

**PLANNING
COMMITTEE**

1st February 2012

PLANNING APPLICATION 2011/329/S73

**VARIATION OF CONDITION 1 OF PLANNING APPLICATION REF.
2009/019/COU: CHANGE OF USE FROM A1 (RETAIL) TO D2 (ASSEMBLY
AND LEISURE) IN ORDER TO EXTEND THE DATE OF EXPIRY OF THE
PERMISSION FOR AN ADDITIONAL FIVE YEARS**

UNIT 1 MATCHBOROUGH CENTRE, MATCHBOROUGH WAY, REDDITCH

**APPLICANT: MR S MARSHALL (YOUR IDEAS)
EXPIRY DATE: 3RD FEBRUARY 2012**

WARD: MATCHBOROUGH

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

(See additional papers for Site Plan)

Site Description

The Unit, which is located within the Matchborough District Centre measures 250 square metres in area. Unit 1 was formerly occupied by Martins Newsagents (A1 retail use) who vacated the premises in March 2008. The premises were vacant from this period up until April 2009 at which time planning permission was granted for change of use and the premises has been occupied by the business "Your Ideas" (D2 use) since. The Unit is bounded by the busway to the west; a car park to the south and Unit 2 (a vacant, former flooring shop) to the east. This Unit and numbers 2, 3 and 4 face towards the central courtyard area to the north.

Proposal Description

This is an application to vary Condition 1 attached to planning application ref. 2009/019/COU which granted temporary permission for a change of use from A1 (retail) to D2 (assembly and leisure). The applicant is seeking to extend the length of time the current business "Your Ideas" can occupy the premises. A further five year extension is sought.

Condition 1 attached to application 2009/019/COU reads as follows:

- 1. The permission hereby granted shall expire three years from the date of this notice. The use hereby approved shall cease on or before that date unless agreed otherwise upon application to the Local Planning Authority.*

PLANNING COMMITTEE

1st February 2012

Reason: In order that the Local Planning Authority retains the right to reassess the use of the building in the interests of ensuring that the retail and community function of the Matchborough District Centre is not undermined in accordance with Policy E(TCR).9 of the Borough of Redditch Local Plan No.3.

The decision notice attached to permission 2009/019/COU is dated 1st April 2009. As such, the current consent will expire on 31st March 2012.

If this application was to be granted permission in accordance with the applicants proposal, it would allow the company to occupy the Unit until 31st March 2017.

Two further conditions are attached to permission 2009/019/COU (which are not to be varied under this application) but are included within this report for information purposes only, read as follows:

- 2. The permission hereby granted shall ensure solely for the personal benefit of Your Ideas Limited (company registration number 06527221) and be used in accordance with details specified in the information submitted to accompany and support this application. The use shall cease if the said company ceases to have an interest in the site unless agreed otherwise upon application to the Local Planning Authority.*

Reason: This permission has been granted only in consideration of the applicant's company's circumstances and the Local Planning Authority therefore wishes to maintain control over the future uses of this site, in accordance with Policy E(TCR).9 of the Borough of Redditch Local Plan.

- 3. The use hereby permitted shall be closed and cleared of all persons outside the hours of 0730 to 2200 hrs Monday to Saturday and 1000 to 1600 hrs on Sundays and Public Holidays.*

Reason: In the interests of protecting residential amenities in accordance with Policy B(BE).13 of the Borough of Redditch Local Plan.

These would still apply if this application were approved.

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

**PLANNING
COMMITTEE**

1st February 2012

National Planning Policy

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth

Borough of Redditch Local Plan No.3

E(TCR).9 District Centres
B(BE).22 Temporary buildings and uses
S.1 Designing out crime

SPDs

Designing for Community Safety

Relevant Site Planning History

<i>Application No.</i>	<i>Description</i>	<i>Decision</i>	<i>Date</i>
2009/019/COU	Change of Use of Unit from A1 (retail) to D2 (Assembly and Leisure)	Granted	01.04.2009

Public Consultation Responses

None received

Consultee Responses

Worcestershire Regulatory Services (Environmental Health)

No objection

Property Services

No objection

County Highway Network Control

No objection

Police Crime Risk Manager

No objection

Community Safety Team

Comments summarised as follows:

District Centres in the Borough have experienced crime and disorder issues which the Council and its partners have worked hard to address. Allowing such facilities within District Centres can bring benefits to local communities; however an increase in the numbers of people using those centres both inside and outside those facilities may increase the risk and impact of associated problems.

PLANNING COMMITTEE

1st February 2012

We support the appropriate siting of facilities for young people and recognise that responsible providers will have in place policies and procedures to mitigate crime and disorder risks arising and would encourage the applicant to give an account of their policies and procedures in respect to this matter.

Development Plans

Comments summarised as follows:

The provision of retail and community facilities should continue to be the dominant function within the District Centre. The application complies with planning policy as it is providing a community facility in accordance with Policy E(TCR).9 of the Borough of Redditch Local Plan No. 3.

Assessment of Proposal

The key issues for consideration are as follows:

Impact of the continued use of the Unit on the vitality and viability of the District Centre

When application 2009/019/COU was considered at the Planning Committee meeting of 31st March 2009, the unit had been vacant since March 2008. Members of the Committee concurred with the views of Officers that permission should be granted but temporarily for three years in order to reassess the use of the building after that time in the interests of ensuring the continued vitality and viability of the District Centre. The retail and community function of the District Centre would not have been undermined in the opinion of the Committee based on the consideration of the applicants company's circumstances. Members will have noted that a second condition attached to the consent ties the occupation of the unit to the company "Your Ideas" Limited.

The relevant planning policy to consider 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 grocery 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 planning permission.

**PLANNING
COMMITTEE**

1st February 2012

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 whether the unit is likely to remain surplus to retail requirements. The previous tenant Martins Newsagents vacated in March 2008 when they sold the Post Office to Unit 7 (Costcutters – a grocers and general convenience store/supermarket). Without the Post Office, the store proved not to be a viable concern. The unit became vacant for approximately one year before being occupied by “Your Ideas”. During the consideration of application 2009/019/COU, Property Services commented (as landlords) that the relatively large size of Unit 1 in comparison to other smaller units nearby meant that the unit was not attractive to small traders and as such, it had proven difficult to find tenants for a unit of this size. At the time application 2009/019/COU was considered, other than Unit 1, all other units were fully let. Currently, some of the Units within the centre are vacant.

For information, the following list explains which units are occupied and which are vacant:

Unit 1	Occupied: Your Ideas	(D2 use)
Unit 2	Vacant since 30th Sept 2011: former flooring shop	(A1 use)
Unit 3	Occupied: Chemist	(A1 use)
Unit 4	Occupied: Hairdressers	(A1 use)
Unit 5	Occupied: Take-a-way	(A5 use)
(No Unit no)	Occupied: Public House	(A4 use)
Unit 6&7	Occupied: Supermarket and PO	(A1 use)
Unit 8	Occupied: Take-a-way	(A5 use)
Unit 9	Occupied: Café / Restaurant	(A3 use)
Unit 10	Vacant since 11th May 2011: former bookmakers	(A2 use)
Unit 11	Occupied: Dentists	(D1 use)
(upstairs)		
Unit 12	Occupied: Residential flat	(C3 use)
(upstairs)		
Unit 13	Occupied: Residential flat	(C3 use)
(upstairs)		

PLANNING COMMITTEE

1st February 2012

Given the existing retail units which are currently operating within the centre, together with the non A1 units which add to the centre's vitality and viability, and also taking into consideration existing vacancy levels, Officers do not consider that the retail and community function of the District Centre would be undermined by allowing the continuation of the "Your Ideas" D2 use for a further period of time. Policy E(TCR).9 comments that other non-retail uses may be acceptable in District Centres where problems of vacancy occur. If permission were to be refused, three of the ten ground floor units would potentially be unoccupied from 1st April 2012 which would be detrimental to the centres vitality and viability.

This specific use is categorised as a D2 use and is specifically a youth and community organisation which works with members of the community (particularly the young) to identify projects or initiatives that will improve the quality of life for the community as a whole, supporting community members to enable ideas to be transformed into successful projects. The organisation aims to:

- Provide and identify routes to funding
- Help community members to access this funding
- Support and provide expertise to develop skills to plan and implement projects
- Develop community leadership and the aspirations of the community through successful projects.

Security

In response to the points raised by the Community Safety Team, the applicant has commented that it has sound policies and procedures in place which deal with crime and disorder issues. The Police Crime Risk Manager does not object to the proposal. By increasing occupancy at the District Centre, arguably crime is likely to be reduced while footfall for neighbouring tenants would be increased enhancing the vitality of the District Centre.

Conclusion

Officers are satisfied that the continued use of this unit would not undermine the retail and community function of the District Centre under the terms of Policy E(TCR).9. However, your Officers are minded to recommend that only a three year extension of time be permitted rather than the five years requested under the application in order that the merits of the proposal are again re-assessed after this period. This is recommended due to the relatively large size of the unit and the importance of ensuring that the retail and community function of the Matchborough District Centre is not undermined.

**PLANNING
COMMITTEE**

1st February 2012

Recommendation

That having regard to the development plan and to all other material considerations, permission to vary Condition 1 (application 2009/019/COU) be GRANTED subject to the imposition of the revised condition and summarised informative below:

Revised Condition:

1. The permission hereby granted expires on 31st March 2015. The use hereby approved shall cease on or before that date unless agreed otherwise upon application to the Local Planning Authority.

Reason: In order that the Local Planning Authority retains the right to reassess the use of the building in the interests of ensuring that the retail and community function of the Matchborough District Centre is not undermined in accordance with Policy (E(TCR).9 of the Borough of Redditch Local Plan No.3

Informative

1. Reason for approval
2. Reminder that all other conditions attached to 2009/019/COU remain applicable.

Procedural Matters

All applications for Class D2 use are reported to Planning Committee for determination.