



Planning Committee

Lodge Park Ward

7th October 2008

**2008/286/COU CHANGE OF USE FROM SHOP TO HOT FOOD TAKE-AWAY
15 BEOLEY ROAD WEST, REDDITCH
APPLICANT: MR R JEDRZEJCZYK
EXPIRY DATE: 3RD OF NOVEMBER 2008**

Site Description

(See additional papers for Site Plan)

The site comprises a terrace of three 3-storey houses fronting onto Beoley Road West. The terrace has an imposing appearance in the street-scene, featuring three front gables. A terrace of similar appearance, with ground floor commercial uses and flats above, is located immediately to the east. Further to the West of the site lies the junction of this road (now closed to traffic) with Holloway Lane and Other Road. The Kings Arms Public House and car park are located on the opposite side of the road to the application site.

This Unit forms a terrace of three Units (11, 13 and 15) with the ground floors of these units currently occupied as follows:

Unit 11 'Pol Market' (a Polish Shop)
Unit 13 A Tanning Studio
Unit 15 (The application site) currently a food store / fruit and veg shop

To the immediate East lies a further terrace of Units, the ground floors of which are currently occupied as follows:

Unit 17 Currently vacant, but has planning permission for a Launderette
Unit 19 Dhaka Indian take-away
Unit 21 Dhaka Balti restaurant

Further to the West of Units 11, 13 and 15 lie further commercial units which are occupied as follows:

Unit 1 A florists shop (A1 use)
Units 3 and 5 Hairdressing Salons (A1 use)
Units 7 and 9 These are small units operating as a printing shop.

Proposal Description

Permission is sought for the change of use of the ground floor of the premises from a Shop (Use Class A1) to a hot food take-away (an A5 Use) as defined by the Town and Country Planning Use Classes Order. The application states that the unit would be used as a 'Polish Kebab House'

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

Borough of Redditch Local Plan No.3

- B(BE).13 - Qualities of Good Design
- E(TCR).4 - Need and the sequential approach
- E(TCR).12 - Class A.3, A.4 and A.5 (restaurants, snack bars, cafes, Pubs and bars and take-aways).
- C(T).1 - Access to and within development
- C(T).12 - Parking Standards

Under the previous Borough of Redditch Local Plan No.2 the site was shown as being within the Town Centre Peripheral Zone. However, under the current adopted Local Plan No.3, Town Centre boundaries have been more tightly drawn and as such, the premises no longer fall within the Peripheral Zone.

Relevant site planning history

2005/503	Conversion of 3 no. dwellings into 3 no. ground floor retail units with 3 no. two bed-roomed flats above.	Approved	03/04/2006
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Public Consultation Responses

Responses in favour

None

Responses against

2 letters received raising the following concerns:

- Concerns regarding the existing number of similar fast food takeaways in the area and that by approving this application existing business's will not be able to survive due to increased competition.

- Redditch cannot sustain this many food outlets – the market is becoming saturated with the same use of business.
- Concerns regarding parking provision and likelihood of inconsiderate and dangerous parking taking place.

Consultee Responses

County Highway Network Control

No objection

Environmental Health Officer

Comments awaited

Police Crime Risk Manager

Comments awaited

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 and any other material considerations.

Principle

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 the cumulative impact of an additional A5 use as required by the above policy, and in the absence of any adverse comments in principle from the Council's Environmental Health Officer, together with regard which has been taken to the close proximity of the premises to the Town Centre and the relatively few A5 uses which would be present along this stretch of commercial premises to the northern side of Beoley Road West should consent be granted, Officers have concluded that the A5 Use proposed is acceptable in principle. The issue of competition between business's raised in the public representations is not a material consideration in the determination of this application.

Highway safety

Although no 'on-site' parking exists, given the aims of sustainability around which planning policy is centred, contrary to the representations received, the lack of on-site parking in this case is considered acceptable. This is because the site is in an area adjacent to residential development and is near to main pedestrian and public transport routes into the town centre. There are also opportunities for off street parking immediately opposite the site within a public car park adjacent to the Kings Arms Public House car park. The applicant claims that he would have authorisation to use 15 of these car parking spaces which greatly exceeds the required car parking standards under the terms of Policy C(T).12 for this type of development.

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. 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. Should a future occupant wish to increase these hours, a variation of condition application could be made and considered.

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 the following conditions:

- 1) Development to commence within 3 years
- 2) The use hereby permitted shall be closed and cleared of customers outside the hours of 12 noon to 2200 hours 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) Details of litter bin 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 planning application may be required for external alterations to the appearance of this building. The applicant is advised to contact the Local Planning Authority for further advice in this respect.
- 2) 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.