

**PLANNING
COMMITTEE**

8th October 2014

Planning Application 2014/213/COU

Change of use from secondhand furniture store to hot food take away (A1-A5) to accommodate extension of existing business currently occupying unit 5 basement 3/4

Unit 5A1, Millsborough House, Ipsley Street, Smallwood, Redditch, Worcestershire, B98 7AL

**Applicant: Mr David Gough
Expiry Date: 16th September 2014
Ward: CENTRAL**

(see additional papers for Site Plan)

The author of this report is Mr John Staniland, Planning Officer (DM), who can be contacted on Tel: Email: john.staniland@bromsgroveandredditch.gov.uk for more information.

Site Description

The application site is a vacant unit located within Millsborough House and was last used for the sale of second-hand furniture over a year ago. The unit is presently accessed via the courtyard within Millsborough House and also from Lodge Road, both accesses being via roller shutter doors. The unit adjoins the existing Pizza & Balti takeaway which has operated from the site for some 8 years and which is accessed down a flight of steps off Lodge Road.

Proposal Description

The existing Pizza & Balti company wish to expand into the vacant unit as it would give improved level access off Lodge Road as well as affording more space for the company to rationalise their business and operate with greater efficiency. The vacant unit would have a new glazed shopfront and roller shutter door on the Lodge Road frontage and internally would contain a small waiting area, service counter, food preparation and cooking areas plus a cold store and other storage areas. The company's existing unit would still be used for the Balti element of the business plus storage.

Externally, the present entrance off the courtyard would be blocked in and rendered with only a fire escape door remaining. A refrigeration unit would be mounted at high level on the courtyard side and on the Lodge Road frontage an external duct would be required to just above eaves level of the building. This would follow an existing projecting brick pier and be painted to blend in with the brickwork. An odour control baffle would be included to reduce odour and a quiet extraction system used. Precise details of these have not been provided.

Opening hours are proposed to be the same for both units i.e. 12pm-12am Monday to Thursday, 12pm-1am Friday and Saturday and 4pm-12am Sundays and Bank Holidays

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Relevant Policies :

Borough of Redditch Local Plan No.3:

BBE11 Buildings of Local Interest
BBE13 Qualities of Good Design
BBE17 Shop front Security
ETCR03 Peripheral Zone
ETCR12 Class A3 Uses
CT12 Parking Standards

Emerging Borough of Redditch Local Plan No. 4

Policy 30: Town Centre and Retail Hierarchy
Policy 31: Regeneration for Town Centre
Policy 36: Historic Environment
Policy 37: Historic Buildings and Structures
Policy: 40 High Quality Design and Safer Communities
Policy: 41 Shopfronts and Shopfront Security

Others:

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance
SPG Schedule of Buildings of Local Interest

Millsborough House is designated as a Building of Local Interest.

Relevant Planning History

None

Consultations

Development Plans

The site lies within the town centre (as designated by the emerging Local Plan No.4) and the town centre peripheral zone under Local Plan No.3. A5 is an appropriate use in the town centre and although there are other A5 uses in the vicinity of the application site, it is not considered that this proposal would result in an over-intensification of A5 uses (as per the final paragraph of the reasoned justification of Local Plan No.4, Policy 35).

Environmental Health- Food

No Comments Received To Date

Highway Network Control

No Comments Received To Date

Public Consultation Response

None received

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Assessment of Proposal

As set out in the comments from Development Plans, the application site lies in the peripheral zone as defined in LP3 and the Town Centre as proposed in the emerging LP4. The use is acceptable in accordance with Policy E(TCR).3 of LP3 in that it is a commercial use which would complement the role and function of the Town Centre. The emerging Local Plan policies encourage mixed use areas in the Town Centre and proposals which enhance the evening and night time economy. In this case, the proposal would also result in a vacant unit being brought back into use and although it is for another A5 use, this would not lead to an over concentration of such uses in this area. Given the existing uses in the area, it is not considered that this proposal would result in any significant additional harm to surrounding residential amenity.

Bearing in mind the designation of Millsborough House as a Building of Local Interest, the installation of an external extraction duct on the Lodge Road frontage is unfortunate, bearing in mind there is already one serving the existing Balti next door. Although it is proposed to paint the duct to try and blend it in with the external red brickwork, it may be possible to relocate the duct on an inner courtyard wall but would probably mean changing the proposed internal layout to accommodate this. However, it is considered that this is worth pursuing and officers will continue to negotiate with the applicant and report progress on the Update paper.

Local Plan policies discourage the installation of external roller shutters as they tend to project a negative image. However, in this case, they are already in place and will be replaced by modern and quieter roller shutters and on balance this is considered acceptable in this location.

Parking restrictions on Lodge Road presently permit 15 minutes waiting between 8am and 6pm and staff would use the courtyard parking area.

It is therefore considered that the proposal is compliant with policy and unlikely to cause significant additional harm to amenity and therefore is acceptable.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, authority be delegated to the head of Planning and Regeneration to GRANT planning permission subject to:-

- a) **Investigation of the possibility of relocating the external ducting to an internal exterior wall and any appropriate additional/amended conditions being attached as necessary to the permission prior to its issue; and**
- b) **Conditions and informatives as summarised below:**
 - 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

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Reason :- In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Prior to the commencement of development, precise details of the appearance and finishes of the new frontage onto Lodge Road, including the roller shutter, shall be submitted to and agreed in writing by local planning authority. The development shall proceed in accordance with the agreed details.

Reason: In the interests of visual amenity and historic interest in the fabric of the building in accordance with Policy B(BE)17 of the Borough of Redditch Local Plan No.3. and the NPPF.

- 3) Prior to the commencement of development, precise details of changes to the inner courtyard frontage shall be submitted to and agreed in writing by the local planning authority. The development shall proceed in accordance with the approved details.

Reason: In the interests of security and visual amenity and in accordance with Policies S1 and B(BE)17 of the Borough of Redditch Local Plan No.3.

- 4) Prior to the commencement of development, details of the extraction equipment and external refrigeration unit shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include the external colour and finish. The development shall proceed in accordance with the approved details and be operated in accordance with the manufacturer's instructions.

Reason: In the interests of residential amenity and in accordance with the NPPF.

- 5) The use hereby approved shall operate only between the hours of 12pm-12am Monday-Thursday, 12pm-1am Friday and Saturday, and 4pm-12am Sundays, Bank and Public Holidays.

Reason: In the interests of nearby residential amenity and in accordance with Policy B(BE)13 of the Borough of Redditch Local Plan No.3.

Procedural matters

This application is being reported to the Planning Committee because the applicant is Redditch Borough Council. As such the application falls outside the scheme of delegation to Officers.