

**PLANNING  
COMMITTEE**

15th March 2017

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**Planning Application 2017/027/FUL**

**Change of use from Sui Generis use to Class A3 use**

**Unit 21, Kingfisher Walk, Kingfisher Shopping Centre, Town Centre, Redditch**

**Applicant: Ken Williams: Kingfisher Shopping Centre**

**Ward: CENTRAL**

**(see additional papers for site plan)**

The author of this report is Steven Edden, Planning Officer (DM), who can be contacted on Tel: 01527 548474 Email: steve.edden@bromsgroveandredditch.gov.uk for more information.

**Site Description**

The application site is located to the southern side of Kingfisher Walk within the Kingfisher Shopping Centre. The unit is currently occupied by the 'Shake Shack Diner'.

The existing frontage includes large glazed panels with white upvc frames. The Unit is attached to Unit 20: (Bright House Electricals) to the west, with Unit 22: (Subway) to the east. To the northern side of the Kingfisher Walk and the unit lie Burger King (directly opposite Subway) and Bodycare cosmetics (directly opposite Bright House Electricals).

**Proposal Description**

The proposal, which is retrospective, proposes to change the use of the Unit from a (Sui-Generis / unclassified planning use) to an A3 use. The Unit was formerly occupied by 'Perfect Nail and Brows' until that use ceased trading. It is now occupied by 'Shake Shack Diner' who operate a milkshake and hot beverage diner. A smaller percentage of their trade derives from the sale of deserts, primarily waffles and crepes. An area of 46 square metres is proposed to be changed to A3 Class (café) use.

**Relevant Policies :**

**Borough of Redditch Local Plan No. 4**

Policy 30: Town Centre and Retail Hierarchy

Policy 31: Regeneration for Town Centre

Policy 32: Protection of the Retail Core

**Others:**

NPPF National Planning Policy Framework

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**Consultations**

**Town Centre Co-ordinator**

No objection

**Development Plans**

No objection

**Public Consultation Response**

Site Notice Displayed, No comments received

**Assessment of Proposal**

With regard to the Borough of Redditch Local Plan No.4 such a change of use is in accordance with Policies 30, 31 and 32 set out earlier in this report.

The site falls within the Town Centre retail core as defined on the Policies Map, which is an area of Primary Shopping Frontage. Policy 32 (Protection of the Retail Core) states that planning permission for change of use from Class A1 to Class A2, A3, A4 or A5 or any other use considered appropriate to a shopping centre 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 6 metres).

In this case, the change of use involves a change from a Sui-Generis use to A3 rather than a change from A1 to A3, but even if the (former) use, Perfect Nail and Brows was an A1 class use, the proposal would be acceptable since the proposal would not result in a continuous frontage of more than two non-retail units. As stated earlier in the report, the unit is attached to Bright House Electricals (an A1 use) on its western side, and attached to Subway (a non-A1 use) on its eastern side. Subway itself is attached to an (A1) Class user, a shoe repairs to its own eastern side.

Policy 32 comments that non A1 units should contribute to the vitality and viability of the Kingfisher Shopping Centre and should be assessed on their merits. In this case there is no evidence to suggest that the milkshake diner user would not actively contribute to the vitality and viability of the KSC.

The proposal has raised no other material planning issues and has required no further negotiation or amendments. It is considered that the application complies with the provisions of the development plan and is therefore acceptable.

The Council has worked positively and proactively with the applicant on this application.

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**RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:**

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason :- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be implemented in accordance with the following plans:

appropriate references to be inserted here

Reason: To accurately define the permission for the avoidance of doubt and to ensure that the development is satisfactory in appearance in order to safeguard the visual amenities of the area.

**Procedural matters**

This application is being reported to the Planning Committee because the proposal involves a change of use to A3. As such the application falls outside the scheme of delegation to Officers.