



Planning Committee

1 October 2013

Planning Application No	13/00575/FUL
Site	9 High Street, Tettenhall
Proposal	Change of use from retail unit (A1) to hot food takeaway (A5)
Ward	Tettenhall Wightwick
Applicant	Mr C Miah
Agent	Steev Ellson
Cabinet Member with Lead Responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable Strategic Director	Tim Johnson, Education and Enterprise
Planning Officer	Ann Wheeldon 01902 550348 ann.wheeldon@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant subject to conditions

2. Application site

2.1 This application was deferred by planning committee on September 3 for a site visit.

2.2 The application relates to a vacant retail unit in Tettenhall District Centre, which is located within Tettenhall Greens Conservation Area.

2.3 There are office units at first floor and flats in the immediate vicinity

3. Application Details

- 3.1 The application has been made to change the use of the unit from Class A1 (retail) to Class A5 (hot food take-away). The proposed works also include an external flue to the rear of the building. The proposed opening hours are 17.30 to 23.00 hours Monday to Sunday inclusive.

4. Relevant Policy Documents

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 The Development Plan:
Wolverhampton Unitary Development Plan (UDP)
Black Country Core Strategy (BCCS)
- 4.3 A Neighbourhood Plan for Tettenhall is in the process of being prepared with the draft plan now out for public consultation. The Tettenhall District Community Council produced an Issues & Aspirations Report in September 2012 which emphasised the importance of local shopping facilities. As the Neighbourhood Plan is unable to be given significant planning weight until it is adopted, applications have to be determined in accordance with the adopted Development Plan. But it is considered that the proposal would comply with the draft policy in the draft plan relating to A5 uses within Tettenhall Centre (Policy TNP3 Commercial Centres and the Retail Offer)

5. Environmental Impact Assessment Regulations

- 5.1 This development proposal is not included in the definition of Projects that requires a "screening opinion" as to whether or not a formal Environmental Impact Assessment as defined by the above regulations is required.

6. Publicity

- 6.1 13 letters objecting to the proposal have been received. Objections are made on the following grounds;
- Inadequate parking facilities
 - Adverse impact on highway safety due to potential increase in traffic
 - Disturbance to nearby residents
 - Increased levels of anti-social behaviour
 - Increased litter
 - Increased noise disturbance
 - Cooking odour adversely affect amenity
 - Detrimental impact on conservation area
 - No demand for change of use, which is out of character
 - Reduction in daytime foot traffic

7. Internal Consultees

- 7.1 Transportation – No objections.
- 7.2 Environmental Health – No objections subject to a condition requiring the installation and extraction system suitable to control the effects of cooking odours.
- 7.3 Police – concerns about parking and increase in anti-social behaviour (ASB) or perception of ASB

8. Legal Implications

- 8.1 When an application is situated in or affects the setting of a Conservation Area by virtue of Section 72 and Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in considering the application and exercising their powers in relation to any buildings or other land in or adjacent to a Conservation Area the Local Planning Authority must ensure that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and further should have regard to any representations ensuing from the publicity required under Section 73 of the Act. (KR/18092013/Q)

9. Appraisal

- 9.1 The key issues are: -
 - Principle of change of use
 - Impact on amenity
 - Parking
 - Impact on the conservation area
- 9.2 Principle of change of use
The unit is located within a district centre where policy SH10 requires that there should be no more than 30% (in terms of number or length) or three in a row, non-A1 units in any frontage. There are 54 ground floor units in Tettenhall District Centre 16 out of the 54 are non- A1 use which equates to 29.6% non-A1 units. Consequently the proposal complies with the requirements of this policy and is acceptable in principle.
- 9.3 Impact on amenity
The unit is located within a commercial area and there is an office located above. There are a number of dwellings in the nearby vicinity. It is not considered that the proposed use would generate unacceptable noise levels to adversely affect neighbour amenity, due to its location within an existing centre and the proposed hours of opening.

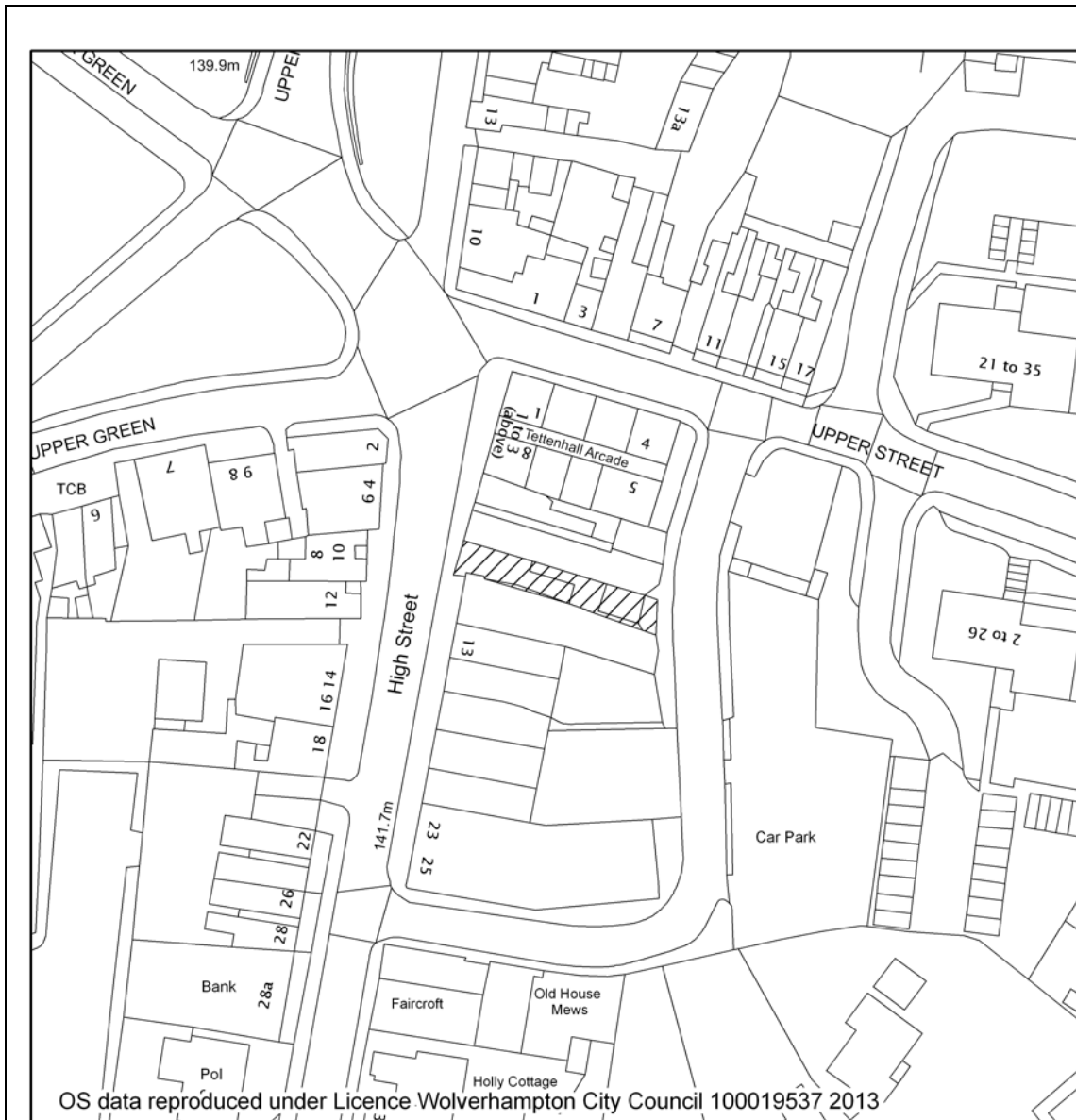
- 9.4 The application proposes the installation of a small extract cowl for the dispersal of cooking odours. The bulk of the flue would be located inside the building with the cowl appropriately located to the rear.
- 9.5 The proposed opening times (17.30 to 23.00 Monday to Sunday) are considered to be acceptable and in line with other late opening businesses in the centre.
- 9.6 **Parking**
The unit is located within a district centre and there is a car park located to the rear, and on-street parking in front of the unit. Therefore, there is no objection to the parking provision.
- 9.7 **Impact on Conservation Area**
The principle of the use is acceptable within the conservation area. The external cowl has been designed to project minimally from the ground floor roof (approximately 30cm) and would preserve the character and appearance of the conservation area.

10. Conclusion

- 10.1 It is considered that the proposed change of use is appropriate for a unit located within a district centre. Whilst it is acknowledged that a hot food take-away can cause disturbance from cooking odours, this would be minimised by the installation of an appropriately positioned and designed extraction system. There are parking facilities to the rear of the building and the change of use would bring a vacant commercial unit back into an active use. The proposal would not be contrary to planning policies governing the number of non-A1 units in the centre and would therefore be in accordance with the development plan. The design and position of the flue would preserve the character and appearance of the conservation area.
- 10.2 The proposal complies with UDP policies SH10, EP1, EP5, AM12, HE4, HE5, HE7 and BCCS policy CSP4 and CEN5.

11 Detailed Recommendation

- 11.1 That planning application 13/00575/FUL be granted subject to any appropriate conditions including;
- Hours of opening 17.30-23.00 hours Monday to Sunday inclusive.
 - Refuse storage details.
 - Installation of extraction system to control the effects of cooking odours.



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