

**PLANNING
COMMITTEE**

4th January 2011

PLANNING APPLICATION 2010/280/FUL

CHANGE OF USE OF GROUND FLOOR NO'S 137-139 EVESHAM ROAD FROM A1 (RETAIL) TO A3/A5 (RESTAURANT AND HOT FOOD TAKE-AWAY USE); NEW SHOPFRONT; GROUND FLOOR REAR EXTENSION AND CREATION OF 3 NO. FLATS OVER NO'S 137-141 EVESHAM ROAD

137 TO 141 EVESHAM ROAD, HEADLESS CROSS, REDDITCH

APPLICANT: MR L N THEODOROU

EXPIRY DATE: 19TH JANUARY 2011

WARD: HEADLESS CROSS & OAKENSHAW

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(See additional papers for Site Plan)

Site Description

The site is situated to the eastern side of the main Evesham Road which runs through the centre of Headless Cross. The premises sit within a Victorian terraced row of properties of similar ages that have a mixture of architectural styles. 50 metres due north of the site lies the Evesham Road/Headless Cross Drive road junction. Approximately 50 metres to the south lies a mini roundabout off which branch Birchfield Road and Mason Road.

The premises are situated within the heart of the Headless Cross District Centre.

Proposal Description

This is a full application to Change the Use of the ground floor (no's 137-139 Evesham Road) from A1(retail) to A3/A5 (restaurant and hot food take-away use) together with a new shopfront, the erection of a ground floor rear extension and the creation of 3 no. flats over no's 137-141 Evesham Road.

The change of use proposal would allow the existing fish and chip shop at 141 Evesham Road (A3/A5 Use) to expand into Units 137-139 (a former butchers shop, now vacant) by creating a much larger 'sit down' restaurant (approximately 32 covers).

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:

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www.communities.gov.uk
www.redditchbc.gov.uk

National Planning Policy

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPG24 Noise

Borough of Redditch Local Plan No.3

E(TCR).9 District Centres
E(TCR).12 Class A3, A4, and A5 Uses
B(BE).13 Qualities of Good Design
B(BE).14 Alterations and extensions to buildings
B(HSG).6 Development within the curtilage of an existing dwelling
S1 Designing out crime

SPDs

Designing for community safety

Encouraging Good Design

Relevant Site Planning History

2009/262/FUL Change of Use of ground floor (no's 137-139 Evesham Road) from A1(retail) to A3/A5 (restaurant and hot food take-away use); new shop front; demolition of existing single storey rear extension to create new two storey rear extensions and creation of 4 no. flats over no's 137-141 Evesham Road. REFUSED: 3rd February 2010

Public Consultation Responses

No representations have been received at the time of writing.

Consultee Responses

County Highway Network Control

Comments awaited

Environmental Health

Comments awaited

RBC Development Plans Section

Comments awaited

Police Crime Risk Manager

Comments awaited

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RBC Community Safety Officer

Comments awaited

Waste Management Services

Requests that provision be made for litter bins in the case of consent being granted

Procedural matters

All applications for Class A3/A5 use are reported to Planning Committee for determination.

Background

A very similar application (as detailed under the site planning history above) was determined by the Planning Committee in February 2010. At that time, Members agreed with Officers that the proposed A3/A5 use including the potential loss of a preferred A1 use would impact upon and undermine the retail and community function of the District Centre to the detriment of its vitality and viability. In addition, the proposed residential part of the scheme was considered to represent an over-intensive form of development providing a lack of amenity space for occupiers of the development. Further, insufficient details at that time were submitted with respect to odour extraction and therefore amenities for occupiers of the proposed development were considered to be prejudiced. This application was therefore refused planning permission.

The scheme has been amended such that the two storey extensions proposed previously have been deleted, in favour of smaller ground floor extensions to the rear. In addition, the proposal is to create 3 new flats instead of 4 as before. A new brick chimney/flue is proposed to the rear, to deal with cooking odours.

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 site falls within the Headless Cross 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 grocery store, a sub-post office and occasionally a pharmacy, a hairdresser and other small shops of a local nature. It is naturally important to protect and where appropriate, enhance district centres particularly with

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regard to their useful retail function. Proposals that would undermine the retail and community function of the district centre will normally be refused.

Under Para.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. 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. Change of Use in district centres should only be at a level necessary to overcome a problem of vacancy as the provision of retail and community facilities should continue to be the predominant district centre function.

In assessing this application, it is important to determine if the unit in question is currently and likely to remain surplus to retail requirements. The previous occupier of Unit 137-139 Evesham Road was a shop use (butchers) and has been vacant since June 2009. Despite the length of time that has lapsed since its last occupation, nothing would suggest to your Officers that a unit of this size, in this location would not prove attractive to traders in the future, even considering the current financial climate. It is important next to examine the likely impact of the proposed change of use upon the vitality and viability of the district centre itself.

Impact upon the Vitality and Viability of the Headless Cross District Centre
Policy E(TCR).9 seeks to prevent the unacceptable loss of retail floor space in district centres which stems from the overall objective of ensuring the continuing vitality and viability of the district centres. As stated above, E(TCR).9 indicates that district centres are primarily intended to fulfil a retailing role, meeting daily shopping needs for basic items. It is therefore important to assess the existing mix between retail and non-retail uses within the district centre.

The refusal of planning permission to allow the change of use of 145 to 147 Evesham Road (the former Michaels Cycles shop) from retail to A3/A5 use under application 2008/071 is relevant here. This unit lies just 15 metres due south of the application site, again within the Victorian terraced row of commercial premises to the eastern side of Evesham Road. Following this application's refusal, the applicant appealed against the Council's decision to refuse consent. The appeal was dismissed in October 2008 with the Inspector noting at that time, that '*a high concentration of Class A3/A5 uses already exists in the Headless Cross centre*'. (For information, permission was granted under a later consent for A2 Use (banks/building societies / estate agents etc) and that premises is currently occupied by an A2 class user.) At the time of the appeal, the then applicant and Council agreed that some 42% of all units within the district centre were in A1 (retail) use.

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Classes A3 and A5 together formed the second largest category at around 27%, which the Inspector considered was, in their opinion '*already a substantial proportion*'. No specific guidance exists in any current LP policies about what constitutes an acceptable level of such uses, or the level at which over-concentration is reached, and as such a judgement on whether the loss of retail floorspace is unacceptable must necessarily be a subjective one.

Your Officers would draw member's attention to the emerging Core Strategy, (Policy ES.7) which proposes to set a limit for hot food take-aways as one option to address concerns that increasing numbers of Class A5 uses may undermine the vitality and viability of the role and function of district centres. Whilst the document is at a relatively early stage and carries only limited weight, your Officers currently feel strongly that an over-concentration of A3/A5 uses exists in the Headless Cross District Centre, and that therefore, the proposed change of use in such a prominent location should be resisted due to its likely harm to the vitality and viability of the district centre. The applicant states that the proposal does not include a new A5 use, rather that the proposal would simply enlarge/expand the existing fish and chip shop premises. The proposal would however still result in the loss of a preferred A1 use, and the A3/A5 use created here, should consent be granted could be subdivided into smaller A3/A5 units under separate ownership in the future.

Impact upon residential amenity

The proposed extensions to be located at the rear, would not be visible from Evesham Road, and would not hinder existing servicing arrangements to the rear. Officers therefore consider that these would not cause harm to the character and appearance of the building. The extensions would accommodate (together with internal re-configuration of the internal space, including the proposed change of use of vacant offices immediately above the former butchers shop at 137-139 Evesham Road) a total of three new flats which would be occupied independently from the proposed A3/A5 uses below. The residential accommodation to be created would span across the whole width of 137-141 Evesham Road.

Your Officers consider that that the level of accommodation to be created would represent a highly intensive form of development and an overdevelopment of the site. No private amenity space would be created and therefore this substandard provision would conflict with relevant policies of the development plan which require that occupiers of new residential developments are provided with an adequate level of amenity.

A brick chimney/flue is proposed to the rear which is considered to be acceptable visually, although further details would be required in order that

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the Council's Environmental Health department could be satisfied that no harm to amenity caused by noise and smells would result.

Shop front alterations

These propose a new doorway near to the shared boundary with number 135 Evesham Road. This would act as the main entrance to the new first floor flats. To the other side of this door would be created a new doorway leading to what would be the seating area for the fish and chip shop premises. This would replace the existing (recessed) door which gives access to the vacant 137-139 Evesham Road. The shopfront to the existing fish and chip shop premises (number 141) would remain unaltered. No objections are raised to this part of the proposal since the changes would not harm the character and appearance of the street-scene.

Other matters

Your Officers consider that such applications raise security / anti-social behaviour issues, and as such the Police Crime Risk Manager and the Council's Community Safety Officer have been consulted on the application. At the time of writing, no comments had been received. Any comments received will be reported in the Update report.

Conclusion

Your Officers consider that the proposal would provide an unsatisfactory level of amenity for future occupiers of the new flats and would therefore be contrary to relevant policies of the development plan. The proposed change of use from A1 to A3/A5 is considered to harm the vitality and viability of the Headless Cross District Centre, where an over-concentration of A3/A5 uses is already considered to exist. For these reasons, the application is considered to be unacceptable and is recommended for refusal.

Recommendation

That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the reasons detailed below:

- 1. The proposed A3/A5 use including the potential loss of a preferred A1 use would materially impact upon, and undermine the retail and community function of the Headless Cross District Centre, to the detriment of its vitality and viability. As such, the proposed development would be contrary to the aims and objectives of Policy E(TCR).9 and Policy E(TCR).12 of the Borough of Redditch Local Plan No.3, and Policy ES.7 of the Preferred Draft Core Strategy.**

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- 2. The proposed residential properties would represent an over-intensive form of development, with the scheme providing an inadequate level of communal amenity space for occupiers of the proposed scheme to the detriment of residential amenity. As such, the proposals would fail to comply with Policy B(HSG).6 of the Borough of Redditch Local Plan No.3 and the Council's adopted Supplementary Planning Guidance 'Encouraging Good Design'.**