

TWC/2016/0423

7 Oxford Street, Oakengates, Telford, Shropshire, TF2 6AA

Removal of Condition 5 on Planning Permission TWC/2014/0004 to allow the sale of hot food for consumption off the premises by collection and home delivery

APPLICANT

Oi Xing Weng

RECEIVED

12/05/2016

PARISH

Oakengates

WARD

Oakengates and Ketley Bank

OFFICER Tom Carruthers

THIS APPLICATION HAS BEEN REFERRED TO COMMITTEE BY OFFICERS

OBJECTIONS: Yes

1. THE PROPOSAL

- 1.1 This full planning application is for the removal of condition 5 on Planning Permission TWC/2014/0004 to allow the sale of hot food for consumption off the premises by collection and home delivery.
- 1.2 There are no changes externally or internally proposed on this application.
- 1.3 In the supporting statement the applicant has stated that the restaurant opened in 2015 and initially it was busy but business dropped off. He states that it has since closed as it was not making money as due to various incidents in Oakengates, people do not go out. It has also been stated that having the property closed is not good for Oakengates and re-opening it with a takeaway use will create more jobs.
- 1.4 The restaurant currently has consent to open between 11.00 and 23.30 hours Monday – Sunday and all staff must vacate the premises by midnight. The applicant has not requested any extension to the opening hours as part of this application.

2. SITE AND SURROUNDINGS

- 2.1 The premise is on Oxford Street, Oakengates which is off the main Market Street in Oakengates District Centre. The site falls within the Oakengates Secondary retail Zone as identified within the Wrekin Local Plan.
- 2.2 Oxford Street is a narrow one way street between Lion Street and Market Street. The street has been recently resurfaced with a parking area down the one side of the street (opposite side of the road to the application site). There have been traffic calming measures installed along the road. There is a variety of types of uses along the street including an Indian restaurant, a Chinese and Cantonese Takeaway, a performing Arts Academy, a bookmakers, estate agents and various retails uses. A number of the units

along this street are empty. A number of the premises have residential uses at first floor level.

- 2.3 The property is a Chinese Restaurant which is currently closed. It is the middle property in a terrace of three with an Indian Restaurant to the left and a grocery shop the right. At first floor level is a flat which is used in conjunction with the shop. The shop has recently been renovated to a high standard and looks neat and tidy within the street scene.

3. PLANNING HISTORY

- 3.1 W2006/1491 Change Of Use Of Ground Floor To Hot Food Take Away Full Refused 05/02/2007
- 3.2 W2008/1193 Change Of Use Of Ground Floor Office Use To A1 Use Full Granted 12/12/2008
- 3.3 TWC/2013/0222 Alterations to create a new shopfront change of use from office space to residential following conversion of first floor and attic space with alterations to rear walls and the creation of a raised decking area Full Granted 13/05/2013
- 3.4 TWC/2014/0004 Change of use from retail shop (Use Class A1) to a Chinese Restaurant (Use Class A3) with erection of a single storey side and a single storey rear extension and installation of an extraction duct chimney Full Granted 01/05/2014

4. PLANNING POLICY CONTEXT

- 4.1 National Planning Guidance:
National Planning Policy Framework
- 4.2 Core Strategy:
CS2 Jobs
CS5 District and Local Centres in Telford
- 4.3 Wrekin Local Plan:
S17 Oakengates Secondary Zone
- 4.4 Telford & Wrekin Local Plan (Publication Version)
BE1 Design Quality

5. CONSULTATION RESPONSES

- 5.1 Oakengates Town Council: Object

Members object to the application on the ground that there are already too many take-away restaurants in Oakengates.

- 5.2 Shropshire Fire: No comment

5.3 Neighbourhood Consultation

No letters of representation have been received.

6. PLANNING CONSIDERATIONS

6.1 Having regard to the development plan policy and other material considerations, including comments received during the consultation process, the planning application raises the following main issues.

- Relevant background
- Impact on amenity

Relevant background

6.2 Policy S17 of The Wrekin Local Plan specifically states that restaurants, cafes and public houses will be permitted within the secondary zone subject to their size, design and the overall impact on the environmental capacity of the centre but does not mention hot food takeaways.

6.3 Policy CS5 of the Core Strategy states that district centres have to have a mix of retail, recreation, leisure and culture, employment and housing uses.

6.4 There was an application for this premises in 2006 (Our Reference W2006/1491) for the change of use of ground floor offices to hot food takeaway which was refused on 5th February 2007. This was not appealed at the time. The reasons for refusal were:

- 1. The Local Planning Authority considers that the proposed change of use to a hot food takeaway would contribute to an excessive provision of this type of development within the Oakengates secondary retail zone. Accordingly the proposal is contrary to Policy S27 of the Wrekin Local Plan 1995-2006.*
- 2. The Local Planning Authority considers that the proposed use is unacceptable as it is located adjacent to a residential property and would result in an unacceptable impact upon its amenity. Accordingly the proposal is contrary to Policy S28 of the Wrekin Local Plan 1995-2006.*

6.6 An application was received in 2008 (our reference W2008/1193) for the Change Of Use Of Ground Floor Office Use To A1 which was approved 12th December 2008. This retail use was never implemented.

6.7 A provisional enquiry was submitted in 2012 (our reference PE/2012/0660) for the change of use of the ground floor to A5 and creation of a flat a first floor. The applicant was advised that there would be no concerns with residential at first floor however, due to the number of existing take-away/A5 uses within the Centre of Oakengates and the sites location, it was unlikely the Council would support an application for the proposed takeaway use.

- 6.8 A further 2 applications were received in 2013 (Our references TWC/2013/0222 and 0223) for shopfront alterations and change of use of first floor and attic from office space to residential with alterations to rear walls and the creation of a raised decking area and also for the display of 1no. externally illuminated fascia sign. This work was started but the shopfront was not completed under this application.
- 6.9 In 2013 an enquiry was received requesting the change of use to a restaurant. In our response, we stated that we would support the change of use to a restaurant but that we would not support any element of takeaway. A subsequent planning application was submitted (our reference TWC/2014/0004) for the Change of use from retail shop (Use Class A1) to a Chinese Restaurant (Use Class A3) with erection of a single storey side and a single storey rear extension and installation of an extraction duct chimney which was granted on 14th February 2014. This is the planning permission being varied now. Nowhere within the applicant's submission did they ask about takeaway. A planning condition was imposed restricting it to a restaurant only with no takeaway. This condition was not appealed.
- 6.10 We received an enquiry in 2016 asking to remove the condition to allow takeaway use. In our response we stated that the property is within the Oakengates Secondary Retail Zone and Policy S17 of the Wrekin Local Plan does not support new takeaway uses.
- 6.11 The informal advice given for this property since 2006 has been consistent, namely a takeaway would not be supported. Since the refusal in 2006, this current application is the only formal planning application submitted for takeaway use.
- 6.12 In the supporting statement the applicant has stated that the restaurant opened in 2015 and initially it was busy but business dropped off. He states that it has since closed as it was not making money as due to various incidents in Oakengates, people do not go out. It has also been stated that having the property closed is not good for Oakengates and re-opening it with a takeaway use will create more jobs. Whilst officers sympathise with the applicant, his financial situation is not a material planning consideration. It is agreed that having an empty unit is not ideal for the district centre but neither is an unsuitable use.

Impact on amenity

- 6.13 The applicant considers it unfair that the Indian Restaurant next door is allowed to do takeaway and that he feels he should be able to do the same. The applicant was clearly made aware before submitting the application that we would not wish to see another takeaway use in the area. The adjacent Indian restaurant was given consent in 2003 for a restaurant (Our reference W2003/0089). There was no condition restricting takeaway at the premises. However, this application was determined before the first application at 7 Oxford Street and before other restaurant/takeaways, and it is now

considered that there is a proliferation of A5 uses many of them with historical permissions, within Oakengates.

- 6.14 There are currently 2 shut down properties in Oakengates that have Use Class A5 permissions, one on Limes Walk and one on Market Street. The one in Market Street has been shut for many years. The applicant has been advised that it is unlikely that the LPA would support another takeaway use, especially within the Secondary Retail Zone and considering that there are 2 current empty properties which could re-open tomorrow with an existing hot food takeaway A5 permission.
- 6.15 There are a number of residential properties at first floor level within Oxford Street. There are a number of problems associated with takeaway uses with cars pulling up, additional noise from customers and people coming and going more frequently than when a restaurant. Allowing yet another takeaway to open in Oakengates would be detrimental to the residential amenity of these properties.
- 6.16 There has recently been a lot of work carried out on Oxford Street. It is now a narrow one-way street with parking down the side of the road, on the opposite side to the application site. This parking is well used and people pulling up to go and collect takeaways from the premises are likely to cause increased traffic problems.
- 6.17 Another hot food takeaway would add to the proliferation of hot food takeaways within the area and would harm the viability of Oakengates Centre.

7. CONCLUSIONS

- 7.1 Core Strategy policy CS5 does encourage a mix of development in District Centres, which there already is in Oakengates and the premises already benefits from a restaurant use. However, hot food takeaway uses in Oakengates' Secondary Zone is contrary to Wrekin Local Plan policy S17. A further hot food takeaway in an area already with a proliferation of hot food takeaways would undermine the vitality and viability of Oakengates District Centre and have a detrimental impact on the area.

8. RECOMMENDATION

- 8.1 Based on the conclusions above, it is recommended that the committee **REFUSE PLANNING PERMISSION** for the following:
1. The Local Planning Authority considers that the use of the property as a hot food takeaway would contribute to an excessive provision of this type of development in Oakengates District Centre which would undermine the vitality and viability of Oakengates District Centre. The site is also within the Oakengates Secondary Zone and accordingly the proposal is contrary to policy CS5 of the Core Strategy and saved Policy S17 of the Wrekin Local Plan.