



# Planning Committee

## 4 March 2014

<b>Planning Application No</b>	13/01231/FUL
<b>Site</b>	59 Stubby Lane, Wolverhampton.
<b>Proposal</b>	Proposed Change of use from A1 (Retail) to A5 ( Hot-Food Takeaway)
<b>Ward</b>	Wednesfield South
<b>Applicant</b>	Mr V Patel
<b>Agent</b>	Mr Andy Law
<b>Cabinet Member with Lead Responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity
<b>Accountable Strategic Director</b>	Tim Johnson, Education and Enterprise
<b>Planning Officer</b>	Nussarat Malik Tel 01902 550141 Email <a href="mailto:Nussarat.malik@wolverhampton.gov.uk">Nussarat.malik@wolverhampton.gov.uk</a>

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### 1. Summary Recommendation

1.1 Refuse

### 2. Application site

2.1 The application site is detached A1 retail outlet which is currently vacant and was previously used as a newspaper shop. It is set back from the main road and has parking available to the front forecourt.

2.2 The Site is located within the Stubby Lane shopping parade at the junction of Stubby Lane; it is however a detached shop set away from the row of shops with residential properties adjacent to it.

### 3. Application Details

3.1 The proposal is to change to the use of the shop to a hot-food takeaway.

#### **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)

#### **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 Nine objections and a petition of approximately 282 signatures received.  
Concerns raised were
  - Parking problems
  - Litter
  - Already one chip shop and Chinese takeaway
  - Smells
  - Noise and disturbance

#### **7. Internal Consultees**

- 7.1 Environmental Health  
Adequate provision of the storage and disposal of waste is required.

#### **8. Legal Implications**

- 8.1 The National Planning Policy Framework states that in assessing and determining planning applications, local planning authorities should apply the presumption in favour of sustainable development.
- 8.2 In determining planning applications local planning authorities should positively seek opportunities to meet the local development needs of their areas unless any adverse impacts of doing so would significant and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework, or when taken as a whole or specific policies indicate that the proposed development should be restricted.  
[JA/20022014/L]

#### **9. Appraisal**

- 9.1 The key issues are:
  - The principle of the use
  - Neighbour impact
  - Parking

- 9.2 **The principle of the use**  
The shop has been vacant for several months and the principle of reopening the premises is considered to be welcomed, however the use that the applicant has applied for while normally acceptable within a retail location is not one that would be suitable at this particular location so close to residential occupiers.
- 9.3 **Neighbour impact**  
The shop is a detached shop set away from the main parade of shops. It is adjacent to residential properties and will give rise to disturbance to the residential properties along this section of the street. Transportation have no objections to the proposal on grounds of parking as the proposal shows parking for three vehicles on the forecourt.
- 9.4 **The proposed change of use from retail to a hot food takeaway will be detrimental to the neighbouring properties by virtue of additional noise disturbance from vehicular traffic and the comings and goings of customers which is generated with this type of business particularly during unsociable hours of the day. The applicant has, since the receipt of the application, offered to restrict the hours of opening to 1200 to 2100 at the latest and remain closed on Sundays and Bank Holidays. However, this is considered not to be sufficient to remove the likelihood of disturbance to residents in flats above the shops and the closest houses.**

## **10. Conclusion**

- 10.1 The proposed change of use would be unacceptably detrimental to the residential properties by virtue of noise and disturbance particularly in the evenings and is contrary to UDP B5, EP1, EP5 and SH14.

## **11 Detailed Recommendation**

- 11.1 That planning application 13/01231/FUL be refused for the following reason  
The proposed hot-food takeaway use would be detrimental to residential amenity by virtue of additional noise disturbance from the additional vehicular traffic and pedestrian activity generated by the use particularly during unsociable hours would therefore be detrimental to the neighbouring properties. The proposal is contrary to the provisions of the Councils Unitary Development Plan, policies UDP B5, EP1, EP5 and SH14.

