

**PLANNING
COMMITTEE**

20th June 2012

PLANNING APPLICATION 2012/107/COU

**CHANGE OF USE FROM POST OFFICE (CLASS A1) TO
RESTAURANT/CAFE/HOT FOOD TAKEAWAY (CLASS A3/A5)**

**FORMER ASTWOOD BANK POST OFFICE
1248 EVESHAM ROAD, ASTWOOD BANK, REDDITCH**

**APPLICANT: MR A GOLDRICK
EXPIRY DATE: 18TH JUNE 2012**

WARD: ASTWOOD BANK & FECKENHAM

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 site is situated to the western side of Evesham Road, Astwood Bank at a point approximately 100 metres due north of the Retreat Street / Evesham Road junction. The existing premises is attached to the commercial premises 'Bank Solicitors' to the south, with the shops 'Pete the Meat' Butchers and 'Astwood Galleries' Art Gallery/framers immediately to the north. Directly opposite the site, to the eastern side of Evesham Road lies the Astwood Bank War Memorial.

The proposed change of use relates to the former Astwood Bank Post Office. The premises has been vacant since August 2011 at which point the Post Office was incorporated within 'Bank Stores' which is located approximately 50 metres due west of the Evesham Road / Feckenham Road junction further to the north of this site.

The vacant unit forms the ground floor of a short terraced building formed of red brick and tile construction. Other than the vacant ground floor of 1248 Evesham Road, the remaining ground floor units within the terrace are in commercial use as an estate agents and solicitors office with either residential or office uses at first floor level.

Proposal Description

This is a full application to change the use of the ground floor of number 1248 Evesham Road from A1 (retail) to A3/A5 (restaurant and hot food take-away use). Very minor alterations are proposed to the existing shopfront which will be detailed later in the report.

PLANNING COMMITTEE

20th June 2012

The proposal would appear to be speculative as a specific end user has not been referred to within the submission although the proposed hours of opening are stated as being between the hours of 8:00am to 12:00 midnight daily.

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

The National Planning Policy Framework (NPPF)

Regional Spatial Strategy and Worcestershire County Structure Plan

Whilst the RSS and WCSP still exist and form part of the Development Plan for Redditch, in light of recent indications at national level that Regional Spatial Strategies and Structure Plans are likely to be abolished in the near future, it is not considered necessary to provide any detail at this point in relation to the RSS or the WCSP.

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(RA).8	Development at Astwood Bank
C(T).12	Parking Standards
S1	Designing out crime

The site is located within the Astwood Bank District Centre boundary as shown on the Borough of Redditch Local Plan No.3 Proposals Map.

Supplementary Planning Documents

Designing for Community Safety
Encouraging Good Design

Emerging Policies

The Core Strategy is the document that will eventually replace the local plan, and is currently working through the process towards adoption. It has been published and consulted upon, and therefore counts as emerging policy to which some weight can be given in the decision making process. The current version is the 'revised preferred draft care strategy' (January 2011).

PLANNING COMMITTEE

20th June 2012

The Core Strategy contains objectives for the overall approach to development in the Borough up until 2026, as well as strategic policies. The Policy that could be considered of relevance to this decision is:

Policy 20: Health of District Centres

Relevant Site Planning History

None

Public Consultation Responses

Responses against

5 letters received in objection. Comments are summarised as follows:

- Proposal would exacerbate on-street parking problems which exist to the detriment of highway safety
- Enough take-away premises already within Astwood Bank – this would be over-kill
- Cooking smells and general noise disturbance would impact on residential amenities
- Proposal would be contrary to Astwood Bank District Centre Policy
- Litter would increase as a result of the proposed development

Other issues which are not material planning considerations have been raised but are not reported here as they cannot be considered in the determination of this application.

Consultee Responses

RBC Development Plans Section

Comments summarised as follows:

Policy E(TCR).9 of the Borough of Redditch Local Plan No.3 seeks to protect District Centres and states that proposals which would result in the unacceptable loss of retail floor space of a District Centre will normally be resisted. It is important for a range of reasons to protect and enhance where possible district centres particularly with regard to their retail function. In some circumstances where there is an over provision of retail units it may be suitable to consider alternative uses however there is no supporting information stating how long the unit has been vacant for or what attempts have been made to market the unit for A1 uses.

To ensure the overall health of District Centres, they need to continue to maintain their primarily retail role. Whilst other uses play a valuable role, there should not be an over-concentration of non-retail uses. It is important to maintain an appropriate balance of uses in the District Centres to maintain their vitality and viability, particularly during the day so that Centres continue to serve the retail and other needs of local communities. There has been an increase in the number of hot food takeaways in many Centres in the Borough

PLANNING COMMITTEE

20th June 2012

over recent years, many of which are only open during the evenings and serve the night time economy. This has led to an increase in closed and shuttered units during the day time. There has also been an increase in associated problems particularly of litter and anti social behaviour.

The draft core strategy policy that deals with the Health of District Centres states that District Centres are primarily designed to fulfil a retailing role. Significant groupings of non retail uses can be detrimental to the role of a District Centre. Proposals for new or a change of use to Class A5 Uses (Hot Food Takeaways) will only be permitted where it will not result in the overall proportion of A5 uses exceeding 25% of the total percentage of units within that Centre. Where this figure has been exceeded already in some District Centres, new proposals will be resisted. To ensure that retailing needs of communities are maintained, A5 uses within local centres/parades of shops will only be considered where the intensity of the A5 uses has not become too great and where there are no negative effects on the environment.

Current composition of the district centre includes 3 units in A5 use. Allowing this proposal would result in the overall proportion of A5 uses in the district centre to be 26%, exceeding the 25% threshold. It should also be noted that this calculation excludes the nearby restaurant 'Little India' which lies just outside of the centre but if it were to be included would take the proportion of A5 uses in the area to 31%.

This application does not comply with local planning policies. Allowing the proposal for an A3/A5 use would effectively prevent an A1 use on this site and would detract from the main primary retail function within this district centre. This type of application would negatively impact on the vitality of the district centre.

Police Crime Risk Manager

No comments to make on application

RBC Community Safety Officer

No comments to make on application

County Highway Network Control

No objection

Worcestershire Regulatory Services

No objection. Suggest that in the case of permission being granted, conditions to control hours of operation, cooking odour extraction equipment, lighting and refuse storage be imposed

PLANNING COMMITTEE

20th June 2012

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 Astwood Bank 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 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 premises were last occupied by Astwood Bank Post Office (an A1 retail use) until August 2011 at which point the post office was incorporated within 'Bank Stores' at the northern end of the village. The unit has therefore been vacant since August 2011. It is considered that due to this relatively short vacancy period it would be reasonable to suggest that a unit of this size, in this location would prove attractive to traders in the future, even considering the current financial climate.

Impact upon the Vitality and Viability of the 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.

PLANNING COMMITTEE

20th June 2012

No specific guidance exists in any current LP policies about what constitutes an acceptable mix 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.

Officers would however draw members' attention to the emerging Core Strategy, which proposes to set a limit for A3, A4 and A5 uses as one option to address concerns that increasing numbers of such uses may undermine the vitality and viability of the role and function of district centres. Whilst this document can carry only limited weight, officers would concur with the comments made by Development Plans Officers noted above. It is considered that the proposed change of use should be resisted due to its likely harm to the vitality and viability of the district centre.

The district centre includes 3 units in A5 use. The draft policy currently includes A3 and A4 uses within the 25% limit which would include the nearby public house 'The White Lion' (A4 use). Allowing this proposal would result in the overall proportion of A3, A4 and A5 uses in the district centre to exceed significantly the 25% threshold as set out in the draft core strategy as it would rise to 31%. Further, if the restaurant 'Little India' (A3 use) which lies just outside of the centre were to be included the proportion of A3, A4 and A5 uses in the area would increase still further.

Highway Implications

All parking in the area is on street and limited in terms of availability in close proximity to the site although a public car park is situated a short walk from the site. Whilst the representations received which make reference to highway safety concerns have been examined, Members will note that County Highway Network Control have raised no objections to the proposals. Officers do not consider that sufficient evidence has been advanced to suggest that a proposed restaurant or hot food takeaway use would necessarily exacerbate or prejudice highway safety in the area above how an A1 use could occupy and use the unit at any time without requiring consent.

Shop front alterations

The appearance of the shopfront would fundamentally remain unchanged, retaining the central doorway between two shop windows. The fascia sign would be widened by a nominal amount. Any illuminated signage would require a separate application for advertisement consent but at this stage the applicant has not identified whether the fascia would be illuminated or not. 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 issues

It is acknowledged that the opening hours proposed include lunchtime use, however it would not be possible to ensure that daytime opening occurred, were this use to be approved, it would only be possible to restrict its maximum

PLANNING COMMITTEE

20th June 2012

opening hours. Therefore, whilst in this case it may be that some daytime opening would occur that would fit more closely with the policy, this could not be controlled in the future were the application accepted.

Conclusion

Your Officers consider that the proposed change of use from A1 to A3/A5 would harm the vitality and viability of the Astwood Bank District Centre, where an over-concentration of such uses is already considered to exist. For this reason, 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 reason 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 Astwood Bank 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 20 of the Preferred Draft Core Strategy.

Informative:

1. Plans refused consent listed for information

Procedural matters

This application is reported to Planning Committee for determination because all proposed A3 and A5 use class developments fall outside the scheme of delegation to Officers.