

**PLANNING
COMMITTEE**

20th June 2012

PLANNING APPLICATION 2012/118/COU

**CHANGE OF USE OF PART 1ST FLOOR STORAGE AREA TO SEATING
AREA TO SERVE RESTAURANT (SHAHI PALACE)**

66 - 70 UNICORN HILL, REDDITCH

**APPLICANT: MR A MIAH
EXPIRY DATE: 25TH JUNE 2012**

WARD: ABBEY

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 application site is an existing three storey late Victorian building which occupies an area of land between the railway station car park and the bus station at the bottom of Unicorn Hill. The property numbered 66-70 Unicorn Hill is situated on the north side of the street and was designed originally with 3 no. shops at ground floor level with two floors of accommodation over. The ground floor shops in no's 66 and 68 Unicorn Hill have been combined to form a single restaurant (The Shahi Palace) and number 70 is currently occupied by a hot food takeaway (Mr. Pizza). Both ground floor premises have direct pedestrian access from the street. At the rear of the premises there is a small shared service and access yard accessed through a separate shared pedestrian passageway.

Proposal Description

Permission is sought to change the use of part of a (vacant) first floor former storage area to a seating area to serve the restaurant below (the Shahi Palace). Place settings (covers) for 24 persons would be created. Access to the first floor restaurant extension would be via an internal staircase leading from the existing Shahi Palace restaurant at ground floor.

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

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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

CS.7 The Sustainable Location of Development
E(TCR).1 Vitality and Viability of the Town Centre
E(TCR).12 Class A3, A4 and A5 uses
S.1 Designing out crime

The site is located within the designated Town Centre as defined within the Borough of Redditch Local Plan No.3

Relevant Site Planning History

2001/436/FUL	Extensions for office use to rear and use of second floor as office space	Approved	18.03.2002
2005/061/FUL	Shop front alterations	Withdrawn	30.03.2005
2008/034/COU	Change of use of first floor to restaurant (52 covers) and new shopfront at no.70	Approved	10.03.2008
2009/190/COU	Change of use of first floor to 4 no. flats	Approved	24.11.2009

The change of use element of 2001/436/FUL was not implemented, only physical alterations. Similarly the works approved under applications 2008/034/COU and 2009/190/COU have not been implemented. The restaurant extension approved under application 2008/034/COU has now expired although the approval under 2009/190/COU remains a valid permission.

The whole of the first and second floor have remained as vacant storage areas for at least 10 years and are not associated with the ground floor occupiers, but accessed separately.

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Public Consultation responses

The application has been advertised by writing to nearby properties and by display of public notice on site. No representations have been received

Consultee Responses

County Highway Network Control

No objection

Worcestershire Regulatory Services (Environmental Health)

No objection

Police Crime Risk Manager

No comments to make on application

Town Centre Co-ordinator

No objection

Assessment of Proposal

Principle of Change of Use

The National Planning Policy Framework encourages growth of the evening and night time economy in appropriate areas. The Local Plan policies referred to above also promotes Redditch Town Centre as a suitable location for continued commercial development. An expansion of the current restaurant use should be encouraged in principle, given that the site lies within the Town Centre such a use would be considered to make a positive contribution to the evening economy.

Policy CS.7 of the Borough of Redditch Local Plan No.3 states that uses that attract a lot of people will be directed to the Town Centre. As such, the proposal would be in compliance with this policy and would enhance the vitality and viability of the Town Centre as required under Policy E(TCR).1.

Since the first floor space is presently vacant, Officers consider that bringing the floor back into beneficial use should be encouraged. The under use of upper floors in commercial buildings such as these can cause a number of problems. Deterioration of the fabric of the building can remain undetected. Such decay is detrimental to the overall appearance of the area, and vacant floors also represent a waste of potential resources. Enabling this valuable, vacant space to be brought back into use would be of benefit to the Town Centre.

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Access and parking

No objections have been received from Highway Network Control. Given the Town Centre location, the site is considered to be sustainably located, being within walking distance of the train and bus station and close to a number of public car parks and bus stops.

Other matters

Approval of this application would mean that the one bedroomed unit (flat 4) as approved under application 2009/190/COU could not be implemented. The three remaining flats approved under the same consent are shown on plans submitted with this application and are unaltered from those approved under application 2009/190/COU. Officers do not consider that amenities of nearby occupiers would be prejudiced by the proposals and no objections to the proposals have been received in respect to the application following the neighbour notification process. Officers would however seek to control hours of opening for the proposed restaurant extension in the interests of safeguarding future residential amenity. The hours of opening imposed under application 2008/034/COU which were proposed by the applicant at the time were considered to be acceptable having regard to the location of the site. These are 5pm to 12:30 am 7 days per week.

Conclusion

Having regard to pertinent policies of the development plan, there are considered to be no justifiable reasons to warrant refusal of this application on amenity or any other grounds. The proposal would bring back into re-use a currently vacant unit which would add to the vitality and viability of the Town Centre.

Recommendation

That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the conditions and informatives as summarised below:-

1. Development to commence within 3 years
2. Area to be used as a seating area only and restricted to opening times of 5pm to 12:30am daily
3. Development in accordance with submitted plans

Informatives

1. Reason for approval:

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Procedural matters

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