

REDDITCH BOROUGH COUNCIL

**PLANNING
COMMITTEE**

14th September 2010

PLANNING APPLICATION 2010/192/COU

**PROPOSED CHANGE OF USE OF EXISTING PREMISES FROM SHOP
(CLASS A1) TO USE AS A HOT FOOD TAKEAWAY (CLASS A5)**

64 CRABBS CROSS LANE, REDDITCH

APPLICANT: MR T TATLI

EXPIRY DATE: 1ST OCTOBER 2010

WARD: CRABBS CROSS

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 application site is a two storey terraced premises at the end of a parade of 4 commercial premises on the north side of Crabbs Cross Lane. The units are occupied at ground floor level as follows:

70 Crabbs Cross Lane	'Premier' general stores (A1 use)
68 Crabbs Cross Lane	'Icon' hairdressing (A1 use)
66 Crabbs Cross Lane	'Golden House' Chinese takeaway (A5 use)
64 Crabbs Cross Lane	'The Local', currently vacant but previously A1 use.

To the front of the parade is an off-street parking forecourt which although tarmaced, is not demarked and will only accommodate some 5 or 6 vehicles without becoming full.

The surrounding area is residential containing a mix of 1930s and 1960s semi-detached and terraced housing and a number of elderly persons' bungalows which are located to the opposite side of Crabbs Cross Lane.

Proposal Description

Permission is sought for full planning permission to change the use of an existing vacant shop within Class A1 (retail) to use as a hot food takeaway within Class A5. The application states that the A5 use proposed would include the takeaway of fish & chips, pizza's and kebabs. Number 64 was previously occupied by an off licence before becoming vacant in October 2009. The applicant states that the use would employ two full time equivalent members of staff including the applicant himself. The proposed use would operate between the hours of 12 noon and 11 pm Monday to Saturday, and 5 pm to 10 pm on Sundays and Public Holidays.

PLANNING COMMITTEE

14th September 2010

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

PPS1 Delivering Sustainable Development

PPG13 Transport

PPG24 Noise

Borough of Redditch Local Plan No.3

B(BE).13 Qualities of Good Design

E(TCR).12 Class A3, A4 and A5 uses

C(T).12 Parking standards

S.1 Designing out crime

Relevant site planning history

No relevant site history relates to the application site. Officers consider that the granting of planning permission from a shop use to a hot food takeaway use in 2002 under application 2001/591 at 66 Crabbs Cross Lane is material and should be taken into consideration in the determination of this application.

Public Consultation responses

The application has been advertised by both site notice and individual neighbour letter.

Responses in favour

The owner and landlord of the premises writes in support of the application. Comments are summarised as follows:

- The property has been vacant for some time and has been subject to vandalism and a loss of income. Permission should be granted as soon as possible to bring the unit back into economic use.

Responses against

At the time of writing, 8 letters have been received writing in objection to the proposals. Comments are summarised as follows:

- The council's policy restricts hot food takeaway uses to the Town or District Centres.
- This area is residential. A further A5 use where an existing takeaway use exists would mean that half of the premises would be in A5 use (2 out of 4) – this is too many and too intensive.

**PLANNING
COMMITTEE**

14th September 2010

- There are a large number of restaurants and hot food takeaways in the area at the moment – we don't need any more.
- Smells/fumes will be an issue – two extraction systems would normally be required – one for fried food and another for kebabs. To install effective fume extraction with residential property in such close proximity would be near impossible.
- We have to put up with a very ugly extraction unit to the rear of number 66 Crabbs Cross Lane and those associated smells which impact on amenity. The proposal would increase smells making our lives far worse as a result.
- The extraction unit at number 66 is very noisy. Noise in the area will increase significantly with the addition of another extraction system.
- Parking facilities in the area are inadequate to cope with any increase in comings and goings from the premises.
- Takeaway litter has increased significantly following the approval of the A5 use at number 66. Litter will inevitably increase, to the detriment of amenity.
- The opening hours proposed are totally unreasonable given that this is a residential area.
- A shop use would not necessarily lead to incidents of anti-social behaviour occurring. A hot food takeaway use like the one proposed would. Such behaviour is unacceptable in a residential area.
- An increase in food waste will encourage rats. Rats are already a problem in the area following the approval at number 66 Crabbs Cross Lane.

Consultee Responses

County Highway Network Control

Comments awaited.

Environmental Health

Comments awaited.

Police Crime Risk Manager

Comments awaited.

Waste Management Officer

Asks that provision be made for a litter bin if consent is granted.

Assessment of proposal

Principle

The area in which planning permission is sought is essentially residential in character. As such, new development should be compatible with this primary land use.

**PLANNING
COMMITTEE**

14th September 2010

Policy E(TCR).12 of the Borough of Redditch Local Plan which deals with applications for new A3, A4 and A5 uses as proposed here, expects such uses to be located within the Town Centre, Peripheral Zone or defined District Centres, considering that such sites represent the most appropriate locations because they are more sustainable and there is likely to be less adverse impact on residential amenity and highway safety issues.

Within the reasoned justification for the policy, it states that A5 uses will not normally be permitted where there is existing housing at ground floor level in any adjoining properties or where the applicant cannot show that he/she can implement measures relating to discharge of fumes or soundproofing through control over all relevant land or buildings. Your Officers have noted that the garage serving number 64 Crabbs Cross Lane, which would be partly converted to accommodate the proposed flue extraction system is located adjacent to, and is attached to the residential property, number 62 Crabbs Cross Lane, which, amongst other properties in the area would, in your officers' view suffer unreasonably through noise and smell disturbance.

If permission were to be granted for the proposal, two of the four commercial units along this parade would be in hot food takeaway use. Policy asks that consideration be taken to the cumulative impact of A5 uses in areas due to the impact of these proposals on residential amenity through noise, smell and litter.

Policy C(T).12 and Appendix H of the Local Plan give the required parking standards for a takeaway use based on floor area as 1 space per 10 m² floor space as opposed to 1 space per 25 m² for a retailing operation.

In accordance with the standards contained in the Local Plan, the proposals would require the provision of up to 5 parking spaces for this A5 use alone. The application makes no provision for extra parking on this already congested site.

Officers consider that there is no justification in policy terms to allow this proposed change of use in this predominantly residential area. Such A5 uses are considered likely to attract an increased volume of people and traffic resulting in disturbance by virtue of noise and of increased comings and goings, vehicle manoeuvring and a possible gathering point in the evenings. Such a use would be likely to result in serious detriment to residential amenity and the character of this residential area.

Other issues

Little information has been submitted in the application in relation to fume extraction other than floor plans which indicate that the flue would pass through the centre of the building before exiting through the roof. Whilst such details can, depending on the circumstance of the case, be agreed by

PLANNING COMMITTEE

14th September 2010

planning condition, on such a sensitive site, your officers would have expected to view more detailed proposals so that the impact of the flue upon the visual and residential amenities of the area could be fully assessed. Without these details, there is nothing to suggest to your officers that the means of extraction would not be harmful to the character and appearance of the street-scene and to residential amenity.

Conclusion

Being a wholly residential area, the proposals would be considered contrary to the aim of Policy E(TCR).12 which directs A5 uses to Town and District Centres and Peripheral Zone areas and away from residential areas due to such proposals likely detrimental impact upon residential amenity.

Recommendation

That having regard to the development plan and to all other material considerations, planning permission be REFUSED for the following reasons:

- 1. The proposed development would not be compatible with this primarily residential area in that it is likely to result in increased vehicular and pedestrian activity and disturbance to the severe detriment of existing residential amenity and the character of this residential area. As such, the development would be contrary to Policy E(TCR).12 of the Borough of Redditch Local Plan No.3.**
- 2. The proposed development makes inadequate provision for the parking of vehicles in accordance with the Borough of Redditch Council's parking standards and as such is likely to result in increased congestion and on-road parking to the detriment of vehicular and pedestrian highway safety and to the detriment of nearby residential amenity. The proposed development would therefore be contrary to Policies E(TCR).12 and C(T).12 of the Borough of Redditch Local Plan No.3.**
- 3. In the absence of sufficiently detailed flue / means of odour extraction equipment information and proposed soundproofing measures proving otherwise, the proposed development would be likely to have an adverse impact upon the amenities of nearby residential occupiers by reason of noise and smell disturbance. In addition, the proposals would be likely to be harmful to the visual amenities of this residential area. As such, the proposals would be contrary to Policies E(TCR).12 and B(BE).13 of the Borough of Redditch Local Plan No.3.**