



Planning Committee

Headless Cross and Oakenshaw Wards

2 December 2008

INFORMATION ITEM

(Report of Acting Director of Environment & Planning)

1. **Purpose of Report**

To receive an item of information in relation to an outcome of an appeal against a planning decision.

2. **Recommendation**

**The Committee is asked to RESOLVE that
the item of information be noted.**

3. **Financial, Legal, Policy and Risk Implications**

3.1 There are no financial, legal, policy or risk implications for the Council.

Report

4. **Background**

4.1 Planning Application file.

5. **Consultation**

5.1 There has been no consultation other than with relevant Borough Council Officers.

6. **Other Implications**

There are no perceived impacts on Asset Management, Community Safety, Human Resources, Social Exclusion or Sustainability.

7. **Author of Report**

The author of this report is Ruth Bamford (Acting Head of Planning & Building Control), who can be contacted on extension 3219 (email: ruth.bamford@redditchbc.gov.uk) for more information.

11. **Appendices**

Appendix 1 - Outcome of Appeal against a Planning Decision

OUTCOME OF APPEAL AGAINST A PLANNING DECISION

Reference: 2008/071/COU

Proposal: 145-147 Evesham RD, Headless Cross, Redditch

(Headless Cross and Oakenshaw Wards)

Permission was sought for the change of use of an existing retail shop (Class A1) at 145-147 Evesham Rd, to a restaurant and takeaway (Classes A3 and A5 respectively) and the conversion of 2 rear garages to form kitchen premises. The proposed opening hours were to be from 5pm until 12 midnight seven days a week. Officers were of the opinion that the application would have an adverse impact on the character of the area due to an over concentration of such uses in the district centre at the expense of the primary retail function. In addition it would have an unacceptable impact upon the residential amenity of the occupiers of the flat above the proposal site by reason of noise, disturbance and odour nuisance. The proposal was not in accordance with policies E(TCR).9 and E(TCR).12 of the Borough of Redditch Local Plan No.3 and was refused for the following reason;

The proposal would result in an over concentration of A3/A5 uses within the area and be detrimental to the primary retailing function of the district centre and the residential amenity of adjacent properties. As such the proposal would conflict with policies E(TCR).9 and E(TCR).12 of the Borough of Redditch Local Plan No.3

The application went to appeal and was dismissed on 20 October 2008. The Inspector noted that whilst planning conditions could be used to address the issues of smell, noise and litter from the plant and equipment this would not outweigh the harm the proposal would cause to the living condition of neighbouring occupiers. In addition it was noted that there was already a high concentration of Class A3/A5 uses within the Headless Cross centre and the signalling of policy change in the forthcoming Core Strategy to limit A5 uses within a district centre supports this.

The inspector concluded that very few existing A3/A5 uses were open during the lunchtime period when the appeal site visit was carried out and with the appellants proposed opening hours being from 5pm to 11pm/midnight this indicated that this sizeable unit would be closed throughout the main part of the day. This would detract from the vitality of the shopping centre and potentially its long term viability. Finally the appellant had provided no information to demonstrate there was no demand for any other retail use for the vacant unit.