confirmed that there is a need in this area to take contributions towards three schools – St Lukes First, Birchensale Middle and Trinity High;
- A contribution towards playing pitches, play areas and open space in the area, due to the increased demand/requirement from future residents, is required in compliance with the SPD.
- The proposal would also normally require that 40% of the dwellings (in this case 9 units) be provided as affordable units for social housing in line with SPD policy. This must also be included in the agreement to ensure the retention of the units for this purpose in perpetuity.

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The applicant has provided supporting information to demonstrate that the development would be economically unviable if these contributions were required.

Expert advice from an economic consultant is awaited regarding this position, and therefore a dual recommendation is included below. It is likely that one of the two options will exist, and Members will be advised at the meeting of the up to date situation:

Either, the information provided by the applicant is accepted and there are justifications in this case for accepting the proposed development without the contributions to infrastructure and social housing;

Or, the information provided by the applicant is not accepted. In this case there are two possible outcomes – either Officers could refuse the application under delegated powers due to the lack of an agreed planning obligation and thus the application would be contrary to planning policy and likely to cause harm to the site and surroundings by increasing demand on facilities without mitigation, or they could negotiate with the applicant to enter into a planning obligation. In the latter case, then the recommendation below would apply.

In the event that the information is not available prior to the committee meeting, then Officers will seek delegated authority from Members to deal with the application as appropriate, with a variety of options, as noted below.

Other issues

In the event that the proposal is considered favourably, it is recommended that conditions be attached following the comments received from consultees.

Conclusion

It is considered that the principle, design, layout, siting and details of the proposed development meet the relevant planning policy criteria, and therefore the only remaining outstanding issue is that of the planning obligation. However, this is considered to be of considerable significance and weight, and therefore the outcome of the application is considered to depend on this.

Therefore, the recommendations below provide for difference options, and seek delegated authority to Officers to deal with the application accordingly.

Recommendations

- 1) 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:**

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a) a planning obligation ensuring that 9 units are for the provision of social housing in perpetuity; that the Borough Council are paid appropriate contributions in relation to the development for pitches, play areas and open space provision in the locality to be provided and maintained; and that the County Council are paid appropriate contributions in relation to local education provision; and

b) conditions and informatives as summarised below:

Conditions

1. Time limit for commencement of development
2. Materials to be agreed and implemented
3. Landscaping details to be agreed and implemented
4. Boundary treatments to be agreed and implemented (including retention of existing)
5. Refuse compound details to be agreed and implemented prior to occupation
6. Hard surfacing details to be porous and agreed
7. Sustainable standard to be agreed and implemented
8. As requested by Highways
9. As requested by Environmental Health
10. Secured by Design
11. Drainage details as requested by Severn Trent Water
12. Approved plans specified

Informatives

1. Reason for approval
 2. As requested by Environmental Health
 3. As requested by Highways
 4. Secured by Design
 5. As requested by Severn Trent Water;
- 2) In the event that it is accepted that there are exceptional circumstances to justify the granting of planning permission without a planning obligation, and 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 conditions and informatives as summarised in 1 b) above; and

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- 3) In the event that the planning obligation is considered necessary and cannot be completed by 5 October 2010,
- a) Members are asked to delegate authority to the Head of Planning and Regeneration to REFUSE the application on the basis that without the planning obligation the proposed development would be contrary to policy and therefore unacceptable due to the resultant detrimental impacts it could cause to community infrastructure by a lack of provision for their improvements, and that none of the dwellings could be restricted to use for affordable housing in line with current policy requirements; and
 - b) In the event of a refusal on this ground and the applicant resubmitting the same or a very similar planning application with a completed legal agreement attached, authority be delegated to the Head of Planning and Regeneration to GRANT planning permission subject to the conditions summarised in 1 b) above, as amended in any relevant subsequent update paper or by Members at this meeting.

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PLANNING APPLICATION 2010/182/COU**CHANGE OF USE FROM RETAIL (A1) TO AN ADULT GAMING CENTRE
(SUI GENERIS)****UNIT 14, KINGFISHER SQUARE, KINGFISHER CENTRE, TOWN CENTRE****APPLICANT: DIRECT LEISURE PARTNERS, BIRMINGHAM****EXPIRY DATE: 16th SEPTEMBER 2010****WARD: CENTRAL**

The author of this report is Nina Chana, Planning Officer (DC), who can be contacted on extension 3206 (e-mail: nina.chana@redditchbc.gov.uk) for more information.

(See additional papers for Site Plan)

Site description

The unit lies within Kingfisher Square which is on the lower ground floor of the Kingfisher Centre. The nearest access to/from the unit is the Bus Station.

The unit is currently vacant and sits in between two A1 retail units. One is a Newsagent and the other is a charity shop.

Proposal description

The application is for the Change of Use from A1 Retail to an Adult Gaming Centre which is better described as a 'mini' Amusement Arcade. The applicant is proposing to install thirty five gaming machines. There are no physical changes proposed as part of this application.

The agent has provided information which states that the proposal, if granted consent, would involve the installation of a variety of gaming machines. The opening hours would be the same as the Kingfisher Centre hours. They have also stated that there is a prerequisite under the terms of the Premises Licensing that no person under the age of eighteen would be permitted to enter the gaming centre and there would be a vigilant member of staff to monitor this. There would also be readily visible notices at the entrance stating that no person under the age of eighteen can enter 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:

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www.communities.gov.uk

www.wmra.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National planning policy

PPS1 (& accompanying documents) Delivering sustainable development

PPS4 Planning for sustainable economic development

PPS6 Planning for town centres

Worcestershire Country Structure Plan

SD9 Promotion of town centres

Borough of Redditch Local Plan No.3

ETCR1 Vitality and viability of the town centre

ETCR2 Town centre enhancements

ETCR4 Need and the sequential approach

ETCR5 Protection of the retail core

SPDs

Community safety

Relevant site planning history

None

Responses in favour

None

Responses against

Two objections received:

The main concern is about having an amusement arcade in the Town Centre particularly in this location where there is a Newsagent next door and approximately 30% of their customers are under the age of eighteen.

Consultee responses

Development Plans

The proposal complies with policy therefore no objections

Crime Risk Manager

No objections

Community Safety

Awaiting comments

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Licensing

Awaiting comments

Procedural matters

This application is solely for the change of use of the unit. The agent has agreed that should this application be successful, his client will then proceed to submit a further application for a new shop front if necessary.

Assessment of proposal

The key issues for consideration in this case are the principle of the proposed development and its impact on the vitality and viability of the town centre.

Principle

In principle, the Change of Use from A1 Retail to a Gaming Centre complies with the policies of the Borough of Redditch Local Plan No 3 as listed above.

Policy E(TCR).5 sets out the protection of the retail core and states that the proposal should not result in the continuous frontage of more than two non-retail units. This unit is currently vacant and the units either side are both A1 retail as noted above, therefore the application is in compliance with the policy as the adjacent units are A1 units.

Other issues

Concerns have been raised regarding the regular pedestrian flow between the bus station and upper floors of the shopping centre which includes a significant quantity of school age children at particular times of the day. However, there are no planning policies to support the refusal of this application on the basis of any potential detrimental impact that this could cause. The views of the community safety team have been sought and will be reported in the Update, along with their significance in determining this application as the impact of a proposal on crime and disorder is a material consideration that should be given some weight when determining an application.

As the proposed use is classed as sui generis under the legislation, it is recommended that a condition be imposed that no other use be allowed in the unit except this or A1 retail, in order to prevent other uses without control.

Conclusion

The harm likely to be caused by a change of use such as that proposed here is considered to be considerable, however, the principle of the change of use complies with the adopted local policies, therefore your Officers are mindful of the following recommendation.

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Recommendation

That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to conditions and informatives as summarised below:

- 1) Development to commence within 3 years
- 2) Use to be as proposed or A1 only to ensure continued compliance with policy

Informatives

- 1) Reason for approval.

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PLANNING APPLICATION 2010/191/COU**RECONFIGURATION AND CHANGE OF USE OF INTERNAL
CIRCULATION SPACE & EXISTING UNITS TO PROVIDE A COFFEE
SHOP (CLASS A3) AND ASSOCIATED PERMANENT SEATING AT
REDDITCH BUS STATION.****REDDITCH BUS STATION, KINGFISHER WAY, REDDITCH****APPLICANT: SCOTTISH WIDOWS PLC & SCOTTISH WIDOWS UNIT
FUNDS****EXPIRY DATE: 29TH SEPTEMBER 2010****WARD: CENTRAL**

The author of this report is Ailith Rutt, Development Control Manager, who can be contacted on extension 3374 (e-mail: ailith.rutt@redditchbc.gov.uk) for more information.

(See additional papers for Site Plan)

Site Description

Two small kiosk style units, with roller shutters, are located internally at the Kingfisher Shopping Centre at bus station level, 'behind' the lift shaft/escalators that lead to the lower of the two shopping levels. This area is general public space that is protected from the weather by virtue of being enclosed, and which provides a pedestrian through route between the shopping centre, bus station, train station and residential areas such as Oakly Road, Bromsgrove Road and Plymouth Road. The enclosure is largely plate glass, and looks out onto the bus station, with views of the landscaping between the bus lane and Plymouth Road.

Proposal Description

The application proposes to bring into use two vacant units at the lowest level of the Kingfisher Shopping centre, for café uses. It also proposes seating in the general circulation space opposite, which faces out towards the landscaping between the bus station and Plymouth Road.

The seating areas would be separated (roped off or similar) to form a corridor through for access between the lifts/escalators up to the shopping centre and the external doors that lead towards Oakly Road, with tables and chairs on both sides. An L-shaped serving bar area would be provided in one corner.

The existing public toilet facilities to the rear of the lift shaft would remain.

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The application is supported by a Design & Access Statement.

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

www.wmra.gov.uk

www.worcestershire.gov.uk

www.redditchbc.gov.uk

National planning policy

PPS1 (& accompanying documents) Delivering sustainable development

PPS4 Planning for sustainable economic growth

Worcestershire County Structure Plan

SD4 Minimising the need to travel

SD9 Promotion of town centres

D31 Retail hierarchy

Borough of Redditch Local Plan No.3

CS7 Sustainable location of development

S1 Safer communities

E(TCR)1 Vitality and viability of the town centre

E(TCR)2 Town centre enhancement

Other relevant corporate plans and strategies

Worcestershire Community Strategy (WCS)

Redditch Sustainable Community Strategy (SCS)

Town Centre Strategy (TCS)

Relevant site planning history

None

Public Consultation responses

None

Consultee responses

County Highway Network Control

No objection

Environmental Health

No objection received

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Crime Risk Manager

No objection received

Development Plans Team/Town Centre Co-ordinator

No objection – the site does not fall within the designated protected retail frontages and the proposal would benefit the town centre

Assessment of proposal

The key issues for consideration in this case are the principle of the development and its appropriateness in design and pedestrian flow terms.

Principle

The principle of this type of use within a town centre location such as this is broadly considered to be appropriate and acceptable, subject to the details of the proposal being acceptable.

Design and layout

The proposal retains a direct pedestrian flow route through which is the clear desire line of travel, and as such would not inhibit or increase travel for pedestrians using this space as a through route, and this is welcomed.

It is not considered reasonable to seek to control in too much detail matters of design internally for the café area, but it is recommended that the number of covers be limited to what is shown on the plans in order to prevent the spread of the use beyond the area proposed, and retain some general public space within this enclosed area. It is considered desirable to retain some general covered waiting area for those bus station users who do not wish to be customers of the café.

Sustainability

The applicant has stated that minimum energy would be used once the use was in operation, and minimal physical alterations are proposed so there would be minimal drain on resources.

Other issues

It is not considered necessary to limit the hours of opening of this facility, as it could provide a service early in the morning and late into the evening to users of the bus station, and it is not considered to be sufficiently close to residential properties to be likely to cause any nuisance or disturbance to them.

Conclusion

It is considered that the proposal is in accordance with the planning policy framework, and that subject to the proposed conditions it would not be likely to cause significant harm to amenity or safety.

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Recommendation

That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to conditions and informatives as summarised below:

1. Time limit for commencement of development
2. Corridor to be kept clear for pedestrian flows
3. Design of corralling fencing to be agreed and maintained as such
4. Limit number of covers as per plan
5. Approved plans specified.

Informatives

1. Reason for approval.

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PLANNING APPLICATION 2010/192/COU**PROPOSED CHANGE OF USE OF EXISTING PREMISES FROM SHOP
(CLASS A1) TO USE AS A HOT FOOD TAKEAWAY (CLASS A5)****64 CRABBS CROSS LANE, REDDITCH****APPLICANT: MR T TATLI****EXPIRY DATE: 1ST OCTOBER 2010****WARD: CRABBS CROSS**

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

(See additional papers for Site Plan)

Site Description

The application site is a two storey terraced premises at the end of a parade of 4 commercial premises on the north side of Crabbs Cross Lane. The units are occupied at ground floor level as follows:

70 Crabbs Cross Lane	'Premier' general stores (A1 use)
68 Crabbs Cross Lane	'Icon' hairdressing (A1 use)
66 Crabbs Cross Lane	'Golden House' Chinese takeaway (A5 use)
64 Crabbs Cross Lane	'The Local', currently vacant but previously A1 use.

To the front of the parade is an off-street parking forecourt which although tarmaced, is not demarked and will only accommodate some 5 or 6 vehicles without becoming full.

The surrounding area is residential containing a mix of 1930s and 1960s semi-detached and terraced housing and a number of elderly persons' bungalows which are located to the opposite side of Crabbs Cross Lane.

Proposal Description

Permission is sought for full planning permission to change the use of an existing vacant shop within Class A1 (retail) to use as a hot food takeaway within Class A5. The application states that the A5 use proposed would include the takeaway of fish & chips, pizza's and kebabs. Number 64 was previously occupied by an off licence before becoming vacant in October 2009. The applicant states that the use would employ two full time equivalent members of staff including the applicant himself. The proposed use would operate between the hours of 12 noon and 11 pm Monday to Saturday, and 5 pm to 10 pm on Sundays and Public Holidays.

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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

www.redditchbc.gov.uk

National Planning Policy

PPS1 Delivering Sustainable Development

PPG13 Transport

PPG24 Noise

Borough of Redditch Local Plan No.3

B(BE).13 Qualities of Good Design

E(TCR).12 Class A3, A4 and A5 uses

C(T).12 Parking standards

S.1 Designing out crime

Relevant site planning history

No relevant site history relates to the application site. Officers consider that the granting of planning permission from a shop use to a hot food takeaway use in 2002 under application 2001/591 at 66 Crabbs Cross Lane is material and should be taken into consideration in the determination of this application.

Public Consultation responses

The application has been advertised by both site notice and individual neighbour letter.

Responses in favour

The owner and landlord of the premises writes in support of the application. Comments are summarised as follows:

- The property has been vacant for some time and has been subject to vandalism and a loss of income. Permission should be granted as soon as possible to bring the unit back into economic use.

Responses against

At the time of writing, 8 letters have been received writing in objection to the proposals. Comments are summarised as follows:

- The council's policy restricts hot food takeaway uses to the Town or District Centres.
- This area is residential. A further A5 use where an existing takeaway use exists would mean that half of the premises would be in A5 use (2 out of 4) – this is too many and too intensive.

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- There are a large number of restaurants and hot food takeaways in the area at the moment – we don't need any more.
- Smells/fumes will be an issue – two extraction systems would normally be required – one for fried food and another for kebabs. To install effective fume extraction with residential property in such close proximity would be near impossible.
- We have to put up with a very ugly extraction unit to the rear of number 66 Crabbs Cross Lane and those associated smells which impact on amenity. The proposal would increase smells making our lives far worse as a result.
- The extraction unit at number 66 is very noisy. Noise in the area will increase significantly with the addition of another extraction system.
- Parking facilities in the area are inadequate to cope with any increase in comings and goings from the premises.
- Takeaway litter has increased significantly following the approval of the A5 use at number 66. Litter will inevitably increase, to the detriment of amenity.
- The opening hours proposed are totally unreasonable given that this is a residential area.
- A shop use would not necessarily lead to incidents of anti-social behaviour occurring. A hot food takeaway use like the one proposed would. Such behaviour is unacceptable in a residential area.
- An increase in food waste will encourage rats. Rats are already a problem in the area following the approval at number 66 Crabbs Cross Lane.

Consultee Responses

County Highway Network Control

Comments awaited.

Environmental Health

Comments awaited.

Police Crime Risk Manager

Comments awaited.

Waste Management Officer

Asks that provision be made for a litter bin if consent is granted.

Assessment of proposal

Principle

The area in which planning permission is sought is essentially residential in character. As such, new development should be compatible with this primary land use.

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Policy E(TCR).12 of the Borough of Redditch Local Plan which deals with applications for new A3, A4 and A5 uses as proposed here, expects such uses to be located within the Town Centre, Peripheral Zone or defined District Centres, considering that such sites represent the most appropriate locations because they are more sustainable and there is likely to be less adverse impact on residential amenity and highway safety issues.

Within the reasoned justification for the policy, it states that A5 uses will not normally be permitted where there is existing housing at ground floor level in any adjoining properties or where the applicant cannot show that he/she can implement measures relating to discharge of fumes or soundproofing through control over all relevant land or buildings. Your Officers have noted that the garage serving number 64 Crabbs Cross Lane, which would be partly converted to accommodate the proposed flue extraction system is located adjacent to, and is attached to the residential property, number 62 Crabbs Cross Lane, which, amongst other properties in the area would, in your officers' view suffer unreasonably through noise and smell disturbance.

If permission were to be granted for the proposal, two of the four commercial units along this parade would be in hot food takeaway use. Policy asks that consideration be taken to the cumulative impact of A5 uses in areas due to the impact of these proposals on residential amenity through noise, smell and litter.

Policy C(T).12 and Appendix H of the Local Plan give the required parking standards for a takeaway use based on floor area as 1 space per 10 m² floor space as opposed to 1 space per 25 m² for a retailing operation.

In accordance with the standards contained in the Local Plan, the proposals would require the provision of up to 5 parking spaces for this A5 use alone. The application makes no provision for extra parking on this already congested site.

Officers consider that there is no justification in policy terms to allow this proposed change of use in this predominantly residential area. Such A5 uses are considered likely to attract an increased volume of people and traffic resulting in disturbance by virtue of noise and of increased comings and goings, vehicle manoeuvring and a possible gathering point in the evenings. Such a use would be likely to result in serious detriment to residential amenity and the character of this residential area.

Other issues

Little information has been submitted in the application in relation to fume extraction other than floor plans which indicate that the flue would pass through the centre of the building before exiting through the roof. Whilst such details can, depending on the circumstance of the case, be agreed by

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planning condition, on such a sensitive site, your officers would have expected to view more detailed proposals so that the impact of the flue upon the visual and residential amenities of the area could be fully assessed. Without these details, there is nothing to suggest to your officers that the means of extraction would not be harmful to the character and appearance of the street-scene and to residential amenity.

Conclusion

Being a wholly residential area, the proposals would be considered contrary to the aim of Policy E(TCR).12 which directs A5 uses to Town and District Centres and Peripheral Zone areas and away from residential areas due to such proposals likely detrimental impact upon residential amenity.

Recommendation

That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the following reasons:

- 1. The proposed development would not be compatible with this primarily residential area in that it is likely to result in increased vehicular and pedestrian activity and disturbance to the severe detriment of existing residential amenity and the character of this residential area. As such, the development would be contrary to Policy E(TCR).12 of the Borough of Redditch Local Plan No.3.**
- 2. The proposed development makes inadequate provision for the parking of vehicles in accordance with the Borough of Redditch Council's parking standards and as such is likely to result in increased congestion and on-road parking to the detriment of vehicular and pedestrian highway safety and to the detriment of nearby residential amenity. The proposed development would therefore be contrary to Policies E(TCR).12 and C(T).12 of the Borough of Redditch Local Plan No.3.**
- 3. In the absence of sufficiently detailed flue / means of odour extraction equipment information and proposed soundproofing measures proving otherwise, the proposed development would be likely to have an adverse impact upon the amenities of nearby residential occupiers by reason of noise and smell disturbance. In addition, the proposals would be likely to be harmful to the visual amenities of this residential area. As such, the proposals would be contrary to Policies E(TCR).12 and B(BE).13 of the Borough of Redditch Local Plan No.3.**

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PLANNING APPLICATION 2010/205/COU**PROPOSED CHANGE OF USE OF PART OF FIRST FLOOR TO A4 USE
(DRINKING ESTABLISHMENT)****BAR FEVER – 11 & 12 MARKET PLACE, REDDITCH****APPLICANT: MR N BLAIR****EXPIRY DATE: 5TH OCTOBER 2010****WARD: ABBEY**

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

(See additional papers for Site Plan)

Site Description

The premises in question occupies a prominent corner position inside, but on the edge of the Redditch Town Centre Conservation Area. Adjoining the application site, to the north-western side of the building is Unit 10 (currently occupied by Brownings Solicitors). The side of the building faces south-east directly onto Market Walk, opposite which is Redditch Library.

The part of the upper floor, which is subject to this planning application currently contains a kitchen and small store room. The kitchen was previously used for food preparation purposes by former occupiers of the building, but is now surplus to the applicant's requirements. The ground floor of Unit 11 & 12 has been occupied by the applicant as a late night drinking establishment for approximately twelve months.

Units 11 & 12 appear on the Council's Schedule of Buildings of Local Interest, otherwise known and referred to as the 'Local List'.

Proposal Description

Permission is sought to change the use of part of the first floor of the building, currently containing a kitchen and a small store, to a bar and a dance floor area, which would be used as an extension to the existing A4 facility operating from the ground floor. The change of use would be approximately 70 metres squared in area. No external alterations to the building are proposed.

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

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legislative framework). The planning policies noted below can be found on the following websites:

www.communities.gov.uk

www.redditchbc.gov.uk

National Planning Policy

PPS1 Delivering Sustainable Development
PPS5 Planning for the Historic Environment
PPG24 Noise

Borough of Redditch Local Plan No.3

E(TCR).1 Vitality and Viability of the Town Centre
E(TCR).5 Protection of the Retail Core
E(TCR).12 Class A3, A4 and A5 uses
B(BE).11 Buildings of Local Interest
S.1 Designing out crime
SPD Schedule of Buildings of Local Interest

Relevant Site Planning History

None relevant

Public Consultation Responses

None received

Consultee Responses

County Highway Network Control

No objection

Environmental Health

No objection

Conservation Advisor

Comments awaited

Licensing Officer

Comments awaited

Town Centre Co-ordinator

Comments awaited

Police Crime Risk Manager

Comments awaited

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Assessment of Proposal

Policy E(TCR).1 seeks to maintain and enhance the vitality and viability of the Town Centre by, amongst other criteria, promoting the re-use of existing floorspace and promoting a vibrant and safe, high quality evening economy comprising a mix of leisure and entertainment uses suitable and accessible for all members of the public. Since the site in question is within the Town Centre, the proposal is considered to be in compliance with this Policy.

The site lies within an area of Primary Shopping Frontage within the retail Core of the Town Centre, and therefore Policy E(TCR).5 applies. This policy aims to protect the primary shopping frontage of the retail core and to prevent its unacceptable erosion by the introduction of inappropriate uses. The proposal would change the use of a first floor kitchen and storage area only and therefore there would be no loss of retail floorspace, nor impact on ground floor frontage.

The applicant states that hours of opening would be from a maximum of 1100 hours to 0230 hours 7 days a week, although the applicant's agent stresses that Bar Fever are a late night drinking establishment use, and are very rarely open during normal lunch time hours, opening usually from approximately 7:30 p.m. to 8:00 p.m. onwards. These opening hours would be the same as those that exist at present in the ground floor of the premises. Policy E(TCR).12 sets out that such developments for A4 uses in the Town Centre should meet criteria including not having an adverse impact on neighbouring properties by reason of noise, smell and litter and should not be detrimental to highway safety. In respect to noise, the Council's Environmental Health's Department have responded stating that they have no objection to the proposals. The views of other consultees are currently awaited. No representations have been received following public consultation despite writing to near by occupiers and display of notice at the site. Your Officers are satisfied that amenity is unlikely to be prejudiced by the proposals.

The kitchen and store area have been vacant since the last occupier of the building ceased providing food to its customers. Enabling this valuable, vacant town centre space to be brought back into beneficial use would in the consideration of your Officers, promote the vitality and viability of the Town Centre.

Conclusion

Having regard to pertinent policies of the development plan, there are considered to be no justifiable reasons to warrant refusal of this application on amenity or any other grounds. The proposal would bring back into re-use a currently vacant space which would add to the vitality and viability of the Town Centre.

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14th September 2010

Recommendation

That having regard to the development plan and to all other material considerations, authority be delegated to the Head of Planning & Regeneration to GRANT planning permission following the expiry period for statutory consultations (15th September 2010) with no additional adverse material planning objections being received which cannot be resolved and subject to the following conditions and informatives as summarised below:-

1. Development to commence within 3 years.
2. This permission relates to the change of use of the part of the first floor of Unit 11 and 12 Market Place to a bar use falling within Use Class A4 of the Town and Country Planning (Use Classes) Order 1987 as amended 2010 only, detailed on drawing number RD-10-901.

Informatives

1. Reason for approval
2. Permission does not include the approval of any signage / adverts.