

**PLANNING  
COMMITTEE**

20th June 2012

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**PLANNING APPLICATION 2012/110/COU**

**CHANGE OF USE OF PRIVATE MEMBERS CLUB TO DRINKING  
ESTABLISHMENT (USE CLASS A4)**

**CONTINENTAL CLUB, 118 OAKLY ROAD, REDDITCH**

**APPLICANT: MR B CIOCH  
EXPIRY DATE: 20TH JUNE 2012**

**WARD: CENTRAL**

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**(See additional papers for Site Plan)**

**Site Description**

The existing property is an attractive two storey detached building dating from the late Victorian period. It is formed of red brick walls under a tiled roof and features stone window heads and sills. The property sides on to Oakly Road from where a pedestrian access to the property is formed. Stone walling forms the boundary treatment to the frontage behind which is a mixture of leylandii and laurel hedging to a height of approximately 3 metres. Parking is on-street on both sides of Oakly Road although parking is restricted to resident permit holders only between 8am to 6pm Monday to Saturday. Parking is available to non permit holders for a maximum stay of 20 minutes between the above periods.

The building currently operates as a private members club predominantly serving the Polish community and currently opens between the following hours:

Monday: 7pm to 11pm  
Tuesday: Closed  
Wednesday: 7pm to 11pm  
Thursday: Closed  
Friday: 7pm to 11:30pm  
Saturday: 12 noon to midnight  
Sunday: 12 noon to 11:30pm

The surrounding area is residential containing a mix of mainly semi-detached and terraced housing.

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## **Proposal Description**

Permission is sought for a change of use from a private members club (a sui-generis use in planning terms) to a Class A4 use which would allow the buildings operation as a drinking establishment of public house. No alterations are proposed to the exterior of the building.

The proposed hours of opening would be:

Monday: 12 noon to 11:30pm

Tuesday: 12 noon to 11:30pm

Wednesday: 12 noon to 11:30pm

Thursday: 12 noon to 11:30pm

Friday: 10:00am to 2:00am

Saturday: 10:00am to 2:00am

Sunday: 10:00am to 12:30am

## **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](http://www.communities.gov.uk)

[www.redditchbc.gov.uk](http://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***

B(BE)13      Qualities of Good Design

E(TCR)12    Class A3, A4 and A5 uses

C(T)12      Parking Standards

S1            Designing out Crime

The site is within the urban area of the Borough and is undesignated in the Borough of Redditch Local Plan No.3.

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## **Relevant Site Planning History**

RU 105/69	Change of use of dwelling community club use	Approved	28.07.1969
RU 188/71	Extensions	Approved	04.11.1971
RU 249/72	Extensions	Approved	11.09.1972
1976/112	Extensions	Approved	14.06.1976
1976/332	Extensions	Approved	16.12.1976

## **Public Consultation Responses**

Neighbour consultation letters posted and a site notice erected at the site.

No representations received at time of writing.

## **Consultee Responses**

### ***County Highway Network Control***

No objection

### ***Severn Trent Water***

Drainage to be subject to agreement with Severn Trent Water Ltd

### ***Worcestershire Regulatory Services (Environmental Health)***

States that any lighting to serve the development should be compliant with current guidance and comments that the proposed use would require a premises licence under the Licensing Act 2003 via an application to the Local Authority

### ***Police Crime Risk Manager***

No comments to make on application

### ***RBC Community Safety Officer***

No comments to make on application

### ***RBC Licensing Dept***

No comments received

## **Assessment of Proposal**

The main issue for consideration in this case is considered to be the principle of the proposed change of use.

### **Principle**

The area in which planning permission is sought is essentially residential in character. As such, new development should be compatible with this primary land use.

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Policy E(TCR).12 of the Borough of Redditch Local Plan No.3 deals with applications for new A3, A4 and A5 uses and expects such uses to be located within the Town Centre, Peripheral Zone or defined District Centres. Such sites are the most appropriate locations for these uses because they are more sustainable and likely to have less adverse impact on residential amenity and highway safety issues.

This residential area is neither in the Town Centre, a Peripheral Zone or within a District Centre and as such, there would appear to be no justification in policy terms to allow this proposed change of use in this predominantly residential area. A material consideration is the fact that the premises are already operating as a licenced private members club (a sui-generis use as distinct from a general drinking establishment use). Your Officers would however draw Members' attention to a condition which was applied to the original consent for change of use of this former dwelling to a private members club in 1969. Condition 1 attached to permission RU 105/69 states that:

*This permission shall enure for the benefit of the Redditch Polish Catholic Circle only and shall not enure for the benefit of the land or any other persons interested herein.*

*Reason: This permission is made personal to the applicants because of the circumstances special to them. If it were not for these special circumstances, permission would have been refused because of the residential character of the area.*

Whilst the 1969 consent is historic, this area has remained primarily residential in character since this time. As such, in this case, officers consider that little has materially changed in terms of assessing the residential character of the area since the year 1969.

A4 uses are likely to attract an increased volume of people resulting in disturbance by virtue of noise and of increased comings and goings with likely increased gatherings of people in the evenings. As suggested by the current opening hours, the existing use is considered to be of relatively low intensity as are many private members club uses. Officers consider that the proposal would intensify the use such that the development would result in serious detriment to residential amenity and the character of this residential area. The applicant has provided no information to address these concerns.

**Highways Implications**

No vehicular access is afforded to the property at present and all parking in the area as such is on street. County Highway Network Control have raised no objections to the proposals and Officers do not consider that that proposal would necessarily prejudice highway safety in the area. Officers do consider that general late night comings and goings from the premises would be likely

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to increase to the detriment of amenity although such movements are more likely to be by foot given that the proposed use would be operating as a licensed drinking premises.

## Other issues

It is acknowledged that the current use of the premises does not have any restriction of opening hours, however as the user is restricted, it is considered that the current unrestricted hours would be unlikely, even if followed, to cause any significant detrimental impacts on surrounding residential amenity, in comparison with the proposed unrestricted A4 use as considered above.

## Conclusion

Being a wholly residential area, the proposals would be considered contrary to the aim of Policy E(TCR).12 which directs A4 uses to Town and District Centres and Peripheral Zone areas and away from residential areas due to such proposal's likely detrimental impact upon residential amenity

## **Recommendation**

**That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the following reason:**

1. The proposed development would not be compatible with this primarily residential area in that it is likely to result in an increased intensification of use leading to the severe detriment of existing residential amenity and to the character of this residential area. As such, the development would be contrary to Policy E(TCR).12 of the Borough of Redditch Local Plan No.3.

## Informative:

Plans refused consent listed for information

## **Procedural matters**

This application is reported to Planning Committee for determination because all proposed A4 use class developments fall outside the scheme of delegation to Officers.