

**PLANNING  
COMMITTEE**

**29th February 2012**

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**PLANNING APPLICATION      2012/004/COU**

**CHANGE OF USE FROM CLASS A.1 (SHOPS) TO CLASS A.5 (HOT FOOD TAKEAWAY), NEW SHOPFRONT AND REAR YARD EXTENSION**

**9 DOWLERS HILL CRESCENT, GREENLANDS**

**APPLICANT:      MR MOHAMMED QASIM RAFIQ**

**EXPIRY DATE:    28th FEBRUARY 2012**

**WARD:            GREENLANDS**

The author of this report is Sharron Williams, Planning Officer (DM), who can be contacted on extension 3206 (e-mail: sharron.williams@bromsgroveandredditch.gov.uk) for more information.

**(See additional papers for Site Plan)**

**Site Description**

The application site is a three storey terraced premises within a parade of 6 retail units at ground floor level and residential accommodation at first and second floor level, located on the eastern side of Dowlers Hill Crescent. The retail units are occupied at ground floor level as follows:

3 Dowlers Hill Crescent	'Classic Cuts' hairdressers (A1 use)
5/7 Dowlers Hill Crescent	'Raj Newsagents and General Store' (including off licence) (A1 use)
9 Dowlers Hill Crescent	'Mrs Bits and Bobs', currently empty (A1 use) (application site)
11 Dowlers Hill Crescent	'Flower Shop', (A1 use)
15 Dowlers Hill Crescent	'Greenlands Chinese takeaway' (A5 use)

The unit has a shopfloor with a kitchen area and WC facility to the rear. Access to the flat above is provided via a staircase at the rear of the shop. A yard at the rear is enclosed with lockable gates and comprises two storage buildings.

To the front of the parade there is a pull-in area for several cars to park. However, the main car parking facility is to the rear and side of the parade of shops.

The surrounding area is residential containing a mix of semi-detached and terraced housing.

# **PLANNING COMMITTEE**

**29th February 2012**

---

## **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.

Alterations are proposed to the unit and include a new aluminium double glazed shopfront, which would have low stall risers and a central doorway. Internally, the kitchen would remain the same whilst the shopfloor would have fryer units and serving counter and one set of table and chairs.

In the rear yard area, it is proposed that a cold store building be built next to the existing store buildings. A shallow mono pitched canopy is proposed to be built from the rear of the main building to create shelter in the yard area. This would be a timber support structure with translucent sheeting for the roof and sides above the existing side walls of the yard. A stainless steel extract flue with a 30 cm diameter is proposed to be installed at the rear of the building and would be visible on the rear elevation and protrude above the eaves of the roof.

The hours of opening would be 12 am midday to 12 pm midnight 7 days a week, and the applicant states that the use would employ three full time members of staff.

The application is supported by a Secured by Design Statement which refers to the proposed shop front confirming that toughened glass would be used and that a roller shutter be provided for after hour's security. Improved security locks would be used for the gates to the rear yard area, in addition to wall lights and PIR detection as standard. A further burglar alarm is proposed to be fitted to the shop, kitchen and access to the rear for the flat above.

The application is supported by a Community Involvement Statement which clarifies that there has been no community involvement prior to submitting the application.

## **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](http://www.communities.gov.uk)

[www.wmra.gov.uk](http://www.wmra.gov.uk)

[www.worcestershire.gov.uk](http://www.worcestershire.gov.uk)

[www.redditchbc.gov.uk](http://www.redditchbc.gov.uk)

# **PLANNING COMMITTEE**

29th February 2012

---

## ***National Planning Policy***

- PPS.1 (& accompanying documents) Delivering sustainable development  
PPS.4 Planning for Sustainable Economic Growth  
PPG.13 Transport  
PPG.24 Planning & Noise

## ***Worcestershire County Structure Plan***

- D.34 Retail Developments in District and Local Centres  
D.43 Crime Prevention and Community Safety

## ***Borough of Redditch Local Plan No.3***

- B(BE).13 Qualities of Good Design  
B(BE).14 Alterations and Extensions  
B(BE).16 Shopfronts  
B(BE).17 Shopfront Security  
E(TCR).12 Class A.3, A.4 and A.5 uses  
C(T).12 Parking standards  
S.1 Designing out Crime  
E(TCR).9 District Centres

The site is within the urban area of the Borough and is undesignated in the Borough of Redditch Local Plan No.3.

## ***Other Relevant Corporate Plans and Strategies***

- Town Centre Strategy (TCS)  
Sustainable Community Strategy (SCS)

## **Relevant Site Planning History**

<b>Appn. no</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
99/249	<i>9 Dowlers Hill Crescent Food preparation and retail</i>	Approved	7 Sept 1999
96/401	<i>11 Dowlers Hill Crescent Change of use to a hot food takeaway</i>	Withdrawn	21 Nov 1996

## **Public Consultation Responses**

Neighbour consultation letters posted and a site notice erected at the site.

## **Responses against**

21 comments received raising the following points:

- Extensive night time disturbance and noise, as well as anti social behaviour that would be detrimental to residential amenity.
- Additional litter.

# **PLANNING COMMITTEE**

**29th February 2012**

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- Increase in traffic and vehicles parking in this primarily residential Crescent.
- Facility not necessary when there are such facilities nearby in the Town Centre and District Centres.
- Need a shop for the community not a takeaway.
- Encourage groups of people to congregate in the area late at night.
- Will change the character of the traditional parade of shops and probably result in a shuttered premise.
- Additional odours.

Other issues which are not material planning considerations have been raised, but are not reported here as they cannot be considered in the determination of this application.

## **Consultee Responses**

### ***County Highway Network Control***

No objection

### ***Worcestershire Regulatory Service (General Hygiene)***

Comments relate to general hygiene issues should permission be granted. This would be covered under other legislation outside the planning remit.

### ***Worcestershire Regulatory Service (Community Protection)***

No objection subject to conditions and informatives regarding odour control and extraction system details

### ***Crime Risk Manager***

No objections

### ***Community Safety Officer***

No comments received

### ***Development Plans***

No comments received

### ***Waste Management***

No objection subject to a condition requiring the provision of adequate litter / cigarette bins

## **Assessment of Proposal**

The key issues for consideration in this case are:-

### **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**

**29th February 2012**

---

Policy E(TCR).12 of the Borough of Redditch Local Plan No.3 deals with applications for new A3, A4 and A5 uses and expects such uses to be located within the Town Centre, Peripheral Zone or defined District Centres. Such sites are the most appropriate locations for these uses because they are more sustainable and likely to have less adverse impact on residential amenity and highway safety issues.

The parade of shops concerned does not form part of a District Centre for the area. It is considered that due to the facilities provided, the shops are purely of neighbourhood significance and are intended for essential day to day needs. Granting approval for the proposal would result in two of the five commercial businesses in this parade to be of hot food takeaway use. Consideration of the cumulative impact of A5 uses in this area needs to be taken into account due to the impact these proposals could have on the residential amenity through noise, smell and litter.

Officers consider that given such uses should be encouraged firstly in the Town Centre, Peripheral Zone and then District Centre, there appears to be 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. The applicant has provided no information to address this policy concern.

Residents have raised concerns about the proposed use and how it could impact on residential amenity in respect to noise, disturbance, smell and character of this mainly residential area.

Design and Layout

The design of the new shopfront is considered to be acceptable and would improve the appearance of the premises. However, it has been indicated in the Design and Access Statement that roller shutters are proposed to the shopfront. Details of the roller shutters have not been submitted so it is unclear as to whether the shutters would be provided internally or externally. Officers have requested additional information on this matter.

At the rear of the building, it is proposed to enclose most of the rear yard area with a canopy, and adjacent to the existing external stores, it is proposed that a cold store be erected. However, it is unclear as to how the cold store would be constructed. Officers have requested additional information on this matter.

# **PLANNING COMMITTEE**

**29th February 2012**

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Further details will be provided on the Update report; however, even if the details of the design are considered to be acceptable, this would not necessarily outweigh the concerns above regarding the principle of the proposed use.

## **Other Issues**

Little information has been submitted in the application in relation to the fume extraction other than elevational plans which indicate that a flue would be installed on the rear elevation. Whilst such details can, depending on the circumstance of the case, be agreed by 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, it is unclear as to whether or not the means of extraction would be harmful 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.

## **Procedural matters**

This application is reported to Planning Committee for determination because all change of use to A5 applications fall outside the scheme of delegation to Officers