



Planning Committee

Central Ward

16 June 2009

**2009/078/COU CHANGE OF USE FROM SINGLE DWELLING TO HOT FOOD TAKE-AWAY (GROUND FLOOR) AND TWO BEDROOMED FLAT (FIRST FLOOR)
2 ORCHARD STREET, REDDITCH
APPLICANT: MR S M HUSSEIN
EXPIRY DATE: 22 JUNE 2009**

Site Description

The existing building is a large two storey red brick dwelling dating from the Victorian period which is located at the corner of Orchard and Oswald Street.

To the East of the site lie a number of small business uses including D.M. Tyres, Premier Taxi's and Huntley's Funeral Services. To the West is a car park serving the Salvation Army building further to the north. To the North of the site lie the China Gardens restaurant and the Palermo Pizza hot food take-away. Further to the North lies Ipsley Street.

Access to the application site is via Oswald Street.

Proposal Description

Permission is sought for the change of use of the ground floor of the existing dwelling to that of a hot food take-away (an A5 Use) as defined by the Town and Country Planning (Use Classes) Order. The upper floor of the premises would be used as a two bedroomed flat.

External changes proposed are the insertion of a customer door in place of the existing window facing Oswald Street; the demolition of part of an existing single storey lean-to to allow the insertion of an external stair to the first floor flat and the widening of the existing vehicular access to Oswald Street to accommodate two parking spaces on an extended hardstanding.

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

National Planning Policy

PPS 1 (& accompanying documents) Delivering Sustainable Development
PPG 13 Transport

Borough of Redditch Local Plan No.3

- B(BE).13 - Qualities of Good Design
- E(TCR).3 - Peripheral Zone
- E(TCR).12 - Class A.3, A.4 and A.5 (restaurants, snack bars, cafes, Pubs and bars and take-aways).
- C(T).12 - Parking Standards

Relevant site planning history

None

Public Consultation Responses

Responses in favour

None

Responses against

One letter received. Comments summarised as follows:

- Concerns are raised with regards to increased congestion and vehicles being 'blocked in'.
- Littering is already a problem in the area. Adequate provision should be made for an increased number of litter bins at the site.
- Vandalism and unsocial behaviour are likely to increase by granting this consent.

Consultee Responses

County Highway Network Control

No objection

Environmental Health Officer

No objection in principle.

Recommend conditions regarding lighting; no burning on site; a scheme for the minimisation of emissions arising from cooking odour from the premises; refuse storage and state that the premises should be closed by 12 o'clock midnight in order to protect residential amenity.

Ask that the applicant's attention is drawn to the fact that the proposed use will require a premises licence under the Licensing Act 2003 via an application to the Local Authority and that the proposed use will require registration as a food premises.

Severn Trent Water

No objection. Drainage details to be subject to agreement with Severn Trent.

Police Crime Risk Manager

No objection.

Waste Management Officer

No objection subject to a condition regarding provision of a litter bin.

Assessment of proposal

The key issues for consideration in this case are the principle of the proposed development, highway safety, design and any other material considerations.

Principle

The site is situated within the peripheral zone as defined on the proposals map where Policy E(TCR).3 applies. Within the peripheral zone it is possible to accommodate a range of uses. The Orchard Street / Oswald Street area is typical in this respect and supports a mix of residential, Industrial and hot food uses. Any new proposals within the peripheral zone are expected to complement the role and function of the Town Centre.

Policy E(TCR).12 of the Local Plan deals specifically with proposals for Class A3, A4 and A5 uses which includes hot food takeaways, restaurants, cafés, wine bars and public houses. Officers have assessed the impact of the proposed hot food takeaway use upon neighbouring amenity, and in the absence of any adverse comments in principle from the Council's Environmental Health Officer, together with regard which has been had to the peripheral zone location of the site, Officers have concluded that the A5 Use proposed would complement the role and function of the town centre and would be acceptable in principle.

Highway safety

The existing vehicular access to Oswald Street would be widened to allow for the provision of two car parking spaces on site. The site is considered to be in a sustainable location, near to the Town Centre, very close to a major bus route along Ipsley Street, which is also a popular walking route for people travelling to and from the Town Centre. Unrestricted on-street

parking space on Oswald and Orchard Street for customers arriving by car would provide space for some 26 cars clear of the double yellow lines and the white painted vehicular access points.

Observation of this particular area has revealed that although this on-street parking space is well used during the working day, it empties rapidly from 5.00pm onwards during the week. There is some daytime parking on Saturday and Sundays but again, in the evenings the on-street parking space is usually clear. Use of the existing on-street parking spaces during the requested opening times of 1600 hrs to 12 midnight daily would not be considered detrimental to highway safety. County Highway Network Control raise no objections to the proposals.

Design

The external alterations are minor in nature and would not adversely affect the character and appearance of the existing building. Your Officers would however recommend that the staircase leading to the first floor flat should not have an un-treated finish, and should be painted, details of which could be agreed with the Local Planning Authority by condition.

Other issues

A condition is recommended in order to control the methods of cooking and resultant fume extraction etc prior to any development taking place on the site in the interests of visual and residential amenity, although the applicant has indicated that a separate external flue would not be necessary in this case as provision would be made for a flue within the existing building, by reopening the existing chimney on the north gable elevation.

A condition is also recommended in order to restrict the opening hours of the unit to a reasonable level in order to protect nearby residential amenity.

Details of litter bin and general refuse storage provision can be adequately dealt with by means of condition. Any condition restricting burning on site is not considered to meet the tests set out in Circular 11/95 and can be more effectively dealt with under relevant Environmental Health legislation.

Informatives are recommended for inclusion in respect to comments received from Environmental Health regarding lighting; premises licensing and registration as a food premises.

Conclusion

The proposal accords with current planning policy and it is not considered that the proposal would cause harm to amenity or highway safety.

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. The hot food take-away hereby permitted shall be closed and cleared of customers outside the hours of 1600 hrs to midnight daily.
3. Full details of the means of extraction, ventilation and control of odour and other emissions to be submitted, agreed and implemented prior to use commencing.
4. External staircase to have a painted finish – details of which to be submitted for the prior written approval of the LPA.
5. Hardsurfacing area's to be permeable.
6. Details of litter bin / refuse storage provision to be submitted for the prior written approval of the LPA. Development to be carried out in accordance with approved details.

Informatives

- 1) A separate application for Advertisement Consent may be required under the Control of Advertisements Regulations 2007 for any signage to advertise the business. The applicant is advised to contact the Local Planning Authority for further advice in this respect.
- 2) Drainage details to be in agreement with Severn Trent Water
- 3) Any external artificial security lighting provided to serve the proposed development should be compliant with current guidance produced by the Institute of Lighting Engineers, 'Guidance Notes for the Reduction of Light Pollution, revised 2005' – www.ile.org.ueg
- 4) The proposed use will require a Premises Licence under the Licensing Act 2003 via an application to the Local Authority.
- 5) The proposed use will require registration as a food premises via an application to the Local Planning Authority.