

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Mr Paul Larner Stage 1 Enterprises Ltd. 'A'	Proposed Change of use from warehouse and office (Class B1) to indoor market and café (Class A1) (as amended by plans received on 18th May 2011) - Rear of 186 - 210 New Road, Rubery	Shopping	11/0164-HR 30.05.2011

Councillor P. M. McDonald has requested that this application be considered by the Committee, rather than being determined under delegated powers.

This application was deferred at the Committee on 23rd May 2011 at the request of Councillor P. M. McDonald in order to resolve issues relating to the proposed area of car parking.

RECOMMENDATION: that permission be **GRANTED**.

Consultations

WH	Response received 14.04.2011 - No objection subject to the imposition of a condition relating to the submission of parking / unloading details to be approved in writing by the Local Planning Authority.
SPM	Response received 14.04.2011 - No objection.
EDO	Response received 14.04.2011 - No objection.
RA	No comments received.
PROW	Response received 14.04.2011 - No objection.
EHM	Response received 04.05.2011 - No objection subject to the imposition of conditions relating to noise attenuation measures and odour.
Community Safety	Response received 04.05.2011 - No objection subject to the Highways Officer being satisfied that sufficient parking can be accommodated
Publicity	Site Notice Posted 21.04.2011, expired 13.04.2011 Press Notice Posted 21.04.2011, expired 13.04.2011 3 letters sent 14.04.2011, expired 06.05.2011 - no objection received. 36 additional letters sent 04.05.2011, expired 25.05.2011 - 4 objections received: <ul style="list-style-type: none"> ▪ Letter received 06.05.2011: Why has no mention been made of the change of right of way which is also proposed? How will this affect the residents? The proposal will affect the residents due to the deliveries, unloading, parking and an influx of customers. The current state of the car park is dangerous and has potholes and crates and has never been properly surfaced and is a danger to both pedestrians and motorists. ▪ Email received 12.05.2011: Concerns that the change of use to retail will cause problems with customers to the market parking and or blocking the access road to the rear of our premises as has already occurred with the hairdressers attached to the warehouse. Perhaps a sign could be erected directing customers to their private gated car park which until recently was not gated and was available

to the public. Also a sign informing the public not to park or block access to the rear of our premises would be good.

- Email received 23.05.2011: The driveway to the rear of the shops 186-210 New Road, is an access way. Unless there is a notice at both ends to inform the public that it is private, not a thoroughfare, not for the parking of vehicles, and not to be blocked, I do have a most serious objection on safety access grounds.

Unless the parking of any vehicle associated with the proposed market and café is strictly confined to the fenced compound of the building, the result will be a serious loss of shopper parking which will be detrimental to existing businesses, and indeed the new venture itself. I do have a most serious objection on loss of amenities grounds, on behalf of all of Rubery shoppers.

- Email received 29.05.2011: We would like to oppose this decision based upon the local shopping area having over 14 food eating establishments within a close proximity. We are conducting a further survey of signed signatures from the local residents in order to get complete local resident information on this application. Due to the fact that recently an application was approved for A5 use of three properties all food eateries, we cannot see the benefit of having further food outlets within Rubery High Street.

The proposed site for change of use is subject to drugs misuse and anti social behaviour also criminal damage to the rear of properties and vehicles parked on and in the vicinity of this proposed site, the said car park on this site behind COOP in Rubery is dilapidated and is in need of repair, the landlord has refused to repair the car park as a further point.

Also we have contacted our local MP Sajid Javid to make him aware of what's happening in our local vicinity.

Please could all parties look at this application and further application for eateries within Rubery area carefully as allowing further food outlets in the Rubery area is causing the demise of Rubery.

We also would like to appeal against this decision should the application be successful, on the basis all of the above.

The site and its surroundings

The application site relates to a small single storey warehouse and office unit (Class B1) located to the rear of shops and services occupying 186 to 210 New Road, Rubery. The unit shares the building known as the Nexus Centre with a hair salon. The site area is approximately 0.076 ha.

To the north of the site is a driveway providing rear access to the retail units on the parade and balcony access to the residential units located above.

Residential dwellings are situated along Graham Crescent located to the south the site. A garage is situated to the east of the site, retail units to the west of the site and a car park is located to the south west of the site.

The site is located within a Shopping Area as defined in the Bromsgrove District Local Plan 2004 though the car park area shown on the location plan is within a Residential Area.

Proposal

It is proposed to change the use from an existing warehouse and office unit to indoor market and ancillary café. The existing use falls within the B1 category of the Town and Country Planning Use Classes Order 1987 (as amended) and the proposed use is an A1 with an incidental A3 use.

The proposed hours of opening would be 9.00 a.m. to 5.30 p.m. (Tuesday to Saturday).

External alterations are proposed as part of this application. To the south elevation, the existing shutters would be removed and fire escape doors installed for the proposed indoor market and for the proposed café / kitchen. To the north elevation, the existing fire escape would be removed and a window for the café is proposed. To the west elevation, a new roller shutter (which would replace the existing), automatic doors and a non-illuminated sign is proposed.

Relevant Policies

WMSS	UR3
WCSP	SD.9, D.34
BDLP	DS13, S21, RUB2, TR11
DCS2	CP3, CP10
Others	PPS1, PPS4

Relevant Planning History

10/0062	The front office to be changed from B1 Office space to A1 Hairdressers - granted 04.03.2010.
10/0496	Use the building as car valeting - granted 09.09.2010.
06/0209	To erect 2 short runs of 2m high fencing to small area of land adjacent to main building - granted 24.04.2006.

Notes

The advice of the Council's Strategic Planning Manager has been sought in relation to the proposal's acceptability in policy terms.

The site is situated within the designated shopping area of Rubery in the Bromsgrove District Local Plan. As such retail development is seen as appropriate in this location.

Policy RUB2 provides that all retail uses within Classes A1 - A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended) will be acceptable in Rubery's designated Shopping Area.

In accordance with policy RUB2 proposals for retail development on the ground floor are acceptable. This also includes A3 use, which is proposed as part of the development. The District Council will only allow retail proposals which are capable of being integrated within the existing frontages and which do not extend the shopping area. The proposal is not contradictory to this policy.

Relevant national policies include PPS1 Delivering Sustainable Development and PPS4 Planning for Sustainable Economic Growth.

The proposal would conform to PPS4 as it would encourage sustainable economic growth, promote sustainable patterns of development, encourage retail diversity and facilities and provide real consumer choice and competition.

In terms of emerging policy, CP10 Sustainable Communities within the Core Strategy is relevant. The Council supports the provision of services and facilities to meet the needs of the community, as well as supporting improvements to existing facilities to enable them to adapt to changing needs.

On this basis, the proposed use is considered to be acceptable in principle.

I therefore consider that the main issues to address are those arising from the proposal's impact on the surrounding residential properties and would the proposal have a detrimental impact in terms of parking arrangements.

Residential Amenity

The proposal has potential to create noise and odour through customer / staff activity, fume extraction and air conditioning mechanisms. It is considered that this may be a nuisance to the occupiers of the surrounding residential properties. The Environmental Health department have been consulted on the proposal and have stated no objection subject to the imposition of conditions relating to noise attenuation measures and odour created by the proposed use.

Parking

The Community Safety Officer has no objection to the proposal subject to the Highways Officer being satisfied that sufficient parking can be accommodated.

The site is situated within an accessible and sustainable location and therefore the Highways Officer has no objection to the proposed parking area arrangement subject to the imposition of a condition relating to the submission of parking / unloading details to be approved in writing by the Local Planning Authority.

Additional information has been received from the applicant which states that following a meeting with the Land Owners management company, Marcus King Associates, and following further conversations with their maintenance contractors, repairs to the potholes at the entrance to the shoppers car park at the rear of the Co-Op Welcome Store commenced on June 8th 2011. On site inspection at the end of June, I can confirm that the pot holes at the entrance have now been removed.

I therefore conclude that the proposal would be acceptable and I am therefore minded to approve consent.

RECOMMENDATION: that permission be **GRANTED**.

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan at Scale 1:1250 - Date Received 25.02.2011
- Site Plan at Scale 1:500 - Date Received 25.02.2011
- Existing Front, Rear Elevation (plans not to scale) - Date Received 25.02.2011
- Drawing Number 151, Job Ref: R100, Elevations as Existing at Scale 1:100 - Date Received 04.04.2011
- Drawing Number 100, Job Ref: R100, Ground Floor as Existing at Scale 1:50 - Date received 04.04.2011
- Drawing Number 150, Job Ref: R100, Ground Floor Plan as Existing, Identifying Extent of Changes at Scale 1:100 - Date Received 04.04.2011
- Drawing Number 301, Job Ref: R100, Elevations as Proposed at Scale 1:100 - Date Received 04.04.2011
- Amended Plan: Drawing Number 200A, Job Ref: R100, Ground Floor as Proposed at Scale 1:50, Date Received 18.05.2011
- Drawing Number No. 303, Proposed Aluminium Shop Front for Rubery Market (plans not to scale) - Date Received 04.04.2011

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The use hereby permitted shall operate between the hours of 09:00 hrs. and 17:30 hrs. on Tuesday to Saturday.

Reason: In order to protect the amenities of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.

4. Prior to development commencing, further details shall be submitted to the authority regarding the type, location and proposed times of operation of noise making equipment. Details shall also be submitted regarding mitigation measures.

The noise levels shall be determined at the nearest noise sensitive property and comply with BS4142:1990.

Reason: In order to protect the amenities of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.

5. Prior to the development commencing, further details shall be submitted to the authority regarding type and location of extract flue systems to be used. Details shall also be included regarding odour mitigation measures that may be necessary.

Reason: In order to protect the amenities of the area in accordance with policy DS13 of the Bromsgrove District Local Plan January 2004.

6. The development hereby permitted shall not be brought into use until areas for the manoeuvring, parking, loading and unloading of vehicles have been laid out, consolidated, surfaced and drained in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and these areas shall thereafter be retained and kept available for those uses at all times.

Reason: To minimise the likelihood of indiscriminate parking in the interests of highway safety.

Notes

The premises and business will be required to comply with Food Safety and Health and Safety legislation which is enforced by Worcestershire Regulatory Services and the premises will be subject to routine inspection to assess compliance.

Advice on compliance with the legislation can be obtained from Amy Worboys at Bromsgrove District Council (telephone number 01527 881446).

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy, the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS	UR3
WCSP	SD.9, D.34
BDLP	DS13, S21, RUB2, TR11
DCS2	CP3, CP10
Others	PPS1, PPS4

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance; there are no justifiable reasons to refuse planning permission.