

**PLANNING
COMMITTEE**

8th May 2013

PLANNING APPLICATION 2013/073/COU

**CHANGE OF USE OF BASEMENT, GROUND AND FIRST FLOORS TO
CLASS A3 (CAFÉ/RESTAURANT) AND A5 (HOT FOOD TAKE-AWAY)**

**UNITS 33 AND 34 KINGFISHER WALK, KINGFISHER SHOPPING
CENTRE, REDDITCH**

**APPLICANT: THE KINGFISHER LIMITED PARTNERSHIP
EXPIRY DATE: 13TH MAY 2013**

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) for more information.

(Site Plan attached)

Site Description

The site, which comprises two units (33 and 34) is located to the southern side of Kingfisher Walk, approximately 40 metres due west of Worcester Square, within the heart of the Kingfisher Shopping Centre (KSC).

Unit 33 is presently occupied by the retailer 'The Little Bag Company', whilst Unit 34 is vacant. To either side of the application site are retail uses ('A Write Card' occupying Unit 32) and ('News 4 You' occupying Unit 35). To the northern side of Kingfisher Walk (opposite the application site) are the retail premises 'Jessica's Sweets'; 'Boots Opticians' and 'Bags etc'.

Public access to all of the premises is via the ground floor of the KSC.

Proposal Description

This is a full application to change the use of the basement, ground and first floors to Class A3 (café/restaurant use) and A5 (hot food take-away) use.

The majority of the floorspace is contained at the ground floor level, which either is, or was last occupied by a retail (A1 Class) use. The application proposes to change the use of not only the ground floor but also the much smaller floorspace area contained within the basement (lower ground floor) and the first (upper) floor, areas which are currently used for storage and as staff toilets. These would become extensions to the Primarily A3/A5 area to be created at ground level although the lower ground floor level would be used mainly for loading and unloading / deliveries for the new A3/A5 uses. The existing service yard is located from this lower level.

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Internal walls separating the two units are proposed for removal under this application, in order that a larger internal area can be created. At this stage, at ground floor level, the premises would have a plain glazed frontage. Signage, which would amend the two current fascia signs to a single fascia sign, is indicative only. No further external alterations 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 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

The National Planning Policy Framework (NPPF)

The NPPF requires authorities and planning policies to be positive and promote competitive town centre environments that should provide customer choice.

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 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)

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 Document

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

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Relevant Site Planning History

None

Public Consultation Responses

None received

Consultee Responses

RBC 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

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 Protection of the Retail Core of Local Plan No.3.

National Planning Policy Framework (NPPF)

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

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The proposal is considered to be in accordance with existing and emerging local plan policies and the NPPF.

County Highway Network Control

No objection

Worcestershire Regulatory Services

No objection

Town Centre Co-ordinator

No objection

Assessment of Proposal

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

Borough of Redditch Local Plan No.3 Policy considerations

The application site is within the Retail Core as designated in the Borough of Redditch Local Plan No.3. Policy E(TCR).5 of the Local Plan 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 proposed change of use relates to two units, (with the frontage to each unit measuring less than 6 metres across). Either side of units 33 and 34, units 32 and 35 are currently in A1 (retail) use. Therefore, the proposed change of use would be in accordance with Policy E(TCR).5 above.

Policy E(TCR).1 seeks to maintain and enhance the vitality and viability of Redditch Town Centre. A mix of uses should be promoted to provide a vibrant and safe, high quality, evening economy. The proposed use would therefore be appropriate given that it would have the potential to enhance the evening economy in a part of the KSC where there are relatively few A3 and A5 uses.

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 that the proposal would be wholly within the Kingfisher Centre, any potential noise, smell and general disturbance is likely to be minimal. Neighbouring occupiers have been consulted but no objections

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to the proposal have been received. It is considered that the development proposed would not be in conflict with this policy.

Draft Borough of Redditch Local Plan No.4 Policy considerations

Under the new Local Plan No.4, there would be more flexibility in respect to the Town Centre. 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.

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 proposal (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 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.

It is however, important to note that the Draft Local Plan No.4 is in the process of a public consultation and as such the policies concerned carry very limited weight at this stage.

Other matters

Access arrangements to the units would not alter under this application. Being located within the Kingfisher Centre, the site is served by several multi-storey car parks. The site has good access links to the bus and train station.

Conclusion

The proposal is in compliance with Policies E(TCR).1, 5 and 12 of Local Plan No.3, as set out above with the re-occupation of the currently vacant Unit 34 being welcomed. As such, the application is fully supported.

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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 Plans approved specified.
- 3 Use defined.

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 proposed uses would be Class A3 and / or Class A5 uses. As such the application falls outside the scheme of delegation to Officers.