

**PLANNING
COMMITTEE**

3rd April 2013

PLANNING APPLICATION 2012/301/COU

CHANGE OF USE, FROM CLASS A1 (RETAIL) TO CLASS A3 (FOOD AND DRINK). NEW INTERNAL SHOP FRONT ELEVATION'S.

**FORMER T J HUGHES (GROUND FLOOR), 6 KINGFISHER SQUARE,
KINGFISHER SHOPPING CENTRE, TOWN CENTRE, REDDITCH**

**APPLICANT: MR IAIN MINTO
EXPIRY DATE: 6 MARCH 2013**

WARD: CENTRAL

(See additional papers for Site Plan)

The author of this report is Sharron Williams, Planning Officer (DM), who can be contacted on extension 3372 (e-mail: sharron.williams@bromsgroveandredditch.gov.uk) for more information.

Site Description

The site is located on the ground floor of the Kingfisher Shopping Centre towards the end of the shopping parade in the locality of the bus station and the cinema. The site comprises of the former TJ Hughes unit that previously occupied a ground and lower ground floor unit in this location. However, this application only relates to the ground floor of this former store. The application also includes the public staircase and escalator that are located in front of the unit as well as the service area to the side of the unit (adjacent to McDonalds).

Proposal Description

It is proposed to subdivide this ground floor unit into 4 individual units and convert them from Class A1 retail to Class A3 food and drink (for consumption of food on the premises including restaurants and cafes). The floor area of these units will vary from 297 – 696 square metres. It is intended that part of the walkway in front of the units (5.7 metres deep) would be used as a seating area for the potential food and drink outlets. An existing service yard at lower ground level would be used for loading and unloading for the new restaurants whilst an existing centre management plan is in place for waste management.

The staircase that exists in front of the unit would be removed and an additional escalator would be provided in this location Also a new escalator would be provided between the converted units and McDonalds to work in tandem with the existing passenger lift located nearby.

PLANNING COMMITTEE

3rd April 2013

At this stage the proposed frontage for the units is shown to be a plain glazed frontage. Any signage and illumination details shown on the plans and documents submitted are indicative only.

The application is supported by a Planning Statement which states that the new units would enhance customers' experience of the existing cinema on the above floor and would help to contribute towards Redditch's night time economy. The units would be directly served by an existing multi storey car park with step free access to the units. Also, due to the location of the proposed units, there would be no detrimental impact upon the surrounding neighbourhood through noise, smell and litter.

This application originally included the provision of an external window that would overlook Plymouth Road. However, the provision of this window has now been omitted from the application.

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

National Planning Policy Framework (NPPF)

The NPPF requires planning policies to be positive and promote competitive town centre environments that should provide customer choice. A range of sites for retail, leisure, commercial, tourism and cultural development should be available within the town centre.

Regional Spatial Strategy and Worcestershire County Structure Plan

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).5 Protection of the Retail Core

E(TCR).12 Class A3, A4 and A5 (restaurants, snack bars, cafes, pubs and bars and take-aways)

PLANNING COMMITTEE

3rd April 2013

B(BE).13 Qualities of Good Design

Paragraph 215 of the NPPF states that due weight be given to relevant policies in existing plans according to the degree of consistency with the NPPF (the closer the policies of the plan to the policies of the NPPF, the greater the weight that may be given). In accordance with paragraph 215 of the NPPF, the above policies should be afforded due weight, as the aspirations of these policies are consistent with the NPPF.

Supplementary Planning Guidance / Supplementary Planning Documents

Borough of Redditch Supplementary Planning Document (SPD) on Designing for Community Safety.

Other relevant corporate plans and strategies

Town Centre Strategy (TCS).

Relevant site planning history

2000/168 Demolition of existing buildings and erection of 4 storey building comprising bus station, retail with food and drink uses and leisure development. Approved 3 Nov 2000.

Public Consultation Responses

No comments submitted.

Consultee Responses

Development Plans

Borough of Redditch Local Plan No.3

Policy E(TCR).5 Protection of the Retail Core

This policy states that a change of use from class A1 to A2, A3, A4 and A5 or any other use considered appropriate to a shopping centre will only be acceptable if it does not result in a continuous frontage of more than two non-retail units.

Policy E(TCR).1 Vitality and Viability of the Town Centre

This policy states that the Town Centre should be the focus for entertainment and leisure uses, provide vibrant mixed uses and promote a vibrant and safe, high quality, evening economy comprising a mix of leisure and entertainment uses.

E(TCR).12 Class A3, A4 and A5 (Restaurants, snack bars, cafes, pubs and bars and Take-Aways)

This policy states that the above uses are suitable in the Town Centre provided the impact on the shopping area is acceptable.

Draft Borough of Redditch Local Plan No.4

Policy 29 Town Centre and Retail Hierarchy

PLANNING COMMITTEE

3rd April 2013

This Policy promotes the redevelopment and diversification of the Town Centre by providing vibrant mixed uses, promoting the appropriate re-use of floor space within the Town Centre and promoting a vibrant and safe, high quality, evening economy comprising a mix of leisure and entertainment uses.

Policy 30 Regeneration for the Town Centre

This policy seeks to enhance the attractiveness of the Town Centre.

Policy 31 Protection of the Retail Core

This policy broadly reflects the principles contained within Policy E(TCR).5 of Local Plan No.3.

National Planning Policy Framework (NPPF)

The NPPF contains a chapter which seeks to ensure the vitality of Town Centres.

County Highway Network Control

No objection to the grant of permission.

Worcestershire Regulatory Services

No comments to make on the proposal.

Severn Trent Water

No objection and no comments to make on proposal.

Assessment of Proposal

The key issues for consideration in this case are

Principle

The site is located within the Kingfisher Centre which is located in Redditch Town Centre. The application site is within the Retail Core as designated in the Borough of Redditch Local Plan No.3. Policy E(TCR). 5 would apply which states that a change of use from Class A1 to A2, A3, A4 and A5 will only be acceptable if the proposed use does not result in a continuous frontage of more than two non-retail units; (units are defined as a shopfront width of about 6 metres). The Reasoned Justification of the policy states that the growth of non- retail units in Town Centres can result in a loss of retail provision and the creation of 'dead' frontages which can fragment and disrupt the appearance of the shopping centre, resulting in further distances to walk between shops, making the area less attractive to shoppers and potential investors. The total frontage of the proposal would be approximately 39 metres and be significantly more than 6 metres. The proposal would conflict with this policy, and as such could be viewed as inappropriate development. However, whilst it is accepted that the site is within the Retail Core of the Town Centre, given it is located at one end of the shopping centre it would not fragment the rest of the centre. Also, it is within a location that lends itself well to night time activities being promoted in this vicinity with good

PLANNING COMMITTEE

3rd April 2013

links to the bus and train station nearby. Therefore, it is very unlikely that the proposed use of these units would make the rest of the shopping centre less attractive to customers or potential investors.

Policy E(TCR).1 seeks to maintain and enhance the vitality and viability of Redditch Town Centre by ensuring a wide range of facilities including retail, commercial, community facilities and institutions, entertainment, leisure and hotels. A mix of uses should be promoted to provide a vibrant and safe, high quality, evening economy comprising a mix of leisure and entertainment uses. The proposed use would be appropriate and welcomed within the Town Centre given its close proximity to the cinema that is open during the day and evening.

Policy E(TCR).12 encourages A3, A4, and A5 uses in the Town Centre, Peripheral Zone, or District Centres. The emphasis of the policy relates to the potential impact upon the amenities of neighbouring occupiers in respect to noise, smell and litter. Given the proposal would be wholly within the Kingfisher Centre, any potential noise, smell and general disturbance would be minimal on the neighbouring occupiers. The nearest residential occupiers would be those who live at Plymouth Road. Neighbouring occupiers have been consulted but no comments / objections have been submitted in respect to this proposal. It is considered that the proposal would not conflict with this policy.

Draft Borough of Redditch Local Plan No.4

Under the new Local Plan No.4, there would be more flexibility in respect to the Town Centre. For instance, Policy 29 Town Centre and Retail Hierarchy promotes the redevelopment and diversification of the Town Centre by encouraging the appropriate re-use of floor space within the Town Centre for a vibrant and safe, high quality, evening economy of leisure and entertainment uses. This proposal would be in accordance with this emerging policy.

Also, Policy 30 Regeneration for the Town Centre seeks to enhance the attractiveness of the Town Centre. This policy details that the offer of cafés and restaurants should be improved, as a priority project. This project (amongst others) is considered as a priority to deliver the changes needed to ensure the future of Redditch as a sustainable Town Centre. There is currently a perception that the centre has a limited offer of cafés, restaurants and night time activities, which in turn can be linked with the feeling of the centre being unsafe after dark. Improvements to night time activities and the economy can add to the quality and mix of uses in the area.

Policy 31 Protection of the Retail Core broadly reflects the principles contained within Policy E(TCR).5 Protection of the Retail Core of Local Plan No.3. However, this Local Plan version contains an addition which states that proposals for non A1 uses which can demonstrably contribute to the vitality and viability of the Centre will be assessed on their own merits. It is considered that this particular proposal could enhance the vitality and viability of the Retail Core and surrounding Centre and therefore would be acceptable.

PLANNING COMMITTEE

3rd April 2013

It is important to note that when the application is considered at Planning Committee the Draft Local Plan No.4 is likely to be in the process of a public consultation and as such the policies concerned carry very limited weight at this stage.

To conclude, whilst currently the proposal would conflict with Policy E(TCR).5 of the Local Plan No.3, it would comply with policy E(TCR).1 and E(TCR).12 of Local Plan No.3. Given the location of the proposed A3 uses would be at one end of the Kingfisher Centre, it is very unlikely that the provision of these units would hinder the role and retail function of the Kingfisher Centre and as such would not harm the aspirations set out under policy E(TCR).5. Also, policies in the emerging Local Plan No.4 create more flexibility on this matter with more emphasis on improving the attractiveness of the Town Centre with more choice of cafes and restaurants and night time activities.

Design and layout

The plans submitted show a seating area in front of the units which will add to the vitality of this part of the Kingfisher Centre. The original plans submitted showed a new window that would overlook Plymouth Road and would have served the largest unit to be converted. However, the window was quite large and additional details were requested by officers regarding the finish of the window eg. Opaque or clear glass etc. The agent has since omitted the window which may be considered at a later date under a separate application.

Highways and Access

Access arrangements include the provision of additional escalators to aid better access for customers using the variety of uses in this area.

In respect to car parking the proposal is within the Kingfisher Centre which is served by several multi storey car parks. However, it is anticipated that car park 1 would be the most accessible car park for these facilities. In addition, the site has good access links to the bus and train station.

Conclusion

The proposal generally complies with most of the current Local Plan No.3 policies, with the exception of policy E(TCR).5 of Local Plan No.3. However, although the site is located within the Retail Core of the Town Centre, it is located at one end of the Centre and would not disrupt or fragment the existing shopping facilities. As such it is unlikely that the proposed use for these units would hinder the vitality and viability of the Centre and re-using a vacant unit would be welcomed. Therefore, on balance the proposal is considered to be acceptable on this occasion.

**PLANNING
COMMITTEE**

3rd April 2013

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 Plans approved specified.
- 3 Use defined.
- 4 Hours of opening defined 11:30am – 11:30pm

Informatives

- 1 Reason for approval.
- 2 LPA acted in a positive and proactive manner

Procedural matters

This application is being reported to the Planning Committee because the proposal is a major development with a recommendation to grant planning permission. In addition, the proposed uses would be Class A3 use. As such the application falls outside the scheme of delegation to officers.