

**PLANNING  
COMMITTEE**

5th June 2013

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**PLANNING APPLICATION 2013/088/COU**

**CHANGE OF USE FROM A TATTOOIST (SUI GENERIS) TO HOT FOOD  
TAKEAWAY (CLASS A.5)**

**140 EVESHAM STREET, REDDITCH**

**APPLICANT: HERITAGE ENTERPRISES  
EXPIRY DATE: 3RD JUNE 2013**

**WARD: CENTRAL**

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

The author of this report is Sharron Williams, Planning Officer (DM), who can be contacted on extension 3206 (e-mail: sharron.williams@ bromsgroveandredditch.gov.uk) for more information.

**Site Description**

The tattoo studio is one of a pair of semi-detached buildings. The building comprises of three stories, with a flat at first and second floor. The application only relates to the ground floor of the building. The site is adjacent to the Redditch Ringway and a public car park exists at the front of the unit. The adjoining property is used as a hairdresser's and an office building exists close by. The property backs onto residential properties.

**Proposal Description**

Permission is sought to convert the ground floor of this building from a tattoo studio to a hot food takeaway. No external alterations are proposed to the property. The plans submitted show a kitchen facility and WC at the rear of the premises whilst the front of the building would have a reception area to be used as a waiting area for takeaway orders. The trading hours are expected to be Monday to Saturday 12.00 – 24.00 hours, and Sunday 16.00 – 23.00 hours.

**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)

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## ***National Planning Policy***

National Planning Policy Framework (NPPF)

Paragraph 23 of the NPPF seeks to promote competitive town centres that provide customer choice. The NPPF supports policies that are positive and promote competitive town centre environments.

Paragraph 215 of the NPPF states that due weight be given to relevant policies in existing plans according to the degree of consistency with the NPPF (the closer the policies of the plan to the policies of the NPPF, the greater the weight that may be given).

## ***Borough of Redditch Local Plan No.3***

E(TCR).3        Peripheral Zone  
E(TCR).12      Class A3, A4 and A5 uses  
C(T).2         Road Hierarchy

In accordance with paragraph 215 of the NPPF, the above policies should be afforded due weight, as the aspirations of these policies are consistent with the NPPF.

## ***Supplementary Planning Guidance / Supplementary Planning Documents***

Borough of Redditch Supplementary Planning Document (SPD) on Designing for Community Safety

## **Relevant Site Planning History**

1978/176      Change of use to retail aquatic (pet shop)    Approved 12.1.78

## **Public Consultation Responses**

### **Responses in favour**

1 comment from the owners of the nearby off license shop raising the following points:

- From experience of running an off license and convenience store nearby, customers complain that there are limited quality food outlets nearby. Business has improved since the pay and display car park has been in operation as customers find it easier to park nearby to pop in. Fully support the proposal.

## **Consultee Responses**

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

No objection to the grant of permission.

### ***WRS (Environmental Health)***

Concerned that the proposed activities may give rise to complaints of cooking odours from dwellings and other businesses in the vicinity if fumes from the kitchen / cooking range are not effectively treated.

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Recommend that a scheme for the minimisation of emissions of cooking odour and noise from the premises should be submitted and agreed in writing by the Local Planning Authority.

***Crime Risk Manager***

No comments to make on the proposal.

**Assessment of Proposal**

The key issues for consideration in this case are:-

Principle

The site is within an area designated as the Peripheral Zone in the Borough of Redditch Local Plan No. 3. Policy E(TCR).3 of the Local Plan would apply which encourages development proposals to complement the role and function of the Town Centre encouraging a mix of uses. In addition, Policy E(TCR).5 would apply which aims to protect the primary shopping frontage of the Retail Core for change of use from Class A1 to A2 or A3, A4 and A5. Given that the site is within the Peripheral Zone and outside the Retail Core, it is unlikely that this change of use proposal would have a detrimental impact on the Retail Core or the role and function of the Town Centre and as such complies with the above policies.

Design and layout

The applicant does not have an end user for the proposed use at present, therefore, whilst details of the proposed floor layout have been provided and are unlikely to change, the applicant is unable to provide precise details of odour extractions as this would be dependent upon what is cooked on the premises. The likely location of this facility would be on the side wall of the building. Worcester Regulatory Services have requested these details, however, as there is no end user at this stage it is considered reasonable to impose a condition requiring this information to be provided and agreed before the use begins.

The side wall of the building is quite prominent, therefore, extra care would be necessary to reduce the visual impact of any flue on this elevation. Officers will discuss this matter further with the applicant.

Highways and access

A public car park exists across the road from the site enabling customers to use this facility when using the takeaway. County Highway Network Control has no objection to the proposal.

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## **Conclusion**

The principle of the proposal in this location is considered to be acceptable and unlikely to have a detrimental impact on the role and function of the Town Centre and its Retail Core. As such the proposal would comply with policy E(TCR).3 and E(TCR).5 of Local Plan No.3.

## **Recommendation**

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

1. Development to commence within 3 years.
2. Details of materials to be submitted and approved.
3. Plans approved specified.
4. Details of an extractor flue to minimise food odours to be submitted, approved and implemented. Details to visually screen the external appearance of any extractor flue to be submitted, approved and implemented.
5. Details to minimise noise to be submitted and approved.
6. Use defined.
7. Hours of work defined.

## **Informatives**

1. Reason for approval.
2. LPA acted in a positive and proactive manner.
3. Guidance on requirements in respect to odours and noise.

## **Procedural matters**

This application is being reported to the Planning Committee because the application relates to a change of use to a new hot food takeaway facility (Class A.5). As such the application falls outside the scheme of delegation to Officers.