



# Planning Committee

Abbey Ward

3rd November 2009

**2009/214/COU AMALGAMATION OF UNITS AND CHANGE OF USE FROM A1 RETAIL TO A2 FINANCIAL AND PROFESSIONAL SERVICES (RESUBMISSION OF 2009/169/COU  
26&28 EVESHAM WALK AND 36-37 KINGFISHER WALK, KINGFISHER SHOPPING CENTRE, REDDITCH  
APPLICANT: SCOTTISH WIDOWS  
EXPIRY DATE: 30TH NOVEMBER 2009**

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## Site Description

**(See additional papers for Site Plan)**

Existing units fronting Worcester Square and Boots, currently occupied by Game and Textiles Direct, with a vacant unit between on the corner. These units fall within the shopping centre, and include upper floors. They currently have plate glass shop window style frontages.

Worcester Square is a main circulation space within the shopping centre, and includes a central café, and access from the external town centre space off Church Green.

## Proposal Description

The application proposes the amalgamation of these units and their upper floors into one large unit, and its change of use to A2 from the current A1 consent. (Class A2 includes a range of uses such as banks, building societies, estate and employment agencies, and betting shops.)

The application is supported by a Design & Access Statement, a planning statement and some additional information in support of the proposal.

## 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](http://www.communities.gov.uk)

[www.wmra.gov.uk](http://www.wmra.gov.uk)

[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)

[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

### ***National Planning Policy***

PPS1 & accompanying documents) Delivering sustainable development  
PPS4 (draft) Planning for sustainable economic development  
PPS6 Planning for town centres

### ***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

### ***Borough of Redditch Local Plan No. 3***

CS2 Care for the environment  
CS7 Sustainable location of development  
S1 Designing out crime  
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

### ***SPDs***

Encouraging good design  
Community safety

### **Relevant site planning history**

<b>Appn. No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
2009/169	Amalgamation of units and change of use A1-A2	Withdrawn	30/9/2009

### **Public Consultation responses**

No responses received at time of writing. Consultation period expires on 3rd November, and any further representations received before the Committee meeting will be reported on the Update paper.

## **Consultee responses**

### ***Development Plans team***

Note that the proposal does not comply with local or national policy, but appears to be in general conformity with the broad approach taken in the regional guidance. Raises concerns regarding the size of the resultant A2 unit as proposed, and the likely adverse impact on vitality and viability due to use, opening hours and prevention of additional A1 occupiers.

## **Procedural matters**

Members should be aware that internal physical changes in the shopping centre do not require planning permission, and thus there are no physical changes directly to consider here, simply the change of use proposed.

However, the application description includes the amalgamation of the three units, thereby clarifying that it would be the intention of the applicant to put the adjacent three units together as one and operate them jointly. If this were for A1 purposes, as per the existing three separate units, this of itself would not require planning permission and could not be controlled. However, it is the change of those three units to a single A2 unit that requires permission, and therefore the amalgamation can be considered in this case, although it is clearly incidental to the main considerations of the principle of development.

This application is reported to Planning Committee for determination at the request of Cllr MacMillan.

## **Assessment of proposal**

The key issues for consideration in this case are the principle of the proposed development and its impact on the vitality and viability of the town centre.

### **Principle**

Firstly, policy requires that A2 uses be located on sustainable town centre sites. However, it also seeks to ensure that town centres maintain their primary retail (A1) function and that A2 uses should not push these out of the central retail core. Local Plan policy ETCR5 qualifies this protection of the retail core and gives criteria for determining whether a change of use away from A1 is acceptable or not. In order to prevent an overprovision of non-A1 uses, it limits A2 uses to locations where no more than 2 adjacent units are in non-A1 use, and gives a 6m frontage length as a guide.

Whilst this policy limits the amount of on-A1 uses in the town centre, it does encourage them and allow them under certain circumstances, and thus is in line with the emerging national guidance in PPS4 which seeks to encourage a wide range of facilities within the town centre. As this is still

emerging guidance, it should be given less weight in determining applications than fully adopted policies.

The current proposal would result in a large A2 unit that would be 12.5m fronting Evesham Walk and 25.5m fronting Kingfisher Walk. It would also result in the amalgamation of three existing units into one.

Officers therefore consider that the proposal is contrary to policy requirements, and would be likely to result in a reduction in available units for A1 uses contrary to policy. This would also be likely to have an impact on the vitality and viability of the town centre uses, in a prominent location within the shopping centre. The proposal would prevent A1 uses in this location from continuing and detract from the main A1 usage of the area, resulting in a negative impact on the vitality of the retail core due to its size and location.

The applicant argues that an occupied and operating unit is preferable to a vacant unit, however if the unit becomes an A2 unit, it would prevent a future A1 occupier should one be searching for a unit, and especially when the recession begins to ease and more businesses are seeking units from which to operate.

The applicant suggests that as the application includes the amalgamation of the three units into one, then the proposal would result in only one A2 unit and thus it would comply with the frontage policy of not more than two A2 uses together. The applicant argues that the unit could be considered as having two frontages, and that on either frontage there would be no more than 2 units with an A2 use as the adjacent units are in A1 use. However, the frontage is considered by Officers to be continuous around the corner, and as such comprises three existing adjacent units. Even if it is considered that each frontage should be considered separately, both frontages remain in excess of the 12m allowance in the policy, and in particular the Kingfisher Walk frontage is more than twice this length. In combination with the Evesham Walk frontage, this is considered to be unacceptably long and thus dominant. If the proposal were considered acceptable in other respects, it would be reasonable to attach a condition to a permission preventing the future subdivision of the unit such that any conditions attached to the permission related to the whole unit, if there was a sound planning reason.

Of further concern is that most A2 uses operate for fewer opening hours than those of an A1 retail unit, and therefore it would be likely that the unit would remain shut during peak shopping hours, for example on Saturday afternoons and Sundays. Whilst this is not the intention of the current prospective occupier, there is no mechanism within the planning process to ensure that an A2 use opens to the public in line with the surrounding retail uses. This also, therefore, causes a potential threat to the vitality and viability of the town centre, as an A2 use could result in less opening hours than an A1 use in this location might.

The local plan policy also seeks to prevent dead frontages within the retail core, and notes that most A2 uses do not require shop window frontages and are therefore blank, uninteresting and inactive. The applicant is arguing that the proposed occupier would retain the existing plate glass window frontages (other than for the insertion of ATMs) and thus no dead frontage would occur. Again, whilst this may be the case with the current proposed occupier, other future A2 users of the unit might not operate in the same way, and it would be unreasonable to impose a condition requiring the retention of the shop window frontage to prevent a dead frontage occurring. Further, the potential shorter opening hours would result in a frontage that was not overly active and engaging, contrary to the aims of the local and national planning policies.

Policy evidence is that we need to provide more A1 opportunities in Redditch town centre and so it is considered that these should not be limited by allowing this application and further reducing A1 units available within the town centre.

### Other issues

The applicant has provided supporting information to address these and other issues, and these are raised and addressed below.

The applicant argues that this proposal would bring back into use a vacant unit because they have a prospective client to lease it for A2 purposes. However, this would displace the two existing A1 occupiers, and prevent the existing vacant unit from being occupied by an A1 outlet in the future. Therefore, this is not considered to outweigh the policy position above.

The applicant states that the new user would improve the appearance of the unit, however similarly, the occupation of the unit by an A1 use would also be likely to result in this, as the only reason that the unit looks less attractive than others in the vicinity is its emptiness. This is also not considered to outweigh the concerns raised above.

The applicant argues that one of the existing occupiers would relocate to an alternative unit, currently vacant, within the shopping centre. However, this could not be controlled or required through the planning process, and would still result in an inappropriately large A2 use. The net impact of the loss of A1 units would remain, rather than relocating and then retaining the existing unit as A1 as well. This is therefore not considered to be a significant factor in the consideration of this application. Further, this could happen in any event without the need for any intervention from the planning authority.

The applicant argues that the proposal would also bring back into use currently vacant upper floors as well as the ground floor shop unit element of the site. However, there are no policies relating to upper floors, and thus there is no reason to give this consideration much weight. Whilst it might benefit the local economy for more floorspace to be in use, these upper floor areas could as easily be used ancillary to A1 uses at ground floor as

A2 uses, and so again, this is not considered to be sufficiently significant, either on its own or in consideration with the other points, to result in an alternative recommendation on this application.

The applicant notes that other units within the shopping centre have successfully sought planning permission for change of use from A1 to A2. However, in all cases, the sites and proposals complied with the relevant policy criteria, and as such were considered to be acceptable. Each case should be considered on its own merits, and this case differs significantly from those others cited, and therefore this is not considered to be a factor that supports the current proposal.

The applicant also notes that a unit that had previously had an A1 occupier and been granted change of use to A2 but never occupied as such has recently opened with an A1 retailer in occupation (36 Evesham Walk). This therefore has resulted in the reduction of possible A2 uses within the centre. However, in granting that A2 consent, as noted above, the Council considered whether it met the policy criteria and it was considered that it did. It is a single unit, with A1 uses on either side adjacent to it, with a frontage of 13m, which given the circumstances of it being a single unit, meant that it was compliant with policy. Therefore, this argument is not considered to be sufficient in that case to warrant a recommendation for approval in this case.

Officers do not dispute that where the current shopping centre managers and their clients have refurbished and refitted units the centre's attractiveness has improved. They also claim that this would be similar in this case. However, this improvement in appearance of the units concerned is not of itself considered to be a sufficient benefit to warrant the approval of a proposal which is clearly contrary to policy and likely to be harmful to the viability and vitality of the town centre.

Officers also raise concerns that the application for consideration here results from a specific end user's requirements that are current. Should this change in the future, this could jeopardise the future use of the unit for A1 purposes and lead to undesirable outcomes in this location.

A further concern has been raised that bringing into the Kingfisher Shopping Centre companies who currently occupy premises externally in the town centre in and around the Conservation Area would result in further detrimental visual impacts outside the shopping centre where empty units are not welcomed. This would have a greater impact than units within the shopping centre, as access is available to the public externally on a 24/7 basis. However, should companies wish to cease their leases in any units, either within or outside the Kingfisher Shopping centre, then the resultant vacant unit is not a matter over which the planning authority has any control, and this therefore cannot be a material consideration.

The applicant states that in vacating Threadneedle House, the proposed occupier of this site would leave a unit available which could then be

occupied in compliance with the emerging Town Centre Strategy and help to revitalise Walter Stranz Square, possibly with a restaurant use. This would in principle be compliant with policy, but would also require a change of use. Again, this could not be controlled as a result of this application on a different site, and thus is not a material consideration.

The applicant claims that there are no other suitable units available within Redditch town centre for their prospective tenants, which appears to contradict their argument that their proposal on this site is acceptable because there would still be plenty of other units available for others. Officers note that there are several other units vacant within the Kingfisher Shopping Centre, some of which would be likely to comply with the requirements of Policy E(TCR)5.

### Conclusion

The harm likely to be caused by a change of use such as that proposed here is considered to be considerable, as well as contrary to adopted local policies which were arrived at using evidence of local circumstances as well as national planning objectives. It is therefore considered that in this case, none of the other matters raised is of sufficient significance that either individually or comprehensively they outweigh this harm.

### Recommendation

**That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the following reasons:**

1. The proposed use would result in two overly long frontages of non-A1 use contrary to PPS6 and Policy E(TCR)5 of the Borough of Redditch Local Plan No.3. As such the proposal would be likely to result in harm to the vitality and viability of the retail core of Redditch town centre due to the loss of a group of units from A1 and possible A1 uses from a primarily retail town centre core location.