

**PLANNING
COMMITTEE**

10th June 2019

Planning Application 19/00308/FUL

Subdivision and Change of Use of part of Unit 5 from Class A1 (Retail) to Class A1/Class A3 and external alterations

5 Trafford Park, Trescott Road, Smallwood, Redditch, Worcestershire, B98 7AH

Applicant: The Charities Property Fund
Ward: Central Ward

(see additional papers for site plan)

The author of this report is Rebecca Brown, Planning Officer (DM), who can be contacted on Tel: 01527 881337 Email: rebecca.brown@bromsgroveandredditch.gov.uk for more information.

Site Description

The site is located within the Trafford Retail Park, at the junction of Ipsley Street with Trescott Road, Redditch. Trafford Retail Park has 6 modern Retail Units (Use Class A1) and associated parking for 250 cars. There are rear service areas for each unit accessed from Trescott Road. There is a free standing Hot food outlet (KFC) (Use Class A3) located at the entrance to the Retail Park, opposite the application site. Unit 5 was previously occupied by Maplin and has been vacant since May 2018.

Proposal Description

This application is for the subdivision of Unit 5 to create two units and the change of use of Unit 5a from Class A1 (Retail) to a mixed Class A1 (Retail)/Class A3 (Restaurants and Cafes) to allow for its operation by a national café chain. The application also includes some minor alterations to the external elevation of the unit and its associated curtilage and service areas comprising:

- A new customer entrance door to the front elevation of Unit 5a (with the existing remaining to serve Unit 5b)
- Modifications to the external glazing on the front elevation to accommodate this alteration and the new party wall division
- Formation of a new raised patio seating area with balustrade, to the front of the unit, for use by customers which would involve the relocation of a disabled parking space.
- A new service door to the rear elevation of Unit 5a
- A new bin enclosure and palisade fencing to the rear of Unit 5a, within the existing service yard.

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Relevant Policies :

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development
Policy 20: Transport Requirements for New Development
Policy 30: Town Centre and Retail Hierarchy
Policy 31: Regeneration for Town Centre
Policy 40: High Quality Design and Safer Communities

Others

SPG Encouraging Good Design
NPPF National Planning Policy Framework (2019)

Relevant Planning History

19/00260/ADV	Installation of 1 fascia sign and 1 double sided totem sign	Granted	24.04.2019
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It should be noted that Unit 5 was previously occupied by Maplin and is to be subdivided into two separate units - 5a/5b. Unit 5b remains in A1 use and was subject to a separate advertisement consent.

Consultations

Highways Redditch

No highway objections to the proposed subdivision and Change of Use of part of Unit 5 from Class A1 (Retail) to Class A1/Class A3 and external alterations. The site is located within a retail park with shared car parking for units. The applicant is proposing a low wall and creating a patio area plus relocating 2 car parking spaces - acceptable in this instance.

Worcester Regulatory Services-

The applicant does not appear to be proposing any external plant/equipment nor any ventilation systems. No objection to the application in terms of any nuisance issues.

Town Centre Co-ordinator

No Comments Received To Date

North Worcestershire Economic Development and Regeneration

No Comments Received To Date

Public Consultation Response

No public representations received.

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Assessment of Proposal

Principle of the Change of Use

Unit 5 was previously occupied by Maplin and has been vacant since May 2018. The applicant states that they have actively marketed the Unit for A1 retail purposes during this time, but have not been able to secure any further tenant.

The application site falls within the town centre inset as shown on the BORLP Policies Map and is therefore subject to Policy 30 Town Centre and Retail Hierarchy. It does not fall within the Retail Core of the Town Centre, as defined on the Policies Map and is therefore not subject to the provisions of Policy 32: Protection of Retail Core.

The Development Plan aims to strengthen Redditch Town Centre's retail role whilst encouraging a wider range of services and facilities including employment, leisure, entertainment and housing. It also seeks to strengthen the Town Centre's evening economy. More specifically, Policy 30.6 applies a number of principles to development proposals within the Town Centre which include providing vibrant mixed use areas and enhanced public realm; promoting the appropriate reuse and redevelopment of land and existing floorspace within or immediately adjacent to the Town Centre; promoting a vibrant and safe, high quality, evening economy comprising a mix of leisure and entertainment uses suitable and accessible for all members of the public.

The National Planning Policy Framework Paragraphs 85 - 90 state that planning decisions should take a positive approach to town centre growth, management and adaptation. Town Centres should be allowed to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries to allow a suitable mix of uses.

Typically the café chain concerned trades as Class A1 retail uses on the basis that their stores primarily serve hot and cold drinks and cold food for takeaway. Where levels of seating and levels of sales from eating take up a significant proportion of the use, then it has been established through planning case law that a mixed A1/A3 use takes place.

Seating is to be provided within Unit 5a for approximately 80 customers, separate customer and staff toilet facilities will also be provided in the unit. The external seating area to the front of the Unit will provide 15 covers. In this case therefore the seating levels will occupy a significant proportion of Unit 5a and it therefore follows that an A3 use will also result.

Overall it is considered that the proposed change of use would accord with the Policy Framework as it will provide the opportunity to regenerate the Retail Unit in a changing retail environment and create some local employment opportunities. It also provides opportunities to increase natural surveillance in the area through the proposed external seating area.

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Highways and Design Issues

The relocation of the existing disabled parking space to the right hand side of the main entrance to Unit 5a would involve the overall loss of one standard parking space. However, the Highway Authority considers that as the overall provision of car parking on the Retail Park is for 250 cars, that this loss is not considered to be a concern. It is considered that the application accords with Policy 20: Transport Requirements for New Developments and incorporates safe and convenient access arrangements.

There are a number of proposed changes to the front elevation of the retail unit resulting from the subdivision. The existing entrance will serve Unit 5b and a new entrance will be created for Unit 5a along with a raised patio seating area with an architectural balustrade. Given the setting of the Retail Park and adjacent units the visual consequences arising from this are not considered to be significant and will not adversely impact on the character of the area.

The proposal includes space for servicing and waste disposal at the rear of the unit and therefore incorporates appropriate storage facilities. The intention to incorporate an external seating area to the front elevation of the unit will help to improve natural surveillance in the area. Overall it is considered that the proposal accords with Policy 40: High Quality Design and Safer Communities.

Amenities

It is noted that the proposed A3 use involves the sale of drinks and food for consumption both on and off the premises. Hot food is to be microwaved or heated on a griddle only and there is no intention that food preparation will necessitate the installation of ventilation equipment and odour attenuation measures.

There are residential properties to the rear of the unit at Honeychurch Close, although they are located some distance from the servicing area for the retail park where the use has been established for some time. It is not considered that the alterations to the servicing area to include the bin compound would adversely impact on their residential amenities and delivery levels are likely to remain the same as they were previously for the Maplin store.

The applicant has agreed to revised opening hours from 07:00 hours to 22.00 hours Mondays to Saturdays and from 08:00 hours to 21:00 hours on Sundays. This reflects the trading hours of the other retail units and in particular KFC's opening hours.

Conclusion

It is considered that the proposed change accords with both Local and National Planning Policy as it will provide the opportunity to regenerate the retail unit in a changing retail environment as well as creating some local employment opportunities. The potential impacts on local amenities have been carefully considered and the applicant's agreement to revised opening hours has addressed these issues.

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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 carried out in accordance with the following plans and drawings:
 - Location Plan (Drawing No 10522 PL L01)
 - Proposed Ground Floor Plan (Drawing No 10522 PL P02)
 - Proposed Elevations (Drawing No 10522 PL E02)
 - Indicative Bin Compound (Drawing No 10522 PL D01)

REASON: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the proposed railings, bricks, architectural balustrade and palisade fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

REASON: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area

- 4) The A1/A3 Retail Use hereby approved, shall not operate outside of the hours 07:00-22:00 Mondays to Saturdays and 08:00 to 21:00 hours on Sundays.

REASON: To ensure the residential amenities in the locality are protected.

Informatives

- 1) Proactive engagement by the local planning authority was not necessary in this case as the proposed development was considered acceptable as initially submitted.
- 2) Please note that notwithstanding the annotation on drawing 10522 PL E02 (Proposed Elevations) , this decision cannot convey the approval of the position,

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size or extent of any external signage which requires separate approval under the Town and Country Planning (Control of Advertisements) Regulations 2007

Procedural matters

This application is being reported to the Planning Committee because it relates to a change of use which falls outside the scheme of delegation to Officers.