



# Planning Committee

Astwood Bank and Feckenham Ward

4 November 2008

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**2008/316/FUL INTERNAL ALTERATIONS AND ADDITION OF CONSERVATORY TO REAR TO ENABLE WHOLE OF PREMISES TO BE USED AS A RESTAURANT  
1207 EVESHAM ROAD, ASTWOOD BANK  
APPLICANT: MR R SEED  
EXPIRY DATE: 26 NOVEMBER 2008**

## Site Description

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

The site is situated on the eastern side of Evesham Road adjacent to but outside of 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 has up until recently, been operating partly as a restaurant by the name of 'Barrington's' retaining a small part of the bungalow for residential use.

Existing hard standings to the front and rear of the bungalow provide 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. The most recent consent on the property enabled only partial change of use from residential, to a restaurant. The application also seeks planning permission for the erection of a small lean- to conservatory to the rear of the bungalow to be used for dining purposes as part of the restaurant. The proposed conservatory measures 7 metres in length, and would project 2 metres out into the rear garden area. Its maximum height would be 2.8 metres.

For members information, Barrington's restaurant is now closed and no longer open for business. It is understood that the prospective purchaser of 1207 is an Indian restaurant.

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

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

CS7 Sustainable location of development

B(NE).4 Noise

E(TCR).9 District Centres

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

C(T).12 Parking Standards

### ***SPDs***

Encouraging good design

### **Relevant site planning history**

2006/048 Partial change of use of bungalow to a restaurant . Approved  
15.3.06

### **Public Consultation responses**

#### Responses in favour

None received

#### Responses against

None received

### **Consultee responses**

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

Comments awaited

#### ***Environmental Health***

No adverse comments raised in respect of proposals

### **Assessment of proposal**

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

## Principle of development

Members may recall planning application 2006/048, which was presented before planning committee on 7<sup>th</sup> May 2006. This application, which proposed the part change of use from a bungalow in residential use to that of a restaurant, was recommended for refusal by Officers at that time, but the application was supported and approved by the Planning Committee. Planning permission was granted for a scheme which retained a front portion of the bungalow (that nearest to Evesham Road) for residential use, but allowed the change of use of the rear part of the bungalow to a restaurant use. Other than the standard condition requiring that works start within 3 years from the date of the planning consent, other conditions attached to the permission restrict the use to A3 (restaurant) use only; restrict hours of opening to between 11.00 to 23.30 hrs on Mondays to Saturdays, and from 12 noon to 18.00 hrs on Sundays. The final condition requires the applicant to submit a scheme for the minimisation of emissions arising from cooking odour from the premises.

Your Officers had recommended the refusal of application 2006/048 on the basis that the proposal would constitute an unacceptable and incompatible commercial use in this predominantly residential part of Astwood Bank which was considered to be to the detriment of living conditions and amenities of adjoining residents and therefore contrary to Policy E(TCR).12 of the Local Plan. Given that the site is also outside of the District Centre, Officers considered that the proposal would be contrary to Policy E(TCR).9 which seeks to maintain the existing centre on the western side of Evesham Road.

The application as submitted in 2006 was presented as a tea room facility (which falls within Class A3 of the Use Classes Order as does a restaurant). Members on balance considered that the existing lack of a tea room or village restaurant facility in Astwood Bank would add to the vitality of the village centre, notwithstanding that the site was situated just outside of the district centre boundary. In addition, members considered that the site was in a sustainable location and could be accessed by a variety of modes of transport. The presence of on-site car parking together with the availability of car parking nearby and to the immediate North of the Sambourne Lane road junction meant that the proposal was not considered to be detrimental to highway safety.

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.

The proposed conservatory to the rear is considered to be small in size, and the structure itself meets relevant criteria contained within the council's adopted SPG 'Encouraging Good Design'. As such the structure itself would not give rise to any adverse overbearing, overshadowing

impact upon nearby neighbours, nor would it adversely impact upon the character and appearance of the existing bungalow.

By using the space created by the introduction of the small conservatory, together with the use of the two small rooms 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 38, 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 38. 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 outdoor seating could be attached to this current proposal, should members be minded to approve, which would help control noise spill, a complaint from neighbours received by your Officers in respect to application 2006/048.

Since the approval in 2006, the premises have chiefly been operating as a 'cafe' style establishment. By its nature, such a use will more often than not have table and chair settings closer together than would be the case with a restaurant. The submitted floor plan shows that relatively large spaces would exist between tables, and your Officers consider that on balance a restriction on a maximum number of covers to 38 would be reasonable. The use of the conservatory if permitted would seat 8 diners on two tables of 4. Such an arrangement, within the confines of a conservatory is considered to be acceptable.

The proposals would utilise the centrally placed door in the Evesham Road facing, front elevation for customer access / exit to and from the building. Under the approved scheme, due to the residential use to the front of the building, this door has not been used by customers, who instead use the existing door to the south facing elevation causing what is considered to be greater harm to residential amenity in terms of noise disturbance (particularly to the occupiers of number 1209 Evesham Road).

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 to 38, so as before, parking provision and having regard to the sustainable location of the site, is considered to be acceptable. In respect to the issue of parking, your

officers would draw Members' attention to the application for a new dental surgery at the vacant plot between 1201 and 1205 Evesham Road, just to the north of this site. Permission was refused for this proposal by Planning Committee in 2005 due to the considered inadequacy of parking at the site but was later allowed on appeal by the Planning Inspector.

In addition to the conditions referred to above, your Officers would recommend that the following matters be addressed as conditions to any permission:

- No takeaways or deliveries from the premises (a separate A5 consent would be required for this)
- 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 hrs on Mondays to Saturdays and from 12.00 to 18.00 hrs on Sundays
- In the case of any changes to cooking equipment operations, the prior written approval of the Local Planning Authority should be sought.
- Customer entrance to the premise to be via the front (west facing) elevation to the premises only

### Conclusion

Having carefully examined the proposals, your Officers are satisfied there would be no increased detriment to the residential amenities enjoyed by the occupiers of nearby properties by granting consent. Approval of this scheme subject to the inclusion of conditions as outlined in the recommendation will enable your Officers to more successfully control use at the site than is the case at present and consider that permission should be granted.

### 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 hrs on Mondays to Saturdays and from 12.00 to 18.00 hrs on Sundays
4. In the case of any changes to cooking operations, the prior written approval of the Local Planning Authority should be sought for means of cooking odour / extraction equipment.
5. Customer entrance to the premise to be via the front (west facing) elevation to the premises only

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6. Maximum number of covers (limited to 38).
7. No outdoor seating / dining to take place outside of the building
8. Development to be in accordance with submitted floor plan layout – drawing number sk 0105 001