

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
Domino Pizza Group 'A'	Change of use from Class A1 Retail to Class A5 Hot Food Takeaway, new shop front and extracting - 133 High Street, Bromsgrove	Shopping	09/0241-NW 01.06.2009

Councillor E. C. Tibby has requested that this application be considered by the Committee, rather than being determined under delegated powers.

RECOMMENDATION: that planning permission be **GRANTED**.

Consultations

WH	Consulted 16.04.2009 - No objection.
EH	Consulted 16.04.2009 - No objection.
EDO	Consulted 16.04.2009 - No response received.
CO	Consulted 16.04.2009 - No objection.
WMC	Consulted 18.06.2009 - No response received to date.
Planning Policy	Consulted 19.06.2009 - No response received to date.
Publicity	Site Notice Posted 20.04.09 (expired 11.05.2009) Press Notice published 14.05.09 (expired 04.06.2009)
	Objection from 102 Birmingham Road on the grounds that: <ul style="list-style-type: none"> • Take-aways are already well provided for in Bromsgrove. • The proposal will hasten the decline of Bromsgrove as a retail centre.
	Objection from 30 Upland Grove on the grounds that: <ul style="list-style-type: none"> • There is already sufficient choice of establishment to fulfil most peoples choice. There are already 4 pizza establishments within close proximity, and each new establishment increases litter, etc. • The Strand is already over congested with traffic, and another establishment will only aggravate this.

The site and its surroundings

The site is on a primary shopping street of Bromsgrove Town Centre and is in the Town Centre Conservation Area. The premises are presently empty, and the last known use is as A1 off-licence.

The application building is in a prominent corner location of High Street and The Strand. The ground and upper floors of the premises next to and adjacent the site are in commercial and office use, and the only residential accommodation is at the first floor of the Public House called "Queens Head" directly to the north east of the application site.

The application building is of an odd shape, with two storey at the front, and a long single storey extension to the rear. The roof is flat with different height levels.

There is a small parking / service area adjacent the rear of the site and a public car park across Market Street to the north of the site.

The main entrance to the building is from High Street. The existing shopfront is predominantly glazed and wraps around the main High Street elevation and a part of the north east side elevation.

Proposal

The proposal is for A5 hot food take-away, and would accommodate a customer service area, large baking oven, cold room, wash up area, store and a storage at the ground floor and office and WC facilities at the first floor.

The proposal incorporates a new glazed shop front with level entrance from High Street. The existing two full height glazed panels on the side elevation would be changed for four full height glazed panels, and at the front it would have glazed panels on both sides of the entrance door.

Other external alterations include installation of compressors and extract duct on the roof of the building.

The bin store and servicing to the unit would remain as existing at the area adjacent the rear of the site. This small area has not been included within the application boundary. However, the applicants have a right of access to it, and it has been used for servicing the unit and as a bin store by previous occupants. Considering that there have been no issues raised regarding such use during the present consultation process or at any time in the past, I do not see any need in requesting the applicants to alter the application boundaries and conduct additional notification.

The proposal includes home deliveries. The agreement was reached that the service area to the rear would be used by delivery drivers to pick up the orders, and the adjacent public car park would be used by the persons delivering whilst waiting for their orders.

It is estimated to have 10 employees on the premises at any one time, where 5 would be full time and 15 part time.

The proposed opening hours are 9.00 a.m. until 11.00 p.m. Monday to Saturday, and 10.00 a.m. until 11.00 p.m. Sunday and Bank Holidays.

Relevant Policies

WMSS QE3, QE5, T2, T7
WCSP SD.9, CTC.1, CTC.19, CTC.20, T4
BDLP DS13, S19, S20, S29, S35A, TR8, TR11, BROM11, BROM13
Others PPS1, PPS6, PPG13, PPG15

Relevant Planning History

History of the site relates mainly to advertisement consents and there were two applications in 2003 and 2005 for a shop front.

The most recent application reference 08/1085 was withdrawn in order to address highways issues.

Notes

The key issues to address in this case:

- Principles of development: acceptability in policy terms, compatibility with surrounding uses.
- Impact on retail function of the centre.
- Highways safety.

Planning Policy

Policy BROM13 confirms that A5 uses are normally allowed within Primary Shopping Area. The proposal is therefore acceptable in principle and is subject to other Plan policies.

National Government Guidance set out in PPS6 supports diversity of uses within Town Centre locations stating that '*A diversity of uses in centres makes an important contribution to their vitality and viability. Different but complementary uses, during the day and in the evening, can reinforce each other...Local planning policies should ensure that provision is made for a range of leisure, cultural and tourism activities such as cinemas, theatres, restaurants, public houses, bars, nightclubs and cafes.*'

Compatibility with surrounding uses

The proposed use is considered compatible with the surrounding predominantly commercial uses.

The only residential use near the site is above the 'Queens Head' PH. Degree of noise and disturbance to that use already exists from the take-away opposite, patrons of the PH and the adjacent public car park to the rear. I do not believe that an additional A5 use in the proposed location with similar opening hours as the PH and the existing take-away would materially exacerbate the already existing situation.

Proliferation of similar uses

The existing outlets that serve food within close proximity of the site include PH (use class A4) and Fish and Chips (use class A5) that both open late, and a couple of day time cafes (use class A3) within the Strand Centre and A1 Subway. There are other cafes, restaurants and sandwich shops scattered along High Street. Sandwich shops however, do not fall into A3 - A5 category and are in A1 retail use (including Greggs, Subway, etc.) The actual number of A3, A4 and A5 uses is considered rather low in comparison to retail use (about 3%). In effect the only known A5 use near the site is the above mentioned Fish and Chips on The Strand. I therefore do not consider that the proposal would result in proliferation of similar uses to any detriment of a retail function of the centre.

Highways safety

The premises are positioned within the town centre, which is highly accessible by public transport and where public parking is largely available. The location of the site does not allow for any parking next to the premises, which makes me to believe that the customers

will be parking in designated areas. I therefore do not consider that the proposal would result in any unacceptable traffic volumes or congestion.

With regards to parking provision for home delivery vehicles, the Highways are satisfied that as a result of the proposed arrangement, no encroachment on public footpath or highway would occur.

Other issues

Impact on setting of conservation area

The proposal would result in minor alterations to the existing shopfront, which I find acceptable. I am also satisfied that the proposed door to the side elevation would be of similar dimensions and materials to the existing door in that elevation.

The proposed two compressors would be installed on the lowest part of the roof next to the side wall of the adjacent premises, where they would be viewed against the backdrop of that blank wall and consequently would not be overly prominent within the street setting.

The proposed extract duct would project above the highest part of the roof which would be noticeable from High Street. However, it would be of limited projection and viewed in conjunction with the existing extractors of similar height on the adjacent premises. Visual impact on the street scene is considered minimal.

Conservation Officer expressed no concerns to the proposal.

Conclusion

The proposed use is considered acceptable in policy terms in this town centre location, and given its small scale and nature it would not result in any harmful cumulative impact to a detriment to the surrounding uses or highways safety. It would not have an adverse effect on character and appearance of the conservation area. There are no justifiable reasons for refusing planning permission. I therefore recommend permission granted subject to conditions.

RECOMMENDATION: that planning permission be **GRANTED**.

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The use hereby permitted shall operate between the hours of 09:00 hrs. and 23:00 hrs. on Monday to Saturday and 10:00 hrs. and 23:00 hrs. on Sunday and Bank Holidays.

Reason: In order to protect the living conditions of occupiers of nearby residential property in accordance with policy DS13 and S19 of the Bromsgrove District Local Plan January 2004.

3. Fume extraction and odour control equipment (including external ducting flues) shall be properly installed in its entirety in accordance with details hereby approved before the use commences. Thereafter the equipment shall be maintained in a satisfactory condition in accordance with the manufacturers specification and be operated at all times when cooking is carried out.

Reason: In order to protect amenities of occupiers of nearby properties in accordance with policy DS13 and S19 of the Bromsgrove District Local Plan January 2004.

4. The first floor will be used as an ancillary office accommodation only and will not be used for any other purposes.

Reason: In order to protect the amenities of adjacent occupiers in accordance with policy DS13 and S19 of the Bromsgrove District Local Plan January 2004.

Notes:

This decision has been taken having regard to the policies within the West Midlands Spatial Strategy, the Worcestershire County Structure Plan (WCSP) June 2001 and the Bromsgrove District Local Plan January 2004 (BDLP) and other material considerations as summarised below:

WMSS	QE3, QE5, T2, T7
WCSP	SD.9, CTC.1, CTC.19, CTC.20, T4
BDLP	DS13, S19, S20, S29, S35A, TR8, TR11, BROM11, BROM13
Others	PPS1, PPS6, PPG13, PPG15

It is the Council's view that the proposed development complies with the provisions of the development plan and that, on balance, there are no justifiable reasons to refuse planning permission.

Advisory Notes:

1. The food business must be registered with the Planning and Environment Services Department under the Registration of Food Premises Regulations 1991 at least 28 days before starting the food business. Registration is free and cannot be refused.
2. The food business must comply with the requirements of the Food Safety Act 1990, the Health and Safety at Work Act 1974, Environmental Protection Act 1990 and Regulations made under these and any other relevant regulation. Advice on detailed compliance with this legislation should be sought from the Commercial Team at Bromsgrove District Council (telephone number 01527 881434) at the earliest opportunity.