

**PLANNING
COMMITTEE**

25th August 2021

Planning Application 21/00922/FUL

Change of use from shop (Class E) to hot food takeaway (Sui Generis)

5 Unicorn Parade, 9 - 13 Unicorn Hill, Redditch, Worcestershire, B97 4QR,

**Applicant: Mr Khalil Rehman
Ward: Abbey Ward**

(see additional papers for site plan)

The case officer of this application is Claire Gilbert, Planning Officer (DM), who can be contacted on Tel: 01527 881655 Email: claire.gilbert@bromsgroveandredditch.gov.uk for more information.

Site Description

The site is situated in the Town Centre of Redditch within the Retail Core as defined on the Borough of Redditch Local Plan No. 4 Policies Map. It is situated towards the top of Unicorn Hill on the Southern side of the Road. Vine street runs along the rear of the unit.

The unit is situated within an established run of commercial units which currently have a mix of uses including shops and hot food takeaways. No 5 Unicorn Parade is currently an empty retail unit which would fall under Use Class E .

The adjacent unit: No. 4 Unicorn Parade, is currently a hot food takeaway, as is Unit No. 2 Unicorn Parade. However the uses of Unit No.s 1, 3 and 6 Unicorn Parade currently fall under use class E. With Units 3 and 6 being used as shops and Unit 1 being used as an insurance broker.

Proposal Description

The proposal is for the change of use of an existing retail shop (Use Class E) into a Hot Food takeaway (Use Class Sui Generis) with associated works.

Members will be aware that the planning use class system changed on the 1st of September 2020. As the proposal is for a hot food takeaway this use now falls within a distinct and separate use class a 'Sui Generis' class. The proposal therefore comprises a material change of use and requires express planning permission.

The main considerations for the proposal are the principle of development, having regard to the location of the site, the impact of the proposal on residential amenity and technical matters including highways, noise and odour should also be considered.

Relevant Policies:

Borough of Redditch Local Plan No. 4

Policy 1: Presumption in Favour of Sustainable Development

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Policy 19: Sustainable travel and Accessibility
Policy 20: Transport Requirements for New Development
Policy 30: Town Centre and Retail Hierarchy
Policy 31: Regeneration for Town Centre
Policy 32: Protection of the Retail Core
Policy 39: Built Environment
Policy 40: High Quality Design and Safer Communities

Others

National Design Guide
NPPF National Planning Policy Framework (2021)
NPPG National Planning Practice Guidance

Relevant Planning History

None

Consultations

WRS - Noise

WRS have no objection or adverse comment to make in relation to noise/odour. The specification for odour abatement plant and kitchen extract equipment appears acceptable and should be installed as proposed.

WRS - Air Quality

No relevant concerns have been identified therefore WRS have no adverse comments to raise in this respect.

Town Centre Co-ordinator

No Comments Received To Date

Highways Redditch

No highway objections subject to conditions on Electric Vehicle Charging Facilities and cycle parking

West Mercia Constabulary

No objections or comments

WRS- Licensing (Food And Drink)

I note that the applicant intends to trade between 11am and 11pm. Were the premises to be used for the sale of alcohol (at any time) or the sale of hot food and/or drink (between 11pm and 5am) then authorisation would be required under the Licensing Act 2003. An application for registration of a food business will also be required 28 days prior to the commencement of trading. Further information can be found on our website www.worcsregservices.gov.uk

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Waste Management

This doesn't affect us as we collect from domestic properties. We do offer a business waste service which would be the decision of the proprietors.

Public Consultation Response

8 Letters of objection have been received. These raise concerns relating to:

- Competition and lack of need for development- too many existing hot food takeaway businesses in the area
- Highway Safety- parking and access
- Presumption in favour of sustainable development
- Town centre and retail hierarchy
- Detrimental impact on amenity

These matters have been addressed in the report.

Assessment of Proposal

Principle of Development

Policy 32 of the Borough of Redditch Local Plan No. 4 which is for the Protection of the Retail Core sets out that the retail core is an area of primary shopping frontage. Within the retail core planning permission for change of use from Class A1 to A2, A3, A4 (now Use Class E) or A5 (Hot food takeaway now a Sui Generis Use Class) or any other use considered appropriate to a shopping centre will only be acceptable if the proposed use does not result in a continuous frontage of more than two non-retail units. (Units are defined as shopfronts with a width of about 6 metres). It also states that proposals for non-A1 uses that demonstrably contribute to the vitality and viability of the centre will be assessed on their own merits.

In this case given the uses of the neighbouring premises, the proposed Hot food take away (Sui Generis) use would not result in a continuous frontage of more than two non-retail units. The proposal is therefore considered to accord with Policy 32.

In addition to this the proposal would enhance the vitality of this part of Redditch Town Centre by allowing a currently vacant unit to resume commercial operation. The proposal would also contribute to the evening and night-time economy in the local area which is encouraged by Policy 31 of the Borough of Redditch Local Plan No. 4.

In view of the above assessment, the proposed change of use is considered acceptable in principle.

Matters relating to sustainable development, retail and town centre hierarchy, competition, and lack of need for the development in the area have been raised by objections. This is due to the number of takeaways already located within close proximity to the site and the financial implications a further takeaway business would have on these

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existing businesses. As noted above the location of the proposed takeaway is considered to be acceptable in principle.

Although the concerns raised in relation to competition are noted. Competition between commercial businesses is not a material planning consideration. This matter cannot therefore be taken into consideration in the assessment of this application.

Character and appearance

No external changes are proposed to the front elevation of the unit. The only external changes that are proposed are at the rear of the premises which is accessed via Vine Street. These changes include: the installation of a new ventilation system, which externally would comprise a louvre grille and a new condenser unit on the rear wall of the premises. A new bin store is also proposed to be created at the rear of the premises.

There are already other bin storage areas and ventilation systems and extraction equipment installed to the rear of the other premises within this run of commercial properties, as such it is not considered that the proposed works would detract from the character or appearance of the area.

Amenity

Worcestershire Regulatory Services have raised no objection in relation to noise, odour or air quality issues. They have stated that the specification for odour abatement plant and kitchen extract equipment that has been submitted with the application appears acceptable and should be installed as proposed. This matter is controlled with a suitably worded condition.

The opening hours of the takeaway are proposed to be 11am to 11pm every day. Given the unit is located within the town centre and that there are no residential properties at first floor or within the immediate adjoining premises it is not considered necessary to attach a condition to control the proposed opening hours in this case.

Highways

Worcestershire County Council Highways consider that the site is in the Town centre which is a sustainable location. They are aware that there are 2 car parking spaces to the rear of the unit, and that delivery drivers will use Vine Street for collection and delivery purposes. Whilst the customer access would be off Unicorn Hill. Overall, therefore they do not consider that there would be an unacceptable impact on Highway safety. They have therefore raised no objection to the application. They have however recommended that conditions be attached to any permission that is granted for this site relating to the provision of electrical vehicular charging points and cycle parking.

Waste

It is noted that there is an ongoing local issue in the vicinity in relation to commercial waste being left on the public highway. This can have implications on highway safety and public health, as well as having a negative impact on the visual amenity of the area. The proposed plans for this current application have indicated a dedicated storage area for

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bins at the rear of the premises and therefore it is not considered that the proposal would exacerbate this local issue.

Conclusion

The proposal seeks planning permission to change the unit to a takeaway use. The application site lies within the retail core of Redditch Town Centre and therefore Policy 32 of the BoRLP 4 states that a change of use is only acceptable if it does not result in a continuous frontage of more than two non-retail units, which it does not.

In addition to this the proposal would enhance the vitality of this part of Redditch Town Centre by allowing a currently vacant unit to resume commercial operation. The proposal would also contribute to the night time economy which is encouraged by Policy 31 of the BoRLP 4. Furthermore no issues in relation to highways, noise and odour or residential amenity have been identified in relation to the proposed change of use.

In view of the above and having regard to the benefits of the proposal that have been identified, it is considered that the proposal is a sustainable form of development. It is therefore recommended that planning permission is granted subject to conditions.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:

Conditions:

- 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.

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) The development hereby approved shall be carried out in accordance with the following plans and drawings:

Drawing No. 02 Proposed Floor Plans and Elevations
Jansun Envirocare PLC Activated Carbon Panels Date 17 September 2012
Jansun Filtration PLC Type 90 Panel Filter
Jansun Envirocare PLC V Line Pleated Panel Filter Economy Standard
Permanent Suspension Modules- Purified Air
DW/1 72 Specification for Kitchen Ventilation Systems

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Vent- Axia Black Sabre Slim Case Sickle Fans (BSC)
Ventilation and Extraction Details

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) Prior to first use of the development hereby approved the Extraction and ventilation system shall be fitted and in operation. This system shall then be maintained for the lifetime of the development or replaced with an equivalent.

Ventilation and Extraction Details
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Reason: To ensure that odour and noise nuisances are adequately mitigated.

- 4) The Development hereby approved shall not be opened to the public until 1 electric vehicle charging space has been provided, such space and power point shall be kept available and maintained for the use of electric vehicles.

Reason: To encourage sustainable travel and healthy communities.

- 5) The Development hereby permitted shall not be first occupied until cycle parking for 1 cycle has been provided on site.

Reason: To comply with the Council's parking standards.

- 6) The area provided at the rear of the unit for bin storage, as indicated on the Block Plan on Drawing No. 02 Proposed Floor Plans and Elevations, shall be made available prior to the use first being implemented and shall be retained for this purpose and this purpose only for the lifetime of the development.

Reason: To maintain the appearance of the area.

Informatives

- 1) Proactive engagement by the local planning authority was not necessary in this case as the proposed development was considered acceptable as initially submitted.

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- 2) Were the premises to be used for the sale of alcohol (at any time) or the sale of hot food and/or drink (between 11pm and 5am) then authorisation would be required under the Licensing Act 2003.

An application for registration of a food business will also be required 28 days prior to the commencement of trading. Further information can be found on our website www.worcsregservices.gov.uk.

Procedural matters

This application is being reported to the Planning Committee because the proposal includes a change of use of a premise to a hot food takeaway and as such, falls outside the scheme of Delegation to Officers.