

TWC/2016/0194

Premier Stores, Unit 1, Calcott, Stirchley, Telford, Shropshire, TF3 1YQ
Part change of use of existing retail unit (Use Class A1) to café and hot food
takeaway (Use Class A3/A5)***ADDITIONAL INFORMATION RECEIVED***

APPLICANT

Rashpal Johal

RECEIVED

29/02/2016

PARISH

Stirchley and Brookside

WARD

The Nedge

OFFICER

Marie Smyth

OBJECTIONS RECEIVED: Yes

CLLR. NATHAN ENGLAND HAS REQUESTED THAT THIS APPLICATION IS DETERMINED BY THE PLANNING COMMITTEE

1. THE PROPOSAL

- 1.1 The application is for the part change of use of Premier Stores, Unit 1, Calcott, Stirchley from retail (A1) to a café and hot food takeaway (mixed A3/A5 use).
- 1.2 The supporting statement advises that the current business operates as a convenience store within a large premises. Dividing this into two businesses makes economic sense in securing the current business whilst offering extra services to the local community.
- 1.3 The floorspace of the proposed unit would measure 80 square meters, therefore less than 1/3 of the existing 298 square metre store. The proposed unit will be accessed separately via an existing door within the front elevation, with no access through into the existing shop.
- 1.4 The only external alterations are the installation of a fire escape door to the side elevation and an extraction flue/stack to the roof of the building.
- 1.5 The proposed opening hours are 08:00 to 21:00, seven days a week and the use will create two full time and four part time jobs. Parking is available within two existing off-street areas.
- 1.6 Planning permission was previously refused, with an appeal dismissed, for the change of use of part of the premises to a hot food takeaway opening until 11pm in 1994 (W94/0346). The Inspector upheld that the development was contrary to the policy at the time (Telford Local Plan 1993 Policy S12), which stated that there should be no A3 uses outside of District Centres (note that at the time the A3 use class included takeaways). The Inspector also considered that the application did not include sufficient information, particularly relating to fume extraction, to justify that the proposal would not result in an unacceptable impact on local amenity.

- 1.7 This application is accompanied by a Planning Statement, an Extraction System Statement and additional extraction details.

2. SITE AND SURROUNDINGS

- 2.1 Stirchley is located approximately 2.5 miles to the south of Telford town centre with the Local Centre approximately ½ mile to the south west of the application site, comprising shops and facilities including a medical practice, library, parish offices and recreation centre.
- 2.2 The application premises is part of a larger convenience store which sits within a single storey, flat roof building. There is another, smaller retail unit within the building which is currently vacant but appears to be previously run as a hairdressers/beauty parlour.
- 2.3 There are two parking areas adjacent to the premises, accessible off Churncote and Calcott providing approximately 16 spaces.
- 2.4 The area surrounding the application site is predominantly residential, with the exception of Grange Park Primary School to the rear, west.

3. RELEVANT PLANNING HISTORY

- 3.1 W94/0346: Change of use of part of existing supermarket for hot food takeaway. Full Refused 16/06/1994. Appeal Dismissed 30/11/1994. Refusal reasons as follows:
- The use of the site for a hot food takeaway would be contrary to the shopping policies in the Telford Local Plan in that the applicants have not demonstrated that there will be no harm to the nearby residential area in terms of noise, smell or disturbance.
 - The proposed use could give rise to loss of amenity to the occupiers of nearby dwellings in terms of noise, nuisance, disturbance, particularly during unsocial hours, and litter.
 - The details of the fume extraction system proposed is considered to be unsatisfactory to ensure that fumes and smell arising from the proposed use will be properly dispersed.

4. PLANNING POLICY CONTEXT

- 4.1 National Guidance:
National Planning Policy Framework
- 4.2 Wrekin Local Plan:
S1 Service Centre Hierarchy
S24 Changes within Local Centres and Local Shops
UD2 Design Criteria
- 4.3 Core Strategy:
CS2 Jobs
CS15 Urban Design

- 4.4 Telford & Wrekin Local Plan (Publication Version):
BE 1 Design Criteria

5. SUMMARY OF CONSULTATION RESPONSES

Standard consultation responses

- 5.1 Stirchley and Brookside Parish Council: Object
- Inappropriate over-development in a residential area
 - Noise, smells, extra refuse and vermin risk
 - Drainage issues
 - Visual amenity to neighbours
 - Lack of parking, churning up of grass verges to allow extra parking and limited access for emergency vehicles
 - Risk of increased crime and risk of vandalism.
- 5.2 Cllr. Nathan England: Object
The use will result in greater anti-social behaviour, littering and congestion around the site. The reasons to reject a similar application in 1994 still apply and residents have raised serious concerns about the application.
- 5.3 Environmental Health: Support subject to conditions
Support the application subject to conditions to control the height of the stack serving the cooking element and that there should be no noise, vibration or odour from the cooking element.
- 5.4 Highways: No objection
- 5.5 Shropshire Fire Service: Comment
As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications'.

Neighbour consultation responses

- 5.6 Following consultation with neighbouring properties, including the adjacent primary school, six objections have been received. The comments are summarised as follows:
- Limited parking, which is often used by residents. Will lead to an increase in dangerous parking on street
 - Increased traffic and congestion
 - Litter, outside the premises and in the wider area
 - Late night opening
 - Cooking smells
 - Increased noise and anti-social behaviour

6. PLANNING CONSIDERATIONS

- 6.1 Having regard to the development plan policy, dismissal of the appeal in 1994 and other material considerations including comments received during the consultation process, the planning application raises the following main

issues:

- Principle of development
- Impact on living conditions of neighbouring properties
- Parking and highway safety
- Impact on the character and appearance of the area

Principle of development

- 6.2 Wrekin Local Plan (WLP) Policy S1 identifies local shops as part of the hierarchy of service centres where development and investment should be directed. WLP Policy S24 advises that proposals for change of use from retail which lead to the loss of important local shopping facilities will only be acceptable if they are no longer required or viable. This application does not propose to replace the retail unit, instead only changing the use of less than a 1/3 of the shop floorspace, which the application supporting statement advises will help secure the viability of the current business. The supporting statement also advises that the existing unit is too large to operate efficiently and cost effectively in this location due to changes in customer shopping trends. The statement goes on to advise that the applicant therefore wishes to diversify and expand the service he offers to local residents.
- 6.3 The proposal is for a café (A3) accommodating eight tables selling both hot and cold food (sandwiches, pizzas, pasties etc.), as well as hot and cold beverages and non-alcoholic drinks. The takeaway (A5) element will offer similar products. Opening hours are proposed between the hours of 7.00am. and 9.00pm. There is a litter bin in place outside the premises.
- 6.4 A number of objections have been received from local residents as well as the Parish Council and Cllr. England. The concerns relate to litter, both outside the premises and in the wider area, late night opening hours and increase in anti-social behaviour.
- 6.5 Officers have carefully considered these objections, as well as the Inspector's decision on the 1994 application. This previous application, however, was for a hot food takeaway with opening hours up to 11.00pm, therefore later than that now proposed. This would have been more likely to cause harm to neighbours in night time hours, when residents expect noise levels to diminish. In addition there were no fume extraction details submitted, whereas this application is accompanied by such details which are to the satisfaction of Environmental Health (EH) Officers. On balance, it is therefore considered that the principle of the proposed use, with conditions to restrict the opening hours to the suggested 9.00pm, would be acceptable.
- 6.6 Officers are unable to restrict the range of products sold, or control the proportion of the mix of the proposed A3 and A5 uses. Members should therefore be aware that granting this consent would enable the applicant to potentially operate the business with A5 being the predominant element. However, supporting the application would in turn support the viability of the existing shop, a consideration of Policy S24, and would create two full time and four part time jobs, in accordance with Core Strategy (CS) Policy CS2 and the NPPF, which promote job creation in accessible locations.

- 6.7 Subject to the consideration of other matters, and with appropriate conditions to control the use to be a mixed A3/A5, there is no objection in principle to the proposal in this location in accordance with WLP Policy S24 and CS Policy CS2.

Impact on living conditions of neighbouring properties

- 6.8 Objections have been raised by residents, Cllr. England and the Parish Council regarding issues with fume extraction and cooking smells, as well as general concerns relating to noise, disturbance and the increase in anti-social behaviour.
- 6.9 During the process of the application details of the proposed extraction system and external stack have been submitted at the request of EH Officers. The stack will be positioned on the roof, away from edge, and will comprise a small flue which is only required to project 1m above the eaves height. EH Officers are in support of this application and have suggested conditions which stipulate the height of the stack and that there should be no noise, vibration or odour from the cooking element. This will ensure that the unit complies with the relevant guidance, therefore limiting the impact on nearby residents. The closest property is located approximately 20m from the proposed unit and therefore, on the advice of the EH Officers, it is not considered that an appropriately designed extraction system would result in an unacceptable level of noise and odour.
- 6.10 The concerns relating to general noise and disturbance associated with people visiting and leaving the premises, as well as congregating outside resulting in anti-social behaviour, has also been considered. As outlined above officers consider that this potential impact would be limited by the imposition of opening hours until 9.00pm on each day and also the nature of the mixed use.

Parking and highway safety

- 6.11 The two areas for parking to the north and south, accessed from Churncote and Calcott respectively, are within the applicant's ownership. These provide approximately 16 spaces for the use of customers. These spaces are not designated as residents parking but objections have suggested that the parking is not sufficient and that these areas are often used by local residents. As a result, objectors are concerned that the proposal will lead to an increase in congestion and dangerous parking on street. However, Highways Officers have raised no objection to the application, either in respect of increased traffic or parking arrangements.

Impact on the character and appearance of the area

- 6.12 The application proposes to install a fire escape door to the side elevation, there is no objection to this minor alteration. An existing window and door within the front elevation will form the shopfront to the unit. These are obscured by a roller shutter, which is currently kept closed. The opening up of this will be an improvement to the appearance of the building and in turn will have a positive impact on the wider area. Officers also have no objection to

the visual impact of the extraction flue, which is only required to protrude 1m above the eaves of the building and will be set back from the frontage.

- 6.13 Therefore, in accordance with the requirements of CS policy CS15, WLP policy UD2 and TWLP policy BE1 it is considered that the proposal would not cause undue harm to the appearance of the building or the quality of the local environment.

Other matters

- 6.14 All other matters raised in the consultation process have been considered but do not raise any issues that would warrant a review of the analysis of this proposal.

7. CONCLUSIONS

- 7.1 The principle of the mixed café (A3) and takeaway (A5) use is, on balance, considered to be acceptable in this location. The application would support the existing business and create additional jobs. Matters relating to fume extraction are to the satisfaction of Environmental Health Officers subject to conditions. These conditions along with those restricting opening hours would ensure that the proposal would not have an unduly detrimental effect on neighbouring properties. The external alterations are acceptable, and the opening up of the shutters to the existing shopfront will be an improvement to the appearance of the building and the local environment. The application is therefore considered to be in accordance with Core Strategy Policies CS2 and CS15, Wrekin Local Plan Policies S24 and UD2, Telford and Wrekin Local Plan Policy BE1 and the National Planning Policy Framework.

8. RECOMMENDATION

- 8.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is to **GRANT PLANNING PERMISSION** subject to the following conditions and informatives (with authority to finalise conditions and reasons for approval to be delegated to the Development Management Service Delivery Manager):

Conditions

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|----|------|---|
| 1. | A04 | Time limit full |
| 2. | C051 | Fume extraction restrictions |
| 3. | C059 | No noise or vibration from cooking element of use |
| 4. | C38 | Development in accordance with plans |
| 5. | D06 | Restriction on use |
| 6. | D11 | Hours of work |

Informatives

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| I32 | Fire Authority |
| 140 | Conditions |
| 141 | Reasons for grant of permission |
| RANPPF1 | Approval- National Planning Policy Framework |