

PLANNING COMMITTEE

23rd May 2018

Planning Application 18/00499/FUL

**Change of use from A1 (Retail) to A3 & A5 (Restaurant and takeaway)
Installation of new extract and ventilation systems and condensers**

Bodycare, Unit 19 Kingfisher Walk, Kingfisher Shopping Centre, Redditch

**Applicant: Splendid Hospitality Group / 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 northern side of Kingfisher Walk within the Kingfisher Shopping Centre (KSC). The unit is currently occupied by 'Bodycare' which is an A1 class retail unit.

The existing frontage includes large glazed panels with white upvc frames. The Unit is attached to Wilkinsons (A1 use) to the west, with Burger King (A3/A5 use) to the east. Attached to Burger King to the east is 'Sallys' (an A1 class use). To the southern side of Kingfisher Walk, running in a west to east direction lie the following Units: McDonalds (A3/A5); Brighthouse Electricals (A1); Fill Your Jacket (A3/A5); Subway (A3/A5); CD Shoe Repairs (A1); E-Mist (A1); and Druckers (A3/A5).

Proposal Description

The proposal seeks permission to change the use of the Unit from an A1 use to an A3/A5 use. The expected occupier would be Kentucky Fried Chicken (KFC) although if permission were to be granted, any A3/A5 user would be able to occupy the Unit in the future.

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

Redditch Strategic Planning and Conservation

Comments summarised as follows:

The site is located within a Retail Core area, as identified in the Borough of Redditch Local Plan No.4 (BORLP4) Policies Map. Therefore, Policy 32: Protection of the Retail Core is of particular relevance.

The purpose of Policy 32 is to ensure the vitality of the Town Centre. Other uses complement the retail offer and enhance the vitality; however, there is a need to ensure that these uses do not stifle thriving shopping areas.

Policy 32 recognises that within the Retail Core, planning permission for a change of use from a Class A1 to 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 shopfront width of about 6 metres; larger units will be assessed in terms of unit length). Proposals for non A1 uses that demonstrably contribute to the vitality and viability of the Centre will be assessed on their own merits.

In this case the proposed change of use would result in a continuous frontage of two non-retail units. i.e. the adjoining unit (Burger King) and the proposed development. The adjoining unit (Burger King) and the proposed would represent a very long continuous frontage of a non-retail uses, well in excess of the (*about 12m*) which the policy would allow. Therefore, the proposal is considered to be contrary to Policy.

The applicant has not demonstrated that the change of use to a non A1 use would contribute to the vitality and viability of the Kingfisher Shopping Centre (KSC) as required by Policy 32.

In conclusion, application 18/00499/FUL is not considered to be in accordance with the Development Plan.

Public Consultation Response

Site Notice Displayed. No comments received

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Assessment of Proposal

Policy 32

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.

In this case, the unit is attached to Wilkinsons (an A1 use) to its western side, and to Burger King (an A3 / A5 use) to its eastern side. Attached to the Burger King Unit to its eastern side is an A1 retail unit (Sallys). As such the proposal would not result in a continuous frontage of more than two non-retail units.

However, unit widths should be given due consideration. The existing Bodycare unit has a shopfront measuring approximately 10.5 metres in width. The Burger King Unit measures approximately 16.3 metres in width. This combined Unit width (approximately 26.8 metres) is clearly well in excess of the 12 metre maximum width, given that Policy 32 defines a shopfront width of 'about 6 metres'.

Policy 32 comments that non A1 uses that demonstrably contribute to the vitality and viability of the Centre will be assessed on their own merits.

Other material considerations

Members may be aware that a unit within relatively close proximity to the application site and formerly occupied by Argos has been vacant for some time. Despite extensive marketing, the unit has remained vacant since January 2017. The KSC comment that the former Argos unit (which is located between an Opticians to the west and Poundland to the immediate east) has proved unattractive to potential occupiers due to the considerable size of the unit.

The existing Bodycare retail unit would not be lost since it would be relocated within part of the vacant (former Argos Unit). Discussions are currently taking place regarding the letting of the remaining floorspace which means that this unit is likely to be occupied in the near future aiding the vitality and viability of the retail core.

The development of 'The Hub' a little further to the west of the application site has already led to a general concentration of eating establishments in this area which help to support the 'Anchor' leisure / entertainment uses already present in this part of the centre (principally the Cinema and Gym). Such grouping is now becoming established nationwide business practice within shopping centres and the sites location lends itself well to supporting night time activities where links to the bus and train station are good.

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Your officers have concluded that it would be unlikely that the proposed use of Unit 19 would make the rest of the shopping centre less attractive to customers or potential investors.

Other matters

The proposed plant / extraction systems which would be installed to the roof are minor in nature. They comprise 3 high level wall mounted condenser units and 3 high level wall mounted air conditioning units, all of which would be facing Izod Street. They would not be readily visible nor harmful to the visual amenities of the area and in your officers opinion are matters which require no further discussion.

Conclusion

In conclusion, although the proposal would not result in a continuous frontage of more than two non-retail units, the (proposed combined) unit widths would exceed the 12 metre guideline set out under Policy 32.

The above aside, the existing Bodycare retail unit would not be lost since it would be relocated within part of the vacant (former Argos Unit) to the east and current discussions to let the remaining floorspace mean that the unit is likely to be occupied in the near future aiding the vitality and viability of the retail core.

Your officers have concluded that there is no evidence to suggest that the proposed A3 / A5 use would not actively contribute to the wider vitality and viability of the Kingfisher Shopping Centre and that therefore, on balance, the application is acceptable.

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

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:

Location Plan; P100: Planning Proposed GA; R100A: Proposed Roof Plan

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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 / A5 use. As such the application falls outside the scheme of delegation to Officers.