

PLANNING COMMITTEE

28th July 2021

Planning Application 20/01648/FUL

Change of use from E(a) Display or retail of goods, to E(b) Sale of food and drink for consumption on the premises and Sui Generis hot food takeaways. New Shopfront.

5 Church Green West, Redditch, Worcestershire, B97 4DY,

**Applicant: Grillwich
Ward: Abbey Ward**

(see additional papers for site plan)

The case officer of this application is Charlotte Wood, Planning Officer (DM), who can be contacted on Tel: 01527 64252 Ext 3412 Email: Charlotte.Wood@bromsgroveandredditch.gov.uk for more information.

Site Description

The application site relates to the ground floor unit of a three storey terraced building which is currently unoccupied, but was last in use as a clothing shop. The unit is located on Church Green West, within Redditch Town Centre, slightly to the north of the Kingfisher Centre and broadly opposite St Stephen's Church. The Redditch Local Plan proposals map shows that the site lies within a Retail Core and forms part of the Town Centre Strategic Site. In addition to this the site is located within the Church Green Conservation Area. The unit subject to this application fronts the public pavement and is situated between other commercial uses, with a hot food takeaway on one side and a recruitment agency on the other side.

Proposal Description

The application seeks permission for the change of use of the existing clothing shop to a restaurant and takeaway. The proposal also seeks permission for the installation of a new shopfront. Further information was sought during the application process to establish the split between the retail of food that would be consumed on premises and the retail of food which would be taken away from the premises. The applicant confirmed that the proportion of takeaway sales would be approximately 80% and the proportion of dining in sales would be approximately 20%. The proposal therefore seeks permission for a takeaway and restaurant use.

It should be noted that the planning use class system changed on the 1st September 2020, meaning that the retail of goods and the sale of food and drink for consumption on the premises now fall within the same planning use class, which is Class E. Prior to this date shops fell within Use Class A1 and restaurants and cafes fell within an alternative use class, Class A3. Notwithstanding this, as the proposal includes a hot food takeaway

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element, which continues to fall within a separate use class, 'Sui Generis', the proposal comprises a material change of use and requires express planning permission.

The main considerations for the proposal are the principle of development, having regard to the location of the site, and the design and appearance of the proposal, having regard to the impact of the proposal on the designated heritage asset, the conservation area. The impact of the proposal on residential amenity and technical matters including highways, noise and odour should also be considered.

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 32: Protection of the Retail Core
Policy 36: Historic Environment
Policy 38: Conservation Areas
Policy 40: High Quality Design and Safer Communities
Policy: 41 Shopfronts and Shopfront Security

Others

NPPF National Planning Policy Framework (2019)
NPPG National Planning Practice Guidance
Redditch High Quality Design SPD

Relevant Planning History

18/00795/FUL	Change of Use of upper storeys and part ground floor to form 2no. residential flats. Ground Floor retail use to remain.	Granted	10.08.2018
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Consultations

Conservation Officer

Whilst the existing shopfront to be replaced is an interesting example of a 60s/70s shopfront, following much discussion and several amendments the proposed shopfront would positively contribute to the character and appearance of the Conservation Area. It is recommended that joinery details and the final colour of the shopfront are required by condition.

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Highways Redditch

No highways objections to proposed change of use. The site is located within a town centre location and benefits from excellent public transport links. The site offers no parking however pay and display parking spaces are available locally, and spaces on surrounding roads and on the main road are also available.

WRS - Noise

No adverse comments. The proposed change of use seeks to introduce a food/takeaway business where the type of food to be prepared is 'low risk' from an odour perspective. Proposed ventilation equipment is more than adequate to control odour.

Public Consultation Response

This application was publicised by four neighbour letters, one site notice and a press notice, however no third party representations have been received as a result of this.

Assessment of Proposal

Principle of Development

Policy 30 of the Borough of Redditch Local Plan no. 4 (BoRLP 4) provides a retail hierarchy and states that the Town Centre is the preferred location for major retail developments. This policy also seeks to maintain the vitality and viability of the Town Centre by following a number of principles, including the promotion of appropriate reuse and redevelopment of land and existing floor space within or immediately adjacent to the Town Centre. In addition to this, Policy 31 of the BoRLP 4 relates to the regeneration of the Town Centre and offers a number of guiding principles to achieve this, including the improvement and diversification of the Town Centre and the improvement of the physical environment. This policy also identifies a number of priority projects, which include the enhancement of Church Green and improving the café and restaurant offer and the evening and night time economy. As the application site also lies within a retail core, Policy 32 of the BoRLP 4 is also relevant. This policy states that within the retail core planning permission for change of use from A1 to A2, A3, A4 or A5 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 shopfronts with a width of about 6 metres). It also states that proposals for non-A1 uses that demonstrably contribute to the vitality and viability of the centre will be assessed on their own merits.

In view of this last policy, as there are already two hot food takeaways next to the application site, the proposal would result in a third continuous unit in a non-retail use. The applicant has, however, submitted justification in relation to this which highlights that whilst Policy 32 resists continuous non-retail uses, the policy was based on the old use class system where shops (Use Class A1) were distinguished from cafes and restaurants (Use Class A3). As these two uses now fall within the same planning use class they have suggested that this policy is somewhat out of date. Although this justification is noted, and it is agreed that clothing shop could now change to a café or restaurant without the need for planning permission, as the hot food takeaway element of the proposal means that

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planning permission is still required, this fall back position is only given moderate weight. However, having regard to Policies 30 and 31 of the BoRLP 4, the proposal would result in bringing a vacant unit back into use, enhancing the vitality of this part of the Town Centre. A desktop assessment has found evidence that the unit subject to this application has been vacant and marketed to let since at least July 2018. Given the importance of bringing the unit back into use to enhance vitality of the Town Centre, this matter is given significant weight. As the proposed development would also contribute to the guiding principles of regeneration, by improving the café and restaurant offer and the evening and night time economy, this also weighs in favour of the proposal. Finally, whilst two adjacent units are currently in use as takeaways, it is noted that there are a wide range of other commercial uses along Church Green West.

In view of the above assessment, the proposed change of use of 5 Church Green West is considered acceptable in principle.

Conservation Area and Design

The application site occupies a position within the Church Green Conservation Area and therefore Policy 38 of the BoRLP 4 requires proposals to conserve and enhance its character and appearance. Detailed guidance on shopfronts is provided in the Redditch High Quality Design Guide. The conservation officer has provided comments in relation to the application and has noted that the existing shopfront is an interesting example of a 1960s/1970s shopfront, with good detailing including the recessed doorway and stallrisers at the base of the shop. Whilst its large display window is a typical design used by shoe shops of this era, it is acknowledged that it is not the best design for a potential café or takeaway.

After much discussion with the applicant and following a series of amendments the proposed drawings reflect the shopfront guidance within the Council's SPD, and provided that the proposal is executed, in terms of detailing and finish, the new shopfront should positively contribute to the character and appearance of the Conservation Area. The proposed design is relatively simple, while picking up on some of the detailing found in historic shop fronts. It has also been possible to incorporate a ventilation grille above the door which will avoid the requirement to have a large ventilation duct to the rear of the property, which are often unsightly.

Although the conservation officer has confirmed that the proposed design complies with the relevant historic environment policies and the guidance in the SPD, given that the final finish and appearance of the proposal is important, conditions have been recommended for joinery details and final colour choice of the shopfront.

Noise and Odour

Worcestershire Regulatory Services (WRS) have provided comments in relation to the scheme and have confirmed that as the type of food to be prepared, grilled sandwiches, is deemed 'low risk' from an odour perspective, they have no adverse comments to make in relation to the application. WRS also raised no objection to the proposal on noise grounds. During the course of the application, further details were provided in relation to

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the extraction equipment that would be installed. WRS have reviewed these details and as the system would seek to achieve a 'high level' of odour control, this would be in excess of the requirements for this particular business and therefore provides more than adequate to odour control. As the proposed system would allow a broad range of cooking to be carried out without the risk of odour, it is noted that this equipment might future proof the unit for other prospective occupiers.

Residential Amenity

It has been confirmed that there are residential flats above the ground floor commercial unit of the premises and thus it is necessary to consider the residential amenity of the occupiers of the existing flats. Whilst WRS have raised no objections to the change of use or installation of extraction equipment on noise or odour grounds, it is noted that the proposed use relative to the existing use would likely generate an increased level of noise and disruption from activities such as cooking and cleaning and also from the later opening hours. In view of these matters, consideration is given to the fallback position whereby a restaurant could occupy the unit without the need for planning permission and would not be restricted by fixed opening hours. This use could generate similar noise impacts through cooking and cleaning activities, although would unlikely generate the number of comings and goings that a takeaway use would. Notwithstanding this, as there are two existing takeaway uses adjacent to the application site, it is not considered that this change of use would result in an unacceptable impact to amenity levels, over and above the existing situation. It is also noted that there is an opportunity to restrict opening hours by condition as part of this current planning permission. In view of this, the applicants have proposed opening hours to be between 11am-11.30pm, which would seem to strike an acceptable balance between enhancing the night time economy by catching evening trade and ensuring residential amenity is not detrimentally harmed.

Based on the above, the proposal is considered acceptable on residential amenity grounds.

Highways

Worcestershire County Council Highways have reviewed the proposal and have noted that the application site benefits from excellent public transport links with bus services operating on Church Green, leading towards the City Centre and throughout Redditch, with Redditch Station approximately one mile away. Whilst they have noted that the site offers no parking, as there are numerous pay and display parking spaces available locally, and spaces on surrounding roads, they have raised no objection to the proposal on highways grounds.

It is noted that there is an ongoing local issue in the vicinity in relation to commercial waste being left on the public highway. This can have implications on highway safety and public health, as well as having a negative impact on the visual amenity of the area. The proposed floor plans for this current application have indicated a dedicated indoor storage area for bins, and therefore it is not considered that the proposal would exacerbate this local issue.

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Conclusion

The proposal seeks planning permission to change the ground floor retail unit of 5 Church Green West to a restaurant and takeaway use and also seeks permission for a new shopfront. The application site lies within the retail core of Redditch Town Centre and therefore Policy 32 of the BoRLP 4 states that a change of use is only acceptable if it does not result in a continuous frontage of more than two non-retail units. Whilst this current proposal would see three non-retail units in succession, due to the recent changes to the planning use class order, the application site could be converted to a restaurant or café without the requirement of planning permission. In addition to this the proposal would enhance the vitality of this part of Redditch Town Centre by allowing a currently vacant unit to resume commercial operation. The proposal would also contribute to the night time economy and the provision of café and restaurant offer in the local area which is encouraged by Policy 31 of the BoRLP 4. The replacement shopfront would be of a design and finish that would ensure that the character and appearance of the conservation area is sustained, and further to this, no issues in relation to highways, noise and odour or residential amenity have been identified in relation to the proposed change of use.

In view of the above planning balance and having regard to the benefits of the proposal that have been identified, it is recommended that planning permission is granted subject to conditions.

RECOMMENDATION:

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

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 and Site Plan - drawing no. 2020-254-001
Proposed Plans - drawing no. 2020-254-004 Rev F

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

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- 3) Prior to their installation the following details shall be submitted to and approved in writing by the Local Planning Authority.
- o Full details of all external materials to be used
 - o Details of the final colour of the shopfront
 - o Joinery details at a scale of 1:2

The relevant works shall then be carried out in accordance with these agreed details.

Reason: To protect the character and appearance of the conservation area.

- 4) Prior to first use of the development hereby approved the SEL355/2-1AC extractor fan shall be fitted and in operation. The said extractor fan shall be maintained for the lifetime of the development or replaced with an equivalent extractor fan.

Reason: To ensure that odour and noise nuisances are adequately mitigated.

- 5) The area of waste refuse, as indicated on approved floor plan 2020-254-004 rev F, shall be retained for these purposes only for the lifetime of the development.

Reason: To maintain the appearance of the conservation area.

- 6) The premises shall only be open for trade between 11am to 11.30pm on any day of the week. All cleaning of equipment and utensils shall be completed by 12am.

Reason: In order to protect residential amenity.

Procedural matters

This application is being reported to the Planning Committee because the proposal includes a change of use of a premise to a hot food takeaway and as such, falls outside the scheme of delegation to Officers.