

**PLANNING
COMMITTEE**

20th July 2010

PLANNING APPLICATION 2010/135/COU

RETROSPECTIVE APPLICATION TO CHANGE THE USE OF THE FRONT SECTION OF THE BUNGALOW FROM RESIDENTIAL TO INCORPORATE BAR & RECEPTION AREA

1207 EVESHAM ROAD, ASTWOOD BANK

**APPLICANT: MR A MIAH
EXPIRY DATE: 30TH JULY 2010**

WARD: ASTWOOD BANK & FECKENHAM

The author of this report is Steven Edden, Planning Officer (DC), who can be contacted on extension 3206 (e-mail: steve.edden@redditchbc.gov.uk) for more information.

(See additional papers for Site Plan)

Site Description

The site is situated on the eastern side of Evesham Road adjacent to but outside the defined District Centre for Astwood Bank which is situated on the western side of Evesham Road as defined in the adopted Borough of Redditch Local Plan No.3. The existing bungalow is residential at the front, with the rear currently operating as 'Spice Fusion' restaurant.

Existing hard standing to the front and rear of the bungalow provides space for car parking. Access to the bungalow is directly off Evesham Road.

Proposal Description

This application seeks planning permission for internal alterations to the bungalow which would enable the whole of the property to be used for restaurant use. A previous consent for the property enabled only partial change of use from residential to a restaurant. The main dining area would continue to be located at the rear of the premises, with a reception and bar area at the front, utilising the front door for customer access instead of the current arrangement which includes a customer access door to the side. The kitchen would also remain in the same position on the southern side.

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.wmra.gov.uk

www.worcestershire.gov.uk

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www.redditchbc.gov.uk

National Planning Policy

PPS1 Delivering sustainable development
PP24 Planning and noise

Borough of Redditch Local Plan No.3

CS7 Sustainable location of development
E(TCR).9 District Centres
E(TCR).12 Class A3, A4 and A5 Uses
C(T).12 Parking Standards

Relevant Site Planning History

Application No	Description	Decision	Date
2006/048/COU	Partial Change of Use of bungalow to restaurant	Approved	15/03/06
2007/193/573	Variation of condition 3 of 2006/048/COU to change hours of opening	Refused	22/06/07
2008/316/FUL	Internal alterations and conservatory extension to rear	Refused	5/11/08

There is also a BCN relating to the flue details, as a flue has been installed without agreeing the details. This matter is ongoing and is being dealt with separately by a Planning Enforcement Officer and is not a material consideration in relation to this application.

Public Consultation Responses

Responses in favour

None received.

Responses against

One comment received raising the following points:

- Running a take-away service already
- Noise and smell from flue already harmful to residential amenity at neighbouring properties.

Both the matters raised are under investigation and being dealt with by a Planning Enforcement Officer and are not material considerations relating to the application.

Consultee Responses

County Highway Network Control

No objection.

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Environmental Health

No objection subject to conditions and informatives relating to noise, hours of operation, light, odour and drainage.

Procedural Matters

This application is reported to Planning Committee for a decision because it is for a change of use to an A3 use, which falls outside those which are delegated to Officers to determine.

Assessment of Proposal

The key issues for consideration in this case are the principle of the development, and the impact of the proposals upon residential amenity.

Background

This non-conforming A3 use was originally accepted by Members in 2006 in the rear part of the bungalow, with residential accommodation retained at the front. It included restrictions on opening hours and the agreement of various details was required by condition. The extension of opening hours was then refused in 2007 in order to protect the adjacent residential amenity. A rear extension was then refused on similar grounds by Members in 2008.

Principle

Whilst the principle of a restaurant use on the eastern side of Evesham Road is therefore established, it is important to examine any wider impacts upon nearby residential amenities.

Impact of the proposal upon residential amenity.

By using the space within the two small rooms to the front of the building, (shown on the approved plan for 2006/048 to be retained for residential use) for dining as part of the revised restaurant floor layout, this would appear at first glance to represent an intensification of use. Your Officers, having discussed the application proposals with the applicant are however satisfied that no material intensification of use would occur, and that by placing appropriate conditions on any planning consent, the wholly restaurant use now being proposed, can be more adequately controlled than is the case at present.

Under this application, the number of 'covers' (place settings) within the restaurant would be 30, which is the same as at present. The applicant has stated that they would be happy for any condition of approval to restrict the number of covers to 30. No such condition currently exists at present and as such, further tables and chairs could be moved into the existing building, without consent. In addition, no condition currently exists which restricts any outdoor seating area which has been known to occur in the past and has been difficult to enforce against. Such a clear condition restricting any

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outdoor seating could be attached to this current proposal, which would help control noise spill and thus any harm to adjacent residential amenity.

The use of the front door for customer access is considered preferable over the existing side access as it would reduce the possibility of noise disturbance to adjacent neighbours.

With regards to parking there is considered to be no material intensification of use associated with the proposal, so long as any condition restricts the numbers of covers and having regard to the sustainable location of the site, parking provision is considered to be acceptable.

Other Issues

Conditions and informatives are recommended following the comments made by the Environmental Health team. These relate to details including hours of opening which would remain as originally approved.

As this proposal would not intensify the use of the building, it is not considered that any impacts from it would increase and therefore cause any additional harm, and in terms of the access of customers it is considered that this would reduce the impacts on neighbouring residents.

Conclusion

Having carefully examined the proposals, your Officers are satisfied that there would be no increased detriment to the residential amenities enjoyed by the occupiers of nearby properties by granting consent. Approval of this recommendation will enable your Officers to control more successfully the use of the site than is the case at present, thus reducing any detrimental impacts on neighbouring residential amenity and consider that the proposal would therefore comply with the policy objectives.

Recommendation

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

1. Time limit for commencement of development (three years).
2. Restriction of use to A3 only and no takeaways or deliveries from the premises.
3. The premises shall be closed and cleared of customers and no deliveries of goods to the premises shall take place outside the hours of 11.00 to 23.30 hours on Mondays to Saturdays and from 12.00 to 18.00 hours on Sundays.
4. Customer entrance to the premises to be via the front (west facing) elevation only.

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5. Maximum number of covers (limited to 30).
6. No outdoor seating/dining to take place outside the building.
7. Approved plans specified.

Informatives

1. Light
2. Odour
3. Drainage.