



Planning Committee

Abbey Ward

3rd November 2009

2009/210/S73 VARIATION OF CONDITIONS 3&4 OF APPLICATION NO. 2008/067/RC3 TO ENSURE THAT TRADING HOURS AND DELIVERIES/COLLECTIONS/VEHICLE MOVEMENTS ARE ALL IN LINE WITH THE MARKET RULES & REGULATIONS 2009-10 LAND AT CHURCH GREEN/MARKET PLACE/ALCESTER STREET, TOWN CENTRE, REDDITCH
APPLICANT: MS M DAVIDSON, REDDITCH BOROUGH COUNCIL
EXPIRY DATE: 1ST DECEMBER 2009

The author of this report is Ailith Rutt Development Control Manager, who can be contacted on extension 3374 (e-mail: ailith.rutt@redditchbc.gov.uk) for more information.

Site Description

(See additional papers for Site Plan)

Existing pedestrianised area with recently refurbished and improved surface comprising shaped blocks, some tarmac and some slab paving. Grassed areas surround church, with various items of public art within the site area, including the war memorial, holocaust memorial and cemetery area with gravestones. Needles floor paving lies at southern end of site.

Proposal Description

This is an application that seeks to amend conditions attached to the previous consent for the refurbishment and operation of the market. The two conditions to be varied are conditions 3 & 4 of consent reference 2008/067/RC3 and read as follows:

- 3) The market shall not trade before 0830 hours not after 1630 hours on any day.

Reason: In the interests of amenity and safety and in accordance with Policies R1 and S1 of the Borough of Redditch Local Plan No.3.

- 4) No vehicles making deliveries/collections or trading shall enter or manoeuvre on the site between the hours of 0830 and 1630 on any day except in the case of the early closure of the market at the request of the market manager. Such vehicles shall also not enter the site before 0700 on any day, or remain on site beyond 1800 on any day.

Reason: In the interest of highway and pedestrian safety and in accordance with Policies CT5, CT6 and CT1 of the Borough of Redditch Local Plan No.3.

It is now proposed that the **trading hours be 0900-1600** and that times for **deliveries be 0530-0830 and 1600-1800**. The conditions are therefore proposed to be amended accordingly in this application.

No other amendments to the original application are proposed as part of this application. The application is supported by a Planning Statement, which details the situation the market operators are in, and the current difficulties in complying with the original conditions.

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

PPS1 Delivering sustainable development
PPS6 Planning for town centres
PPG15 Planning & the historic environment

Regional Spatial Strategy

UR3 Enhancing the roles of city, town and district centres
QE2 Restoring degraded areas and managing and creating high
 quality new environments
QE3 Creating a high quality built environment for all
QE4 Greener, urban greenspace and public spaces
T2 Reducing the need to travel

Worcestershire County Structure Plan

SD2 Care for the environment
SD4 Minimising the need to travel
SD9 Promotion of town centres
CTC20 Conservation Areas

Borough of Redditch Local Plan No. 3

CS2 Care for the environment
CS7 Sustainable location of development
S1 Designing out crime
BBE9 Streetscapes in Conservation Areas
BBE13 Qualities of good design

BBE20	Public art
BBE25	Undergrounding of telephone and electricity lines
ETCR1	Vitality and viability of the town centre
ETCR2	Town centre enhancements
ETCR4	Need and the sequential approach
ETCR5	Protection of the retail core
R1	Civic open space

Relevant Site Planning History

Appn. no	Proposal	Decision	Date
2006/277	Erection of stalls for temp street market	Approved	21/7/06
2008/067	Improvement works to pedestrian area and permanent use of area as outdoor market	Approved	4/4/08

Public Consultation responses

No responses received at time of writing. Consultation period expires on 6th November. Any further representations received before the Committee meeting will be reported on the Update Paper.

Consultee responses

County Highway Network Control

No objection.

Conservation Advisor

No comments received.

Crime Risk Manager

No comments received.

Fire Officer

No comments received.

Landscape Officer

Notes that matters such as TRO (Traffic Regulation Order) and TCS (Town Centre Strategy) may result in future amendments, but raises no objection to the current proposals.

Waste Management

No comments received.

Again, further comments received will be reported to Committee on the Update Paper.

Procedural matters

Where an application is made to vary conditions attached to a previous consent, the determining authority should limit itself to considerations relating to the proposed amendments and their impact on the overall development, as well as the existing policy framework and original reasons for imposing them.

Should an application for the variation of condition(s) be allowed, then it should include the replacement conditions agreed, which can then be read to supersede the originals.

Assessment of Proposal

The key issues for consideration in this case are the impact on amenities and safety of the amended hours of trading and of delivering/collecting by vehicles in the pedestrianised area.

Hours of trading

The differences between the hours of trading as consented and as proposed are that it would trade for less time each day, and therefore there is no perceived harm likely to be caused by this in terms of town centre policies. It is unfortunate that it would therefore contribute less to the vitality and viability of the town centre, however to a certain extent, there is no control over this available to the planning authority, as the trading could not occur at all, and there would be no planning powers available to prevent such a cessation. However, the hours of trading are of course, directly related to the delivery hours discussed below.

Hours of vehicular movements

These were originally restricted for the benefit of pedestrian safety within the market area, and designed to coincide with movements such as secondary school pupils walking to school and back. The Highways Officer has raised no objections to the proposal, and thus it is not considered that the amended hours would cause undue risk to the safety of pedestrians.

Other issues

No other issues have been raised at this stage. Should any others be raised, they will be reported and addressed in the Update paper.

Conclusion

The proposal is considered to be compliant with policy and unlikely to cause harm to amenity or safety, and is therefore considered to be acceptable.

Recommendation

That having regard to the development plan and to all other material considerations, planning permission be DELEGATED to the Acting Head of Planning and Building Control to grant consent subject to no new issues being raised following the expiry of the press notice (6th November 2009) and subject to conditions and informatives as summarised below:

- 3) The market shall not trade before 0900 hours not after 1600 hours on any day.

Reason: In the interests of amenity and safety and in accordance with Policies R1 and S1 of the Borough of Redditch Local Plan No.3.

- 4) No vehicles making deliveries/collections or trading shall enter or manoeuvre on the site between the hours of 0830 and 1600 on any day except in the case of the early closure of the market at the request of the market manager. Such vehicles shall also not enter the site before 0530 on any day, or remain on site beyond 1800 on any day.

Reason: In the interest of highway and pedestrian safety and in accordance with Policies CT5, CT6 and CT1 of the Borough of Redditch Local Plan No.3.

Informatives

1. These conditions supersede conditions 3 & 4 on the original consent reference 2008/067, and in all other respects the original consent remains.