

PLANNING COMMITTEE

Planning Application 22/01284/FUL

Change of use from shop and cafe/ Restaurant (Class E) to a cafe (Class E) and bar (sui generis) with outdoor seating area

2A Light House Works, Feckenham Road, Astwood Bank, Worcestershire, B96 6BT,

Applicant: Mr Shaun Street
Ward: Astwood Bank And Feckenham Ward

(see additional papers for site plan)

The case officer of this application is Claire Gilbert, Planning Officer (DM), who can be contacted on Tel: 01527 881655 Email: claire.gilbert@bromsgroveandredditch.gov.uk for more information.

Site Description

Light House Works is located on the corner of Queen Street and Feckenham Road in the village settlement of Astwood Bank. The main entrance to the unit is from Queen Street, which is where the outdoor seating area has been located. 2a Light House Works forms part of the wider former Spring Factory which is a Locally Listed Building. The Local List states that the building is an attractive industrial building of considerable architectural merit, which is relatively unaltered.

In 2018 planning permission was granted under planning application reference: 17/01255/FUL to convert part of the ground floor of this unit to a cafe/ restaurant use and the first floor to a shop to be used for the sale of antiques. A condition was attached to this permission to restrict the opening hours and the cafe/ restaurant use to the ground floor only.

Proposal Description

The application is retrospective and is for the change of use of part of light House works from a shop and cafe/ restaurant to a cafe and bar with outdoor seating area. The floor space of the unit is approximately 195sqm, with the majority of the floor space being located at first floor level. The works to change the use of the building began in May 2022.

The opening hours proposed as part of this application are:

Use	Opening Hours		
	Monday- Friday	Saturday	Sunday and Bank Holidays)
cafe	8am- 5pm	8am- 5pm	8am- 5pm
Bar	11am- 11pm	11am- 11pm	12am- 10.30pm

A licence has been issued for this site, which authorises the use of the premises for the sale of alcohol for consumption both on and off the premises between 11am and 11pm

PLANNING COMMITTEE

every day of the week (with extensions permitted on Christmas Eve, Christmas Day, New Year's Eve and New Year's Day to 00:30).

Supporting information submitted as part of this application sets out that the intention is for the bar to be open three days a week (Thursday- Saturday) and notes that the Permission has been sought for the additional days to cover special events.

Information provided with the application sets out that the indoor seating capacity of the premises is approximately 100- 120 people, with the outside area being approximately 20-30 people.

The proposal does also include the installation of 3 flues within the roof space of the existing building to serve wood burners that have been installed in the building. It is noted that the existing ventilation flue used in the kitchen was given permission under the 2018 permission.

Relevant Policies:

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 19: Sustainable travel and Accessibility

Policy 20: Transport Requirements for New Development

Policy 27: Rural Economic Development

Policy 30: Town Centre and Retail Hierarchy

Policy 36: Historic Environment

Policy 37: Historic Buildings and Structures

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

Policy 43: Leisure, Tourism and Abbey Stadium

Others

Redditch High Quality Design SPD

National Design Guide

NPPF National Planning Policy Framework (2021)

NPPF National Planning Policy Framework (2021)

Noise Policy Statement for England March 2010 (NPSE)

Relevant Planning History

17/01255/FUL	Change of use of part of building from an Industrial use to a Shop (Class A1) and Cafe/ Restaurant (Class A3) (Part Retrospective) and the installation of a ventilation flue in roof	Granted	16.02.2018
--------------	---	---------	------------

PLANNING COMMITTEE

Consultations

Conservation Officer

Comments received 26/10/2022:

The plans provided aren't very legible, however having met with the applicant in August I am familiar with the works carried out which, from a heritage perspective, we have no objection to. The building is locally listed; however, we have no control over internal works, and the works are only internal.

I hope this is of assistance, please let me know if you require anything further.

Further comments received 16/11/2022:

The flues are small and low impact; there may be some limited views of the roof from high level windows, but this is a former industrial building so some industrial appendages, such as flues, are not out of character and therefore not considered to be harmful.

I see no issue with the external tables, they are not attached to the building and do not impact upon its setting in a negative manner.

Highways Redditch

No highway objections to the proposed Change of use from shop and cafe/ Restaurant (Class E) to a cafe (Class E) and bar (sui generis) with outdoor seating area. The applicant has provided a redline plan confirming the ownership and also a green strip on the same plan confirming the location of the outside seating area which is deemed to be in the applicant's ownership.

Applicant to note highways no objection is only on the basis that the outside seating area does not extend beyond the applicant boundary at any time - in the interests of highway safety.

Redditch Strategic Planning and Conservation

No Comments Received to Date

WRS - Noise

Noise/ Nuisance: No objection to the application in terms of any noise / nuisance issues.

WRS- Licensing (Food and Drink)

No Comments Received to Date

Public Consultation Response

Public Consultation

62 Neighbour Notification letters sent 20/10/2022 expired 13/11/2022

Site Notice posted 20/10/2022 expired 13/11/2022

PLANNING COMMITTEE

7 representations have been received, 3 objections, 3 in support and 1 representation.

The objections have raised the following matters:

Overlooking and loss of privacy from outdoor seating area and first floor

Closing road preventing access to houses

Parking and traffic impact

Odour from wood burners

Noise and disturbance

Small village and already have these uses

The supporters have raised the following matters:

provision of community facility

Employment opportunities

The local owners have spent a considerable amount of money transforming this beautiful, almost derelict historical building into a thriving local business

These premises were built in the early 1800's with an extensive array of two storey windows well before any domestic homes were built adjacent to it. To move into an adjacent home and expect there to be no window overlook is simply not realistic.

Due to the parking restrictions on Feckenham road adjacent to this business it has always been busy.

Adequate local parking.

Delivery/Service vehicles to this site have been frequenting it well before this business was opened along with other businesses in area.

The representation has raised the following matters:

Noise and Disturbance, and added noise proposed opening times would bring especially in summer months when people sitting outside.

People seem to have welcomed this enterprise as being an asset to village life.

Assessment of Proposal

Policy 2 of the Borough of Redditch Local Plan No. 4 sets out that Astwood Bank features second in the Boroughs settlement hierarchy, directly following the urban area of Redditch. This Policy sets out that Astwood Bank is a sustainable rural settlement and that development within the settlement boundary will be the focus for identified development needs and supporting local services and infrastructure.

The Accessibility Study and Settlement Hierarchy for Redditch Borough (October 2008) defines the settlement hierarchy and considers the sustainability of the settlements in Redditch. This study concludes that Astwood Bank is a sustainable settlement, and it can be argued that further development (although not necessarily significant growth) within this settlement will help meet the needs of local residents.

The study shows that uses including cafes, restaurants and public houses are already present in Astwood Bank and therefore it is considered that the addition of these uses within the village would not harm the sustainability of the settlement or alter its role in the settlement hierarchy. There is a District Centre located within the village of Astwood

PLANNING COMMITTEE

Bank, which is mainly situated along Evesham Road. The application site is situated outside of the Astwood Bank District Centre.

Policy 30 of the Borough of Redditch Local Plan No. 4 sets out that the Borough Council will use planning policies to maintain and, where necessary and appropriate, improve the shopping function and environment of the town and district centres. Therefore, preferably to protect the vitality of the district centres, uses such as the proposed should be located within the district centre. However, in this case given the limited size of the proposal, that it is within the boundary of the settlement, and that the building does already have permission to be used as a retail shop (at first floor) and cafe/ restaurant (at ground floor), it is not considered that in this case the proposed change of use would harm the role and function of the District Centre in Astwood Bank.

Paragraph 81 of the NPPF sets out that planning decisions should help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 84 of the NPPF sets out that planning decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

Policy 27 of the Redditch Local Plan sets out that in line with the NPPF, there is a need for a positive approach to sustainable new development in rural areas. Given that rural areas accounts for approximately 50% of the Borough, rural economic development plays an important role in the Boroughs economy and assists in achieving the Borough Councils vision of creating a Borough where businesses can thrive. In line with this, the policy sets out that Sustainable rural economic development, will be promoted especially any proposals which deliver economic, social, and environmental benefits for local communities.

Policy 43 of the Redditch Local Plan sets out that Leisure, tourism, and cultural proposals, will be promoted and supported where they are located in places that are sustainable and accessible, can be accommodated without detriment to the local economy and environment, and benefit the economy of the Borough and enhance community facilities.

Amenity

Although situated outside of the district centre the site is situated in an area of Astwood bank that contains a mixture of uses which are mainly daytime uses, including: industrial; residential; vehicular garage; shop; professional services including a doctor surgery; and, a children's nursery.

The planning permission granted at this site in 2018 under application reference: 17/01255/FUL did allow for part of the unit to be used as a restaurant and cafe. This use was limited to the ground floor area of the building only and the opening hours were

PLANNING COMMITTEE

restricted to 10pm Monday to Saturday and 4pm on a Sunday. The outdoor seating area did not form part of this application.

The proposal is to now use the whole of the unit which could accommodate up to approximately 120 people along with an outdoor seating area which could accommodate up to 30 people. The opening hours proposed are until 5pm for the cafe use and 11pm for the bar on Monday to Saturday and 10.30pm on Sundays and bank holidays. It is noted that the main entrance and egress from the unit is on to Queen Street, where the outdoor seating area is located.

No residential dwellings directly adjoin the premises, but there are residential dwellings within close proximity of the site. The nearest are the retirement apartments of Eastwood Court which are situated less than 10 metres to the east of the site and the outdoor seating area and the main entrance. Eastwood Court has an external amenity area situated to the north of that building, which borders Queen Street and Feckenham Road. Residential dwellings are also situated to the north of the site on the opposite side of Feckenham Road, these properties are situated within 10 metres from the northern elevation of the building. There are also residential dwellings to the south of the site, on Queen Street and High Street. These are situated approximately 20 metres from the Southern elevation of the unit, where windows are present at first floor level.

Representations have been received in relation to the noise and disturbance impact of the development and loss of privacy from overlooking.

The NPPF advises that planning decisions should ensure that decisions take account of the likely effects on living conditions (para 185) and should mitigate and reduce the potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.

In this case it is noted that Worcestershire Regulatory Services have not raised any objection to the proposal in relation to noise or disturbance and that a license has been issued. However, due to the proximity of the building and the outdoor seating area to neighbouring residents, it is considered that the proposed use of the unit would give rise to an unacceptable noise and disturbance to neighbouring residents, which would be detrimental to their existing amenities. It is not clear how the noise and disturbance from patrons using the premises could be avoided, given the proximity of the building, the egress to and from the building and the proposed seating area to neighbouring residents.

Eastwood Court has two windows that directly face the eastern elevation of Lighthouse works. It is not clear what rooms these windows serve; however, they do appear to be clear glazed windows. These windows would be within 10 metres of the eastern elevation of Lighthouse works which contains several windows which serve the ground and first floor of the proposed bar and cafe.

The residential dwellings which are situated directly opposite the northern elevation of Light House works on the Feckenham Road have clear glazed windows which are

PLANNING COMMITTEE

believed to serve habitable rooms. These windows would be within 10 metres of the first floor windows that are situated in the northern elevation of Lighthouse works and serve the seating area of the cafe and bar.

It is noted that the windows serving lighthouse works are not new, they appear to be original to the building. However, it is considered that the proposed cafe and bar use of the building would change the nature of the use of the building and lead to an intensified use of the first floor of the building by members of the public. It is therefore considered that the proposal does give rise to overlooking and loss of privacy concerns.

To alleviate some of the overlooking concerns, the applicant has added an obscure film to some of the glass panels on two of the windows on the northern elevation which directly face No. 14 and 16 Feckenham Road. It is considered that this treatment has alleviated some of the overlooking and privacy concerns, however if permission were to be granted it is considered that a condition should be appended to seek for an appropriate obscure glazing treatment scheme to be submitted for approval in relation to the windows on both the northern and eastern elevations of the building.

Highways

Objections have been received in relation to traffic and parking issues of the proposal. It is however noted that Worcestershire highways have raised no objection to the proposal. They have however noted that their lack of objection is only on the basis that the outside seating area does not extend beyond the application boundary at any time - in the interests of highway safety. Although this matter was raised in a representation, the seating area proposed as part of this application does not extend across the width of the road. As such this does not form part of the proposal or the assessment of this application.

It is noted that there are public car parks within Astwood bank, along with on street parking areas in the vicinity of the site. There are also bus routes serving Astwood Bank.

Heritage

Light house works is a locally listed building, as such the Councils Conservation officers were consulted on the application. They have raised no objection to the proposal.

They note that the proposed flues been installed in connection to the wood burners in the building are small and low impact. They note that there may be some limited views of them on the roof from high level windows but given the buildings former industrial status these are not considered to be out of character or harmful.

They also note that they have no objection to the proposed external tables, which they have set out would not impact upon the setting of the building in a negative manner.

It is also noted that Paragraph 208 of the NPPF sets out that Local planning authorities should assess whether the benefits of a proposal for enabling development, which would

PLANNING COMMITTEE

otherwise conflict with planning policies, but would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Planning Balance

This is an accessible site, within the sustainable rural settlement of Astwood bank. There are bus routes serving Astwood bank and parking is available within the village.

The application represents an effective use of the site, which provides a community and social facility for this rural settlement, and it is noted that the economic benefits weigh significantly in favour of the development.

The development would also provide a continued use for this locally listed building, which would help to secure the future conservation of it.

However, by virtue of the night-time nature of the proposed use and its proximity to the neighbouring residents, it is considered that the proposal would result in an unacceptable noise and disturbance to the neighbouring residents which would be detrimental to their existing amenities. It is not clear how the noise and disturbance from patrons using the premises could be avoided.

It is also considered that there would be a level of overlooking and loss of privacy, although it is considered that this harm could be mitigated and reduced by way of a condition requiring the submission and approval of an appropriate obscure glazing treatment scheme.

On balance therefore, taking all matters into consideration, it is considered that the unacceptable noise and disturbance impact on the neighbouring residents in this location would not be outweighed by the economic, social and historic environment benefits of the proposal. Due to this it is considered that the proposal would not accord with the policies in the development plan and the NPPF. As such it is recommended that permission be refused.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, planning permission be REFUSED.

Reason for Refusal

1. By virtue of the size, capacity and night-time nature of the proposed development and its proximity to the neighbouring residents, it is considered that the proposal would result in an incompatible mixed use in this location which would give rise to unacceptable noise and disturbance to the neighbouring residents. This would be detrimental to their existing amenities and living conditions particularly as a result of the proximity of the access/egress and outdoor seating area on Queen Street. It is not clear how the noise and disturbance from patrons using the premises could be avoided. The proposal is therefore considered to be contrary to Policy 1 and Policy 39 of the Borough of Redditch Local Plan and the NPPF.

PLANNING COMMITTEE

Procedural matters

This application is reported to Planning Committee for determination because the application falls outside the scheme of delegation to Officers.