

PLANNING COMMITTEE

11th September 2025

Planning Application 25/00791/S73

**Variation of planning condition 5 (opening hours) of planning permission
19/01452/FUL (Proposed opening hours: 11am to 11pm Monday to Saturday, 11am
to 7pm Sunday, and 11am to 9pm on Bank Holidays)**

57 Poplar Road, Redditch, Worcestershire, B97 6NY.

**Applicant: Mr Gursharan Singh
Ward: Batchley And Brockhill 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

The application site is located within a Tier 3 Local Shop/ Parade within the residential area of Batchley in Redditch. The site is situated within a parade of 10 shops/ commercial units, each with flats, which extend over two floors, above. The application site is at the southeastern end of the parade. It comprises a ground floor shop unit and rear tarmacked shared service yard.

The parade of shops and commercial units are set back from the Poplar Road frontage and fronted by a service road cul de sac with parking and an open grassed area with groups of trees. There is a quadrangle of bungalows, Pitcheroak Cottages, to the south east of the site. There is informal parking to the rear.

Proposal Description

Planning Permission was granted under Planning Application 19/01452/FUL for the Change of use of No. 57 Poplar Road from A1 to A5 and A3 Uses.

For information, A5 was the use class for hot food takeaways, these establishments sold prepared hot food for consumption off the premises. A3 use referred to the sale of food and drink for consumption on the premises, encompassing restaurants, cafés, and snack bars. However, these specific use classes were replaced in 2020, A3 is now generally covered under the new Class E (Commercial, business and service). For A5 the change to the Use Classes Order 2020 makes them *sui generis* (of their own kind) and not part of Class E.

The change in the Use Classes Order does not alter the fact, that the 19/01452/FUL permission was subject to a number of conditions one of which, Condition 5, limits the opening hours of the unit. It states ;

PLANNING COMMITTEE

5. The hours of opening for the development hereby approved shall be limited to the following hours:

Monday & Tuesday - 15.00hrs to 23.00hrs
Wednesday - CLOSED
Thursday to Saturday - 15.00hrs to 23.00hrs
Sunday - 13.00hrs to 19.00hrs
BANK HOLIDAY - 13.00hrs to 21.00hrs

Reason: - To define the permission and to ensure the proposed use can operate in a compatible way with the interests of the living conditions of surrounding residential properties.

The current application is a Section 73 application which is proposing to retain the use of the premises as an A5 and A3 use, (now mixed Class E and sui generis use) but to vary the opening hours condition of Planning Permission granted under application 19/01452/FUL, so that they can open from 11am every day including Wednesday. The closing times are proposed to remain the same.

Relevant Policies:

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 20: Transport Requirements for New Development

Policy 30: Town Centre and Retail Hierarchy

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

Others

National Planning Policy Framework (2024)

National Planning Practice Guidance

National Design Guide

Relevant Planning History

19/01452/FUL	Change of use from A1 to A5 and A3	Granted	24.08.2020
2003/129/FUL	Change Of Use From Shop Unit To Community Cafe/Teaching Facility	Granted	30.05.2003

The planning Permission granted under Application 2003/129/FUL was for the change of use from a Shop Unit to a Community Cafe/Teaching Facility. This application was granted on 30.05.2003 subject to conditions which related to the use and the opening hours. The approved opening hours were:

PLANNING COMMITTEE

8am to 10pm- Monday to Saturday
11am to 5pm- Sundays

Consultations

Worcestershire Highways – Redditch consulted 23.07.2025 expired 16.08.2025
Highways have no highway objections.

WRS - Noise consulted 23.07.2025 expired 16.08.2025
No objection to the application.

Community Safety Manager consulted 23.07.2025 expired 16.08.2025
No objection to application

WRS- Licensing (Food and Drink) consulted 23.07.2025 expired 16.08.2025
No Comments Received to Date

Public Consultation Response

9 Neighbour notification letters sent 28.07.2025 Expired 21.08.2025
No Comments received to date

Assessment of Proposal

The approved opening hours set out in Condition 5 of planning permission 19/01452/FUL are the opening hours that were proposed by the applicant of that application at that time, as they reflected his planned business model (19/01452/FUL).

Approved opening hours:

Monday & Tuesday - 15.00hrs to 23.00hrs
Wednesday – Closed
Thursday to Saturday - 15.00hrs to 23.00hrs
Sunday - 13.00hrs to 19.00hrs
Bank Holiday - 13.00hrs to 21.00hrs

57 poplar Road is currently a vacant unit. The applicant of this application has however recently taken on the tenancy of the unit from the Council and is applying to vary the opening hours condition to enable them to open the unit every day and to open in the morning to allow them to serve brunch and coffee. Given this they are proposing to change the opening hours of the premises to 11am every day. They are not however proposing to change any of the permitted closing times.

Proposed Opening Hours:

Monday to Saturday 11am to 11pm

PLANNING COMMITTEE

Sunday 11am to 7pm
Bank Holidays 11am to 9pm

There are residential properties within close proximity of the unit, including above the unit. The proposed opening hours are not however considered to be excessive in terms of the mixed day and evening uses and would not extend the opening hours any later than they currently are. It is also considered that the proposed opening times would still provide some respite for local residents with more limited hours on Sundays and bank holidays.

It is also noted that Worcestershire Regulatory Services have raised no objection to this application in relation to any noise issues.

The permission granted under planning application 19/01452/FUL did have a condition appended to it which required details of the refuse storage facilities to be provided prior to the approved use first being implemented. No details have been provided in relation to this condition to date. It is however noted that the approved Location Plan from planning application 19/01452/FUL (Drawing No. 512.04) did indicate where the refuse storage area would be located for the unit. This plan showed that this would be in the existing service yard to the rear of the unit, which is set within an enclosed compound and is accessed via a service road that leads to the rear of the commercial units from Foxlydiate Crescent. Given this, it is not considered to be necessary, or reasonable, for us to re attach this refuse storage condition to this application, should permission be granted.

Community safety have raised no objection to the application.

Highways have raised no highway objections to the proposed changes.

Overall, it is considered that the proposal would accord with policy and as such would be acceptable.

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 hereby approved shall be carried out in accordance with the following plans and drawings:

512.04 Location and Site Plan
512.02 Proposed Plans and Elevations

Reason: To define the scope of the planning permission hereby granted in the interests of proper planning

PLANNING COMMITTEE

2. The hours of opening for the development hereby approved shall be limited to the following hours:

Monday to Saturday - 11.00hrs to 23.00hrs

Sunday - 11.00hrs to 19.00hrs

Bank Holidays - 11.00hrs to 21.00hrs

Reason: To define the permission and to ensure the proposed use can operate in a compatible way with the interests of the living conditions of surrounding residential properties.

Informative

- 1) The local planning authority have worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application through negotiation and amendment.

Procedural matters

This application is being reported to the Planning Committee because the application site is owned by Redditch Borough Council. As such the application falls outside the scheme of delegation to Officers.