

TWC/2016/1180

Unit 2, Sutton Road, Admaston, Telford, Shropshire, TF5 0AY

Change of use from Post Office (Class A1) to Fish and Chip Shop (Class A5) with installation of 1no. flue

**APPLICANT**

Joginder Singh

**RECEIVED**

21/12/2016

**PARISH**

Wrockwardine

**WARD**

Admaston and Bratton

**OFFICER**

Libby Harper

THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE BY WARD MEMBER CLLR KIERNAN, AND ENTAILS PROPOSED FINANCIAL CONTRIBUTIONS THROUGH A S.106 AGREEMENT

**1. PROPOSAL**

- 1.1 This is a full application for change of use from Post Office (Shop Use Class A1) to Fish and Chip Shop (Hot food takeaway Use Class A5). The scheme includes provision of a brick clad flue at the side of the unit onto Station Road. The existing post office, display and sales area would be converted to the sales and cooking area, an existing WC and kitchen remaining as is, with an existing store used for food prep with two side stores retained for this purpose. Externally, it is proposed that CCTV would be installed on the front elevation together with provision of two bins, the flue is proposed within a recess at the side, a new sign is suggested on the elevations in place of the existing and indicated as illuminated sign (this would be subject to a separate advertisement consent).
- 1.2 The Post Office is now vacant, having been relocated to the neighbouring newsagent in August 2015. Refuse provision (storage and collection) is positioned at the rear of the unit. The unit is served by mains provision for foul and surface water drainage. It is proposed that the shop would provide employment for one full time and two part time employees.
- 1.3 Proposed opening hours comprise Monday-Friday 12:00-14:30 and 16:30-21:30, Saturday 12:00-14:30 and 16:30-21:30, with no opening on Sunday and Bank Holidays.
- 1.4 The application is accompanied by a covering statement, and details relating to the proposed extraction system.

**2. SITE AND SURROUNDINGS**

- 2.1 The site entails a two storey brick built terraced block of 5 units with retail on the ground floor level and 5 residential flats above (accessed from the rear). The immediate surrounding area is residential in nature, with Wellington

District Centre approximately 2km to the south west with mixed uses and transport links in and around Telford.

- 2.2 The site forms the end northern unit sited adjacent to the junction of the B4394 Station Road and Sutton Road, the former linking through to Shawbirch and the urban north of Telford and onto the rural west. Immediately behind the shops is a service yard accessed from the south side. The first floor residential elements have balconies with metal railings at the rear. The service yard houses a block of 10 flat roofed garages and a detached pitched roof garage, the applicant has latterly evidenced that each retail unit and flat is allocated a garage. The north side facing onto Station Road is bound by brick walling and attached store. A section of this wall has been removed and replaced with high metal gates attached to the garage block. Incidental open land abuts the full length of this boundary with an adjacent footpath and lay-by parking area with 10 parking spaces fronting the row of shops with areas available for staff parking.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 TWC/2013/0508 – Installation of a pedestrian access and staff parking. Full Granted 18/10/2013
- 3.2 TWC/2012/1018 - Installation of a pedestrian access and staff parking. Full Refused 11/02/2013
- 3.3 TWC/2011/0707 Creation of new access and the erection of gates (Retrospective). Full Refused 04/10/2011
- 3.4 Unit 8 Sutton Road - W91/1012 Change of use to pizza food takeaway shop with installation of new shop front. Full Refused 05/02/1992. Appeal Dismissed APP/P3230/A92/205858 05/06/1992.

Reasons for refusal:

1. It is considered that the use does not comply with policy S12 of the Amended Draft Telford Local Plan in that it is not accepted that there is a need for the proposed use in this local centre and that it does not serve a very local catchment.
2. It is considered that the introduction of a hot food take away in this very small local centre is likely to give rise to an unacceptable impact on the amenities of nearby residential properties by virtue of an increased level of activity, noise, nuisance and traffic disturbance at night.

### **4. PLANNING POLICY CONTEXT**

- 4.1 National Planning Policy Framework (the NPPF)
- 4.2 Saved Wrekin Local Plan policies  
UD2 Design Criteria  
S24 Changes within local centres and local shops

T22 Planning Obligations

4.3 LDF Core Strategy policies  
CS2 Jobs  
CS15 Urban Design

4.4 Submission Version Telford & Wrekin Local Plan (June 2016)  
SP1 Telford  
BE1 Design criteria

## 5. SUMMARY OF CONSULTATION RESPONSES

### Standard consultation responses

5.1 Cllr Terry Kiernan Ward Member: Object

Referral to Planning Committee:

- Residents opposed to the change of use from A1 to Hot Food on a Private Housing Estate when Admaston is not a Local Centre under the Local Plan unlike Leegomery and The Brooklands
- Lack of need - two fish & chip shops within minutes of Admaston at The Brooklands and Leegomery, three in Wellington plus twenty or more fast food outlets
- Allegedly no effort has been made to let the empty shop but effort has been made for a chip shop in the past
- Change of use will change the ambience of the area, will no doubt devalue near properties
- Shop will change to a night time economy with more cars, not conducive to the area of Admaston where a lot of residents are retired or pensioners
- Exasperate present parking problems in Sutton Road and Admaston Road outside private houses where residents are boxed in and cannot get out, HGVs park on the footpath along with tractors and trailers, and through traffic now on Admaston Road even up to the pedestrian crossing where traffic does not stop at times.

5.2 Highways: Comment

In principle no objection to the proposal subject to a S106 contribution. Advise that the Adopted Highway Parking Area to the front (10 spaces) and to the side (3-4 spaces) of Admaston Shops is predominately provided to serve customers utilising this facility. According to Telford & Wrekin's emerging Local Plan Parking Standards no increase in parking provision is required to support the change of use application.

As the result of an early evening site visit (5pm-6pm), the Local Highways Authority Officer did notice that although at least 10 parking spaces were being utilised, it was clear that with only 3 shops open and 2 customers on view that local residents/ shop occupiers must be using the parking area for other means. Assumed that the Fish & Chip Shop would do the most business in the evening which differs from the existing Post Office use therefore the

LHA does have concern whether suitable parking provision will be available to ensure vehicles do not over spill onto the Local Highway Network particularly within close proximity of the Station Road / Sutton Road Junction.

Therefore proposed that a parking bay waiting restriction is imposed on the Adopted Parking area to ensure adequate parking provision is provided for customers and double yellow lines are installed on the Station Road/ Sutton Road Junction in order to mitigate my Highway Safety concern. Note that this mitigation will require further consultation through the Traffic Regulation Order Process. Accordingly, request the following S.106 Contribution:

1. £2000 towards the implementation of Double Yellow Lines and supporting Traffic Regulation Order on the Station Road / Sutton Road Junction.
2. £2000 towards the implementation of a Parking Bay Waiting Restriction and supporting Traffic Regulation Order on the Sutton Road/ Station Road Parking area.

The money is to be paid upon commencement of development and any unspent within 5 years shall be returned to the applicant.

5.3 Drainage: Comment

Request a condition that appropriate oil/fat interceptors must be installed on the foul drainage outfall prior to occupation.

- 5.4 Environmental Health Pollution Control: Support subject to conditions  
Request conditions requiring the scheme containing the details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues to be installed in their entirety before the use commence and thereafter maintained in accordance with the manufacturer's instructions; that the stack servicing the cooking element is 1 meter above the eaves of the premises; that no odour from the cooking element of the business is to be perceptible outside of the premises boundary; and that, no noise or vibration from the cooking element of the business to be audible at the nearest surrounding sensitive receptor.

5.5 Healthy Spaces: Comment

Identify Priority 1 of Telford & Wrekin's Health and Wellbeing strategy is to Reduce Excess Weight in Children and Adults. The prevalence of obesity amongst adults in Telford & Wrekin is estimated to be worse than the national average at 26.5% of adults compared to 24.2% in England as a whole, this equates to 36,00 adults 16 years and over. Being overweight or obese is one of the most widespread threats to health and wellbeing in the country. Obesity reduces life expectancy by on average 11 years. Obese children and adolescents are more likely to become obese adults and therefore are at higher risk of future health problems such as type 2 diabetes, cancer and heart disease. There is growing evidence that improving local access to healthy food may improve diets and restricting local access to high fat/sugar/salty foods may improve diets. By creating health-promoting

environments we can improve the health and wellbeing of people living within them and reduce health inequalities. By taking effective action and investing in prevention we may also be able to reduce costs to health and social care services. Request consideration whether this is an appropriate location for a fast food takeaway in regards to saved Wrekin Local Plan Policy S25 (New local centres and local shops). This policy states that the 'Council will permit the creation of new shops of a size and scale related to the needs of the immediate communities which they serve subject to satisfactory arrangements with respect to access, servicing and parking'.

## 5.6 Neighbour representations

5.6.1 35 neighbour objections have been received, raising the following summarised issues:

- Odour – including from when the entrance is continually opened and closed and permeates the air with the shop surrounded on all sides and above by living accommodation, not the situation at either Brooklands or Leegomery as Local Centres
- Increased noise and pollution – especially from late opening, idling engines, vehicles starting and stopping late into the evening
- Litter – already a litter problem, increased vermin population
- Anti-social behaviour – people hanging around at night, existing problem of groups (local teenagers) hanging around and fish & chip shop will encourage more threat to elderly
- Lack of need – plenty of provision in the area including at the Brooklands (no more than a mile away / ½ mile, currently for sale) / Wellington (mile away) / mobile fish & chip shop in Shawbirch Tuesday & Friday, another business more in keeping with the area causing less problems could be found, tradition of fish & chip shops on the wane with many closing down with proliferation of alternatives
- Previous refusal for takeaway in 1992 nothing about the area has changed since then
- Out of character and change in character of the area – become urbanised and scruffy
- Admaston not a Local Centre under Local Plan unlike Leegomery and Brooklands where there are greater facilities particularly for fresh food
- Lack of parking and increased traffic – already a problem of inconsiderate parking of people using the shops, damage to residents cars, congestion, pedestrian crossing on Station Road near to junction, existing issue of motorists parking in front of driveways / on driveways when spaces full – including tractors with trailers / HGVs, danger to children / disabled people / guide dogs / wheelchairs / pushchairs needing to be go into road to get around parked vehicles, with increased vehicular movement, traffic to increase through development on sugar beet factory / Maxell / other sites along the A442 with application creating an obstruction and congestion point on Station Road. Resident photos – identified as comings and goings / vehicles blocking drive and pavement parking, unlikely very few residents will walk to the facility

- Health implications - obesity rising, diabetes, heart disease
- Opening times queried – 11am to 9.30pm 6 days a week intolerable intrusion into residential community, opening hours could be made longer
- Difficult to refuse further cooked premises once precedent set
- Plans do not show proximity to houses on Station Road
- Query reduction in residents Council tax if this goes ahead.

5.6.2 A Petition has also been received – 17 signatories ‘Petition Against proposed fish & chip shop in Sutton Road, Admaston’.

5.6.3 A support representation has been received advising that Admaston, Bratton and Shawbirch do not currently have a takeaway food outlet, such a facility would be a welcome addition to the area.

## **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:

- the principle of the change of use
- the impact on the living conditions of neighbours
- highways
- the impact on the character and appearance of the area

### The principle of the change of use

6.2 The NPPF places emphasis on creating strong, competitive economies helping to secure jobs and create new employment opportunities. The site sits within a modest run of units comprising a mix of uses, namely a hair salon, beauty salon, local store, newsagent with post office - having been relocated from the application unit 18 months ago. The run of units is not defined as a local centre through adopted or the Submission Version Local Plan, and on this basis would not be judged against CS5, but does afford a range of provision contributing to meeting day to day needs in the locality.

6.3 A commercial property agent has confirmed that they have acted upon the instruction of the applicant to dispose of the premises, as a lock-up shop unit, by way of a new lease. Particulars were circulated to an extensive mailing list, details of the property were posted on the company’s website, and the shop was included in Shropshire Star advertising, featured twice during the marketing period. From this it is advised that very little interest was generated, and no offers were received to lease the property, with marketing taking place over an 18 month period to March 2017. On balance, it is considered that sufficient marketing has taken place – with policy S24 necessitating not less than 9 months continuously – related to local shops, and has not afforded an alternative A1 occupant. The proposed would provide a positive benefit in terms of re-using a vacant premises, contributing to the mix of uses and employment generation, therefore the principle of development is acceptable.

### The impact on the living conditions of neighbours

- 6.4 The run of shops sits in close proximity to residential properties, 19 Station Road at the rear (albeit the house itself sits to the rear of unit 6 two doors down) at 16m, No. 3 Sutton Road (parallel to unit 4 adjacent) at 19m opposite, and Carn Brae on the opposite side of Station Road at 40m (each distance relating to the closest point of unit 2). It is therefore necessary to consider the potential impact of the takeaway business on adjoining residential amenities. The unit as it stands is not subject to restricted hours of operation, with a range of potential uses permissible under use class A1 including sale of sandwiches or cold food off the premises, dry cleaners, internet café and shops. A review of opening hours across the remainder of the units confirms that there are no restrictions on opening hours, advertised hours are as follows:

Hair by Paul Newman – unit 10	Mon closed Tues, Thurs and Fri 09:00-18:00 Weds 09:00-17:00 Sat 08:30-18:00 Sun Closed
Nail & Beauty Studio – unit 8	Mon – Thurs 10:00-20:00 Fri 10:00-18:00 Sat 09:00-16:00 Sun Closed
Admaston Stores (Grocers and off licence) – unit 6	08:00-21:00 daily
Admaston News – unit 4	06:00-18:00 Mon - Fri 06:00-16:00 Saturday 06:00-14:00 Sunday

- 6.5 The application hours sought relate to lunchtime coverage (11:30-14:30), together with late afternoon (16:30) through to the evening (21:30) Monday-Saturday, with no opening on Sunday and Bank Holidays. No concern has been raised in this respect by Environment Health; Officers consider that the hours sought are a reasonable balance between protecting residential amenity, the business needs of the operation and bearing in mind the unrestricted context to these units at present. In order to ensure ongoing control, it is proposed that the hours would be subject to condition to protect local amenity.
- 6.6 Notable concern is raised with reference to the creation of litter in the locality. In this respect, the applicant has identified the provision of two bins at the front of the unit seeking to mitigate such an issue, Officers further note the existing presence of a bin adjacent to the newsagents and a second to the north of the customer parking.
- 6.7 Potential odour arising from the takeaway has been raised as a significant neighbour concern, together with noise from the equipment used. The application material includes provision of details relating to the extraction system. A five stage process of odour abatement is proposed from initial

grease filters to a high velocity jet cowl set above the extraction ducting to allow all the waste gases to be projected straight up into the atmosphere. The approach is supported by Environmental Health with a condition recommended to necessitate delivery of the abatement process prior to the use commencing (and thereafter suitably maintained). This is together with conditions controlling the placement of the stack, and odour / noise and vibration not being permissible beyond the premises. The Local Planning Authority is therefore satisfied that the potential impact of the change of use can be addressed through the recommended conditions.

- 6.8 Reference is made to a 1992 refusal for change of use to pizza takeaway for unit 8 (3 doors down) within neighbour representation. It is considered that times have changed since the refusal; the LPA have gone back to Environmental Health who have reviewed the refusal, clearly given the passage of time, hot food takeaways are far more dispersed than in the early 1990s, here entailing an earlier closing time in the evening of 21:30 rather than 22:00, whilst any earlier closure would not be sustainable for the business, and overall represents an early shutting time for a hot food takeaway. The applicant is also proposing the installation of CCTV to discourage groups of people congregating in the vicinity. In light of this previous refusal, Environmental Health have confirmed that similar objections to those raised by their predecessor at that time would not be raised on this proposal, they do however comment that they do have additional powers if proven cases of anti-social behaviour concerns were to arise. Given the imposition of relevant conditions, and in the absence of an Environmental Health objection, it is not considered that there would be a significant impact upon residential amenity sufficient to warrant refusal.

### Highways

- 6.9 Highways implications are a significant area of concern for local residents, including citing existing problems of inconsiderate parking and blocking of driveways. Parking provision comprises 10 spaces at the front, with 3-4 spaces at the northern side. At the rear and southern side of the units sits staff and resident parking (5No. flats above the units), with the inclusion of 10 garages the applicant having confirmed that each flat and unit being allocated a garage. The Local Highways Authority has confirmed that no increase in parking provision is required to support the change of use of this form, but do recognise an issue as to the availability of the customer parking, particularly in the early evening as the likely peak time of custom to the proposed fish & chip shop. A number of early evening (5-6pm) site visits by the Local Highways Authority and Planning Officer has confirmed that further spaces have been occupied than customers on view, suggesting that local residents/shop occupiers are using the bays for long term parking rather than being available for customers. On the grounds of highway safety, a request is made for a S106 contribution towards provision of double yellow lines and a parking bay waiting restriction, with supporting Traffic Regulation Orders.
- 6.10 The nature of the time restriction imposed would be determined through a consultation process including engagement of the shop owners to determine a

suitable arrangement. There could be a number of options for consideration, including a blanket timescale, or a number of spaces having a longer time than others appreciating the mix of uses present including the hairdressers and beauty salon.

- 6.11 The heads of terms for this legal agreement are consistent with Regulation 122 of the Community Infrastructure Levy Regulations 2010, the provision of a highways contribution is necessary and consistent with Local Plan policy T22. The timescale for repayment of any unspent monies is proposed to be lessened from the suggested LHA 5 year period, to 3 years appreciating the need for the issue to be addressed in the shorter term balanced with highway budget procedures.

#### The impact on the character and appearance of the area

- 6.12 Physical change to the external appearance of the building through the proposal comprises the installation of a flue to service the extraction arrangement. Options around the citing of the flue are limited, positioning of the structure at the rear are not achievable due to the presence of the outdoor amenity and the position of windows relating to the upstairs flat. The position sought within the recess of the side of the building and the rear store seeks to reduce its impact and allows a fairly direct vertical route to aid the extraction process, the applicant has agreed to clad the structure with brick slips to match the existing further mitigating its impact in the streetscene. The position is not set directly in line with units on the opposite side of Station or Sutton Road. On balance, the provision of the flue is considered acceptable in design terms and its impact on the character and appearance of the area related to Core Strategy policy CS15, saved Wrekin Local Plan policy UD2 and the emphasis of Submission Version plan policy BE1.
- 6.13 Officers note that the elevations indicate new signage at the position of the existing arrangement, this is annotated as illuminated; any advertisement would necessitate a separate consent, and the run of units do not comprise illuminated signage at the height level sought, therefore the principle of this approach would not be considered acceptable.

#### Other matters

- 6.14 It is noted that a number of representations raise health issues arising from the proposal, this context is appreciated, however current planning policy does not pose a restriction in such locations in this respect (noting that Submission Version Plan policy EC6 related to Market Towns and District Centres does not support change of use entailing the creation of a concentration of more than three adjacent similar non-retail uses). All other objections 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 fish & chip shop takeaway (A5) use is, on balance,

considered to be acceptable in this location. The application would provide an active use for a vacant unit that has been marketed but unsuccessfully leased for an A1 retail use, and will lead to job creation. Matters relating to fume extraction are to the satisfaction of Environmental Health Officers subject to conditions. These conditions along with those restricting opening hours, and mitigation of highway concerns, would ensure that the proposal would not have an unduly detrimental effect on neighbouring properties. The external alterations are acceptable, with further detail required as to proposed signage through a separate application and necessitates a sensitive approach to be adopted. The application is therefore considered to be in accordance with Core Strategy Policies CS2 and CS15, Wrekin Local Plan Policies S24 and UD2, the emphasis of Submission Version 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 that DELEGATED AUTHORITY be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following:

A.) The applicant/landowners entering into a Section 106 agreement with the Local Planning Authority (terms to be agreed by the Development Management Service Delivery Manager) relating to:

i. Highways:

- £2000 towards the implementation of Double Yellow Lines and supporting Traffic Regulation Order on the Station Road / Sutton Road Junction.
- £2000 towards the implementation of a Parking Bay Waiting Restriction and supporting Traffic Regulation Order on the Sutton Road/ Station Road Parking area.

The money is to be paid upon commencement of development and any unspent within 3 years shall be returned to the applicant.

B.) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):

1. A04: Time Limit
2. C001: Finishing material of flue brick to match existing
3. C035: Site drainage, oil interceptor
4. C051: Completion of extraction and odour control scheme
5. C059: Stack 1 metre above eaves of premises
6. C059: No odour perceptible outside business premises boundary
7. C059: No noise or vibration perceptible outside premises boundary
8. C38: Development in accordance with deposited plans
9. D11: Hours Monday to Saturday 11:30-14:30, 16:30-21:30, with no opening

on Sunday and Bank Holidays

Informatives

I05: Scope of consent – Advertisement requires separate consent, I40  
Conditions, I41: Reason for approval, RANPPF1: Approval NPPF.