

**PLANNING
COMMITTEE**

9th November 2010

PLANNING APPLICATION 2010/244/COU

**RETROSPECTIVE APPLICATION: CHANGE OF USE FROM A1 (RETAIL)
TO MIXED A3 (CAFE/RESTAURANT) AND A5 (HOT FOOD TAKEAWAY)
USE**

UNIT 9 MATCHBOROUGH CENTRE, MATCHBOROUGH WAY, REDDITCH

**APPLICANT: MRS L PASKEVICIENE
EXPIRY DATE: 19TH NOVEMBER 2010**

WARD: MATCHBOROUGH

The author of this report is Steven Edden, Planning Officer (DC), who can be contacted on extension 3206 (e-mail: steve.edden@redditchbc.gov.uk) for more information.

(See additional papers for Site Plan)

Site Description

Unit 9 is currently occupied by Woodstock Cafe and is situated within the Matchborough District Centre. Your Officers believe, through information given by RBC Property Services, that the Unit has been occupied as a Cafe (an A3 use in planning terms), since 2003. The application is therefore part retrospective. The Unit sits between two commercial premises, also within the District Centre: a Fish and Chip Takeaway (Unit 8) and a former Bookmakers (now vacant) (Unit 10). Beyond the District Centre boundary lie a busway to the west, and large public car parks to both the north and south.

Proposal Description

This is a retrospective full application to change the use of Unit 9 from Class A1 (retail) to a mixed use comprising both A3 and A5 (Cafe/restaurant and hot food takeaway) uses. The occupation of the premises would remain primarily as a café/restaurant (A3) use, with the takeaway element of the proposal being pizzas only. This hot food takeaway use would remain ancillary to the primary use of the premises as an A3 use.

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
www.redditchbc.gov.uk

National Planning Policy

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth

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PPG13 Transport
PPG24 Noise

Borough of Redditch Local Plan No.3

CS.7 The Sustainable Location of Development
B(BE).13 Qualities of Good Design
E(TCR).9 District Centres
E(TCR).12 Class A3/A4/A5 uses
C(T).12 Parking Standards
S.1 Designing Out Crime

SPDs

Designing for Community Safety

Relevant Site Planning History

None

Public Consultation Responses

The application has been advertised by writing to neighbouring premises within the Matchborough Centre, and by display of public notice on site.

Responses in favour

None received

Responses against

Three letters received in objection to the application.
Comments are summarised as follows:

- Proposal could lead to an increase in anti-social behaviour
- Concerns raised regarding cooking smells/odours and noise
- Too many non-A1 units in the District Centre
- An alternative user should be sought rather than that of a hot food takeaway use

Many comments received are not reported here since they are not planning matters and are for RBC Property Services as Landlord to note. A copy of the objections have been passed to Property Services for comment.

Consultee Responses

County Highway Network Control

No objection

Police Crime Risk Manager

Comments awaited

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Waste Management

Comments awaited

Procedural matters

This application is put before the Planning Committee due to the fact that the landowner is Redditch Borough Council, and in this case, the proposals are considered to be significant enough to warrant determination by the Planning Committee. In addition, Class A3 and A5 proposals are automatically reported to Committee, as are applications where two or more objections to the proposals have been received, and the recommendation is one of approval.

Assessment of Proposal

The key issues for consideration are as follows:-

Principle of Change of Use

The relevant Planning Policy in this case is E(TCR).9 of the Borough of Redditch Local Plan since the Unit falls within the Matchborough District Centre.

The Town Centre is the primary focus for major shopping needs. District Centres are the secondary level of shopping, meeting daily needs for basic items. Typically District Centres in the Borough accommodate a newsagent, a general store, a sub-post office and occasionally a pharmacy, a hairdresser and other small shops of a local nature. It is important to protect and where appropriate, enhance District Centres particularly with regard to their useful retail function. Proposals that would undermine the retail and community function of the District Centre would normally be refused.

Under paragraph 5 of the reasoned justification for Policy E(TCR).9, it comments that the Council appreciates that in some circumstances there may be an over provision of units for retail uses. If during the plan period there is a problem of vacant units despite appropriate marketing and rent levels, then other uses may be acceptable in District Centres. Only developments that would not hinder the primary retailing function of the District Centre will normally be acceptable.

Occupation of the various units within the District Centre is currently as follows:

Unit 1	'Your Ideas' Community use	D2
Unit 2	Flooring / Carpet shop	A1
Unit 3	Chemist/Pharmacy	A1
Unit 4	Hairdressers	A1
No Unit number	The Old Sticky Wicket Public House	A4
Unit 5	Indian Takeaway	A5
Unit 6&7	Costcutters Supermarket and Post Office	A1
Unit 8	Fish and Chips takeaway	A5

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Unit 9	Woodstock Cafe: permitted as A1, operating as	A3
Unit 10	Currently vacant, last used as bookmakers	A2
Unit 11 (upstairs)	Dentists	D1
Unit 12 (upstairs)	residential flat	C3
Unit 13 (upstairs)	residential flat	C3

Members of the Planning Committee granted a temporary consent (expiring in March 2012), in 2009 for the change of use of an existing vacant retail use to a community (D2) use. Unit 1 is occupied by the 'Your Ideas' Association and the consent is tied to that user. Application 2009/019/COU refers. At that time, Members were given a list of occupied Units within the District Centre. This list is identical to the current list of occupiers, other than the bookmakers at Unit 10 which closed approximately 6 months ago. At the time of the determination of application 2009/019/COU, Members agreed with Officers that the loss of the existing Unit 1 from A1 use would not hinder the primary retailing function of the District Centre and would sustain and not harm its vitality and viability.

Your Officers consider, as do RBC Property Services that the presence of the Costcutters supermarket occupying a large area of retail floor space at Units 6 and 7 relative to others in the District Centre, together with the current financial situation means that finding A1 users to occupy units in the Centre is difficult, where that District Centre also contains a hairdressers and a Chemist, two of the few uses which do not compete directly with the supermarkets retail offer. Unit 1 was vacant for one year before being occupied by Your Ideas and Unit 10 is currently vacant, although Unit 10 could be used for A1 or A2 consent at any time without requiring planning permission. Other A1 units struggle in the current financial climate, with the carpet/ flooring shop (Unit 2) only opening on a Friday and Saturday.

Turning to the proposed use of Unit 9 as a mixed A3 and A5 use, adopted planning policy does not set limits on the numbers/percentage of A5 Units which may be operated within any of the defined District Centres. A Policy contained within the emerging draft Core Strategy provisionally restricts the total number of Units operating as A5 within the District Centres to no greater than 25% of the total. Should consent be granted here, 27% of the Units would be in A5 use. If consent was refused and the occupier vacated, that percentage would fall to 18%. Your Officers would stress that the above Policy should be afforded relatively little weight since the Core Strategy is in draft form. Your Officers would consider that much greater weight should be placed on adopted Policy E(TCR).9 which contains no such number or percentage limit on the total number of A5 uses within each District Centre and only states that the vitality and viability of the District Centres should not be harmed. In addition, adopted Policy E(TCR).12 which deals specifically with proposals for A3 and A5 use states that District Centres are acceptable locations for such uses since these are sustainable locations. The Policy also recognises the major contribution A3 and A5 uses play towards enhancing the

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vitality and viability of the District Centres. It is also considered that this use is preferable to the risk of a further vacant unit in the centre.

Likely impact of proposal

The occupation of the premises would remain primarily as a café/restaurant (A3) use, with the takeaway element of the proposal being pizzas only. This use would remain ancillary to the primary use of the premises as an A3 use.

Internally, few alterations would take place, with the premises preparation, store and wash up area remaining to the rear of the unit, with extract ducting being taken through the unit at a high level, exiting as an extract vent to the rear. The front of the unit would retain a seating area (18 covers).

Given that the premises would be in primarily A3 use, Officers do not consider that an over-concentration of A5 uses within the Matchborough Centre would occur, and the existing number of A1 uses would not be considered to harm vitality and viability. Hours of operation would be from 0800 hrs to 2300 hrs daily. The District Centre location of the proposal would suggest that such operating hours would not be unreasonable.

Access, parking and highway safety

A significant level of parking exists to both the north and the south of this courtyard of commercial premises: 44 spaces to the north and 45 spaces to the south. No objections have been raised by County Highways. This level of provision is thought by your officers to be significant and the proposal would not be considered to give rise to any harm to highway safety.

Other matters

The Police Crime Risk Manager has been consulted on the application. No comments have been received at the time of writing. Any comments received will be reported within the update paper. Nothing in the application would suggest to your Officers that approval of this application would lead to an increase in criminal activity within this District Centre. No evidence has been put forward to assert that the commercial collection of refuse is causing any particular problems. Any comments received from the Council's Waste Management team will be reported in the update.

Conclusion

Refusing the application, and returning the unit to vacancy which, given recent trends within the centre, could be a significant length of vacancy is likely to decrease footfall for neighbouring units rather than aid neighbouring premises, which in your Officers view would harm the centre's viability. Your Officers are satisfied that this application would not undermine the retail and community function of the District Centre under the terms of Policy E(TCR).9 and is therefore acceptable.

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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 conditions and informatives as summarised below:-

1. Approved plans defined
2. Takeaway element restricted to pizzas only with this use remaining ancillary to the primary use of the Unit as a Café/Restaurant
3. Hours of opening: 0800 to 2300 hrs daily

Informatives

1. Reason for approval
2. The granting of permission does not preclude the fact that action can be taken under the Environmental Protection Act 1990 if it is determined that a statutory nuisance exists