

**PLANNING  
COMMITTEE**

28th November 2012

---

**PLANNING APPLICATION 2012/282/COU**

**CHANGE OF USE OF GROUND, FIRST & SECOND FLOORS FROM FINANCIAL & PROFESSIONAL SERVICES (A2) USE TO: DRINKING ESTABLISHMENT AND CAFÉ/BISTRO USE (A4) ON GROUND & FIRST FLOORS; AND TO MUSIC TUITION ROOM (D1) AND RETAIL (A1) USE ON SECOND FLOOR**

**5 CHURCH GREEN EAST, REDDITCH**

**APPLICANT: MR S EVANS  
EXPIRY DATE: 27TH DECEMBER 2012**

**WARD: ABBEY**

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)**

**Site Description**

No. 5 Church Green East is a vacant property having previously been occupied by LHP Law as a solicitor's office. The site is located just south of the Church Green East junction with Easemore Road. The property faces west towards the bandstand.

This end terrace property is of mid 19<sup>th</sup> Century construction. The building is three-storey with walls constructed from an orange brick in Flemish bond with rendered stone dressings. The building has a pitched slate roof.

A tarmac surfaced parking area is included within the application site which is accessed via Herbert Street to the east.

**Proposal Description**

Permission is sought to change the use of the ground, first & second floors from financial & professional services (A2) use to a drinking establishment and café/bistro use (A4) use on ground & first floors; and to two music tuition rooms (D1) use on the second floor.

Permission is also sought to allow tables and chairs to be located on the paved frontage, within the property's curtilage, during the café/bistro's opening hours.

## **PLANNING COMMITTEE**

**28th November 2012**

---

No external alterations to the premises are proposed, other than for the erection of a new (non-illuminated) fascia sign replacing the existing fascia signage. These works would not require consent under the advertisement regulations.

Two modern stud partition walls currently divide the ground floor into three rooms. On the first floor, a further modern stud partition currently divides the room at the front of the property into two rooms. The proposal involves the removal of these stud partition walls, to reinstate one large room on the ground floor which would form the seated area for patrons, and one large room on the first floor being for public hire or for an additional patron seating area.

On the ground floor, it is proposed to install a kitchen to the rear of the building which will require a ventilation duct through the end wall on the eastern side of the premises. This would face towards the private car park area to the rear.

The second floor would remain unaltered and would provide two rooms which would offer one-to-one and small group music tuition. A small room would be set aside for the retailing of musical instruments and accessories such as sheet music.

The proposed hours of opening for the business would be as follows:

Monday to Saturday:       0830 to 2300 hours  
Sunday:                       1000 to 2300 hours

The music tuition use (second floor) is expected to cater mainly but not exclusively for school age children, and would typically be at its busiest during late afternoons (Monday to Friday) and on Saturday mornings.

The applicant states that approval of the application would create 6 new jobs (full-time equivalent).

### **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.wmra.gov.uk](http://www.wmra.gov.uk)

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

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

**PLANNING  
COMMITTEE**

28th November 2012

---

***National Planning Policy***

The National Planning Policy Framework (NPPF)

***Regional Spatial Strategy (RSS) and Worcestershire County Structure Plan (WCSP)***

Whilst the RSS and WCSP still exist and form part of the Development Plan for Redditch, they do not contain any policies that are directly related to or relevant to this application proposal. Therefore, in light of recent indications at national level that Regional Spatial Strategies and Structure Plans are likely to be abolished in the near future, it is not considered necessary to provide any detail at this point in relation to the RSS, or the WCSP.

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

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

***Supplementary Planning Guidance /Supplementary Planning Documents***

Schedule of Buildings of Local Interest.

No. 5 appears on the Councils Schedule of Buildings of Local Interest, otherwise known and referred to as the 'Local List'.

The application site lies within the Redditch Town Centre Conservation Area.

**Relevant Site Planning History**

None

**Public Consultation Responses**

None received

**Consultee Responses**

***County Highway Network Control***

No objection

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

Comments awaited

***Town Centre Co-ordinator***

Application is fully supported from a Town Centre Strategy perspective

***Police Crime Risk Manager***

Comments awaited

**PLANNING  
COMMITTEE**

**28th November 2012**

---

***RBC Conservation Advisor***

No objection since the alterations would not adversely effect the historic integrity of the building or the character of the conservation area. Means of odour control and ventilation should be controlled by condition in order to safeguard the appearance of the building.

***RBC Arboricultural Officer***

The frontage of the property to the western boundary contains a semi-mature sweet gum tree, which is approximately 6m high and has a stem diameter of 170mm. The tree is protected by means of its size and its location within the conservation area. The tree both individually and cumulatively with others near by, outside the site contributes to the character of the conservation area. If the tree were to be removed, it would significantly detract from the visual amenities of the area opening up a large gap in the middle of the line of trees, harming the conservation area. There is however, scope to prune the lower canopy of the tree allowing for improved pedestrian access about the property's frontage.

***WRS Licensing Officer***

No objection

**Assessment of Proposal**

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

Principle

Policy E(TCR).1 of the Borough of Redditch Local Plan No.3 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.

This policy accords with Paragraph 23 of the National Planning Policy Framework (NPPF) which states that local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. The NPPF promotes competitive town centres that provide customer choice and a diverse offer reflecting the individuality of town centres.

The building has been vacant since May 2011. Enabling this valuable town centre space to be brought back into beneficial use would help promote the vitality and viability of the town centre.

Specifically, there are considered to be a scarcity of café/bistro type uses within this part of Redditch relative to the size of the town centre, and the music tuition use would also complement the role and function of the centre in providing a diverse range of quasi leisure type uses.

**PLANNING  
COMMITTEE**

**28th November 2012**

---

Impact upon amenity

The applicant states that hours of opening would be from a maximum of 0830 to 2300 hours between Monday to Saturday and between 1000 to 2300 hours on Sundays, enabling the café/bistro use to trade during lunchtimes and evenings, which in principle would be supported having regards to Policy E(TCR).1.

The music tuition use (second floor) is expected to cater mainly but not exclusively for school age children and according to the applicant is likely to be in operation between the hours of 1600 to 2000 hours Monday to Friday and for a limited period on Saturday mornings.

Policy E(TCR).12 sets out that A3 and 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. The views of consultees including Worcestershire Regulatory Services and the Police Crime Risk Manager have been sought and are awaited at the time of writing, although no representations have been received following public consultation despite writing to nearby occupiers, display of notice at the site, and advertisement via the local press. Your Officers are satisfied that amenity is unlikely to be prejudiced by the proposals and would draw members attention to the fact that the upper floors of adjacent premises are occupied by office / commercial uses rather than being in residential use.

Highways and Access

Policy requires that such proposals should not be detrimental to highway safety. A large (tarmac) open area to the rear of the building (accessed via Herbert Street to the east) provides communal car parking for staff engaged in the commercial operation of units 3 to 7 Church Green East. Three car parking spaces in this area are allocated as staff parking spaces under the terms of the lease for this unit. A large number of car parks exist in close proximity to the site and notwithstanding this, the site occupies a highly sustainable location within the town centre, highly accessible by means of public transport options. County Highway Network Control raise no objection to this application.

Other matters

A tree which itself forms part of a line of trees situated to the frontage of numbers 3 to 7 Church Green East falls within the application site. The tree is not covered by a Tree Preservation Order, but is protected by virtue of its size and its location within the designated Conservation Area. The tree contributes to the character and appearance of this part of the Conservation Area and officers consider that the trees' continued protection is paramount. Whilst no part of the proposed development would harm the health of the tree, the applicant has been made aware of its protected status. An information

# PLANNING COMMITTEE

28th November 2012

---

item to this effect is recommended to be attached to any notice of approval in the case of planning permission being granted for this application.

## Conclusion

The proposals would bring back into re-use, a currently vacant space which would add to the vitality and viability of the Town Centre. Approval of this application would allow a new commercial enterprise to establish, creating new jobs whilst not causing harm to amenity or safety. The proposed development would therefore comply with the planning policy framework which includes the provisions of the NPPF and relevant policies contained within the Borough of Redditch Local Plan No.3. As such, the proposal is considered to be acceptable and can be recommended for approval.

## Recommendation

**That having regarded 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 Plans approved specified
- 3 Means of odour control and ventilation – details to be submitted, agreed and implemented
- 4 Hours of operation specified
- 5 No use of loudspeakers in connection with the use of the outside area
- 6 No use of external heaters / lighting in connection with the use of the outside area
- 7 Tables and chairs in connection with use of outside area to be removed outside of trading hours

## Informatives

- 1 Reason for approval
- 2 This permission does not permit the display of advertisements which fall under the Control of Advertisements regulations
- 3 Tree to frontage is protected

## **Procedural Matters**

All applications for Class A3 and A4 use are reported to Planning Committee for determination as these powers are not delegated to Officers.