1110 Stratford Road, Hall Green, Birmingham, B28 8AE

Change of use from sandwich shop (Use Class A1) to mixed use sandwich shop with hot food and seating (Use Classes A1/A3/A5) and installation of rear external extract flue

Applicant: Snack Avenue
1 Leysdown Grove, Acocks Green, Birmingham, B27 7HX

Agent:

Recommendation
Approve Subject To Conditions

1. **Proposal**

1.1. Planning permission is sought for the change of use of the ground floor of No. 1110 Stratford Road from a Class A1 sandwich bar to a mixed Class A1/A3/A5 use. This would allow the applicant to continue his cold food selection which includes sandwiches and salads, but with the addition of hot sandwich options and snacks, the installation of a chargrill and consequently an odour extraction system.

1.2. Internally, the layout of the customer area would be altered, relocating the existing counter from its current position adjacent to the south boundary to a more central position. The new cooking equipment would be located against the north boundary enabling a flue to be installed in the side passage, extending to approximately 1m above the eaves. The current 9-cover customer seating area would be reconfigured, though the floor area would remain the same.

1.3. Aside from the flue, no other external changes are proposed.

1.4. Current employees: 1 full time and 1 part time.
Proposed employees: 3 full time and 2 part time.

1.5. Proposed opening times: 1100-2100 hours Monday to Saturday. Closed on Sundays.

1.6. No off-street parking spaces exist within the application site and none are proposed.

1.7. Existing independent access to the first floor flat would be maintained along the side passage.

[Existing and Proposed Ground Floor Plan]
2. **Site & Surroundings**

2.1. The application site is located on the east side of Stratford Road directly opposite the junction with Cubley Road. It falls within the Primary Shopping Area of The Parade, Hall Green neighbourhood shopping centre. The centre comprises 79 commercial units arranged either side of Stratford Road, many with flats above. Stratford Road is a red route but there are time-limited parking bays in place within the centre. A service road is located on the opposite side of Stratford Road where further on-street parking is available.

2.2. Existing Class A5 takeaways are located at Nos. 1104, 1144, 1152, 1156 and 1158 Stratford Road.

2.3. Existing Class A3 restaurants are located at Nos. 1076, 1122, 1039 and 1191 Stratford Road. Some have ancillary takeaways.

2.4. Existing mixed hot food uses are located at Nos. 1154 (mixed A3/A5) and 1045 (mixed A1/A3).

2.5. The nearest educational institutions to the site are:
- Yorkmead Primary School, York Road - 235m walking distance north of site
- Hall Green Secondary School, Southam Road - 954m walking distance south of site
- South Birmingham College, Cole Bank Road - 550m walking distance south of site

[Site location]

[Streetview]

3. **Planning History**

3.1. 28/10/2010 - 2010/0777/ENF – Enforcement investigation into use of premises as a cafe with late night opening. Operator changed during the course of the investigation. Case closed as new operator was undertaking a lawful Class A1 sandwich shop operation.

3.2. 06/03/2012 - 2012/0235/ENF – Enforcement investigation into tables and chairs set up outside of premises. Case closed – use operating lawfully within Class A1 and tables and chairs on forecourt not causing obstruction to pedestrian movement.

3.3. 15/11/2013 - 2013/08224/PA - Pre application discussion for change of use from retail (use class A1) to hot food take away (use class A5). Advice given that at the time 8.75% of properties were in A5 use and one further change of use would increase it to 10%. Conditions likely to be required to control the impact on the occupants of the first floor flat above.

4. **Consultation/PP Responses**

4.1. Transportation Development: No objection. Traffic and parking demand associated with the use is unlikely to be greater than some A1 uses. Floor plans suggest the A5 use will be largely ancillary to the A3 use thereby reducing the potential for illegal/inconsiderate parking often associated with short stay trips to A5 uses. While parking is limited, spaces can typically be found within close walking distance.
4.2. Regulatory Services: No objection subject to conditions requiring details of the odour extraction system and limiting the opening hours to between 0900 and 2330 hours Monday to Sunday.

4.3. Birmingham Public Health: If the application falls within 400 metres of a school which expresses concern about the impact upon the school’s healthy eating programme, or more than 10% of retail units within the centre are occupied by Class A5 takeaways, the application should be refused.

4.4. West Midlands Police: No response received.

4.5. Site notice posted and local MP, Councillors, Residents’ Associations and occupiers of nearby properties notified of the application; the following responses received:

- Cllr Sam Burden (Hall Green ward): Hall Green parade already suffers from too many fast food outlets which are spoiling the parade and creating rubbish and environmental issues such as rats. Local residents are strongly opposed to the proposal. This site is close to South Birmingham College and Hall Green Secondary School both of which are understood to be concerned about another fast food outlet in the locality.

- Mr A Greaney, Headteacher, Hall Green School: Serious concerns over more fast food provision so close to a secondary school and families. Work to encourage a healthy lifestyle is easily undermined. Recent statistics point to 40% of Birmingham’s Year 6 children being overweight, partly due to access to fast food all over this area.

- 4 letters from local addresses objecting to the proposal on the following grounds:
  - there are already enough takeaways/restaurants in the parade
  - more hot food shops will adversely affect existing businesses
  - the proposal will attract more vermin to the area
  - the proposal will create more litter
  - the proposal will cause odour

- 5 letters from local address supporting the proposal on the following grounds:
  - the shop already serves the only healthy food available at The Parade and hot options would be welcome

5. Policy Context


6. Planning Considerations

Policy/principle

6.1. UDP policies 8.6 and 8.7 set out the broad criteria for the assessment of applications for hot food shops and restaurants, including location in a centre,
cumulative impact, opening hours, impact on the vitality and viability of the frontage, and the availability of public transport and parking.

6.2. In terms of location, the proposal would be appropriately sited within a designated neighbourhood centre. It would be positioned between A1 retail uses and would contribute to a reasonable spread of hot food shops along the length of The Parade, the nearest being at Nos. 1104 to the north and 1122 to the south. There is a small cluster of hot food uses towards the south of The Parade (Nos. 1152-1158) but this is some 170m from the application site. Proposed opening hours are during the daytime and early evening and the shop would make a positive contribution towards the vitality of the frontage.

6.3. The *Shopping and Local Centres* SPD sets out detailed policies to prevent the clustering and over-concentration of hot food uses within centres, including setting a 10% maximum on the number of units in use as hot food takeaways.

6.4. The SPD was adopted in 2012, based on surveys of the centre undertaken in 2010 and updated in 2011. The last update was published in March 2013 based on desktop studies and for The Parade it shows an increase of 1 in the overall number of units within the centre, an increase from 64.10% to 64.56% in the proportion of A1 units, and a decrease from 10.26% to 10.13% in the proportion of A5 units. Based on my own site survey I conclude that the 10.13% must include mixed uses including an A5 element as well as solely A5 units. During my site survey I also noted the loss of an A5 unit at No.1126 Stratford Road (now a beauty salon) and consequently, the current percentage of Class A5 and mixed Class A3/A5 uses is 8.86%.

6.5. In the event of approval of this application, the resulting percentage would be 10.13% - the same as at March 2013. While this is above the 10% threshold, I do not consider refusal of the application could be justified taking account of the following circumstances:

- the 0.13% is a marginal breach of the threshold;
- the mixed nature of the proposed use, with a good proportion of customers likely to be purchasing cold food (Class A1 activity) or consuming food on the premises (Class A3 activity); and
- the 5 letters of support.

**Impact on residential amenity**

6.6. There is an independent residential flat above the application unit which is accessed via the side passage. Regulatory Services has no objection to the proposal in principle but notes that the extraction flue shown on the plans appears to terminate in close proximity to habitable room windows. In addition, the flue is shown with a bend near its termination point which could hinder appropriate discharge. In order to ensure that the impact on both the immediate occupiers and the wider area in terms of odour is adequately controlled, a condition is attached requiring details of a more appropriate odour extraction system. The flue would also benefit from being repositioned slightly to ensure that it is not noticeable from first floor windows at No. 1108 Stratford Road which are directly opposite those on the rear wing of the application property.

6.7. In respect of opening hours, those proposed are reasonable given the location of the site within a recognised centre and the 9pm closing time is significantly earlier than the 11.30pm recommended in UDP policy 8.7. Regulatory Services has suggested a condition limiting opening hours to between 9am and 11.30pm daily which would
give some flexibility, particularly for future occupiers of the unit, and the condition is attached accordingly.

6.8. It is noted that one of the letters of support is from the occupier of the first floor flat above the unit.

**Impact on parking and highway safety**

6.9. I note that Transportation Development has no objection to the proposal on the grounds that traffic and parking demand generated are unlikely to be significantly greater than with some A1 uses. The demand for parking is likely to be accommodated within the vicinity, with a 5-vehicle parking bay immediately in front of the application site and further on-street parking opportunities directly opposite the site in a service road. As the proposal is intended to expand the range of products offered by an existing food outlet, I would expect many of the customers to remain the same with no change to their traffic movements. As on-street parking in the vicinity of the site is time-limited, staff could reasonably travel to the site on public transport. There is a bus stop outside No. 1108 Stratford Road which is served by frequent bus services and Hall Green railway station is a short walk away to the south of the site.

**Other issues**

6.10. Health: Birmingham Public Health effectively objects to the application, as it falls within 400 metres of a school. 400m is Public Health’s chosen threshold distance but this is not a planning policy. In any event, I note that the relevant school (Yorkmead, 235m walking distance north of the application site) is a primary school, so children will be accompanied to and from school, and supervised at lunchtime. The Headteacher of Hall Green School also objects, but again there is not a relevant policy to employ, and that school is 954m away.

6.11. Objections on the grounds of vermin and litter are noted. The shop already has appropriate storage for food waste and no changes are proposed. There is a litter bin on the pavement in front of No. 1106 Stratford Road just north of the application site so requiring a further bin is not necessary and would add to clutter.

6.12. The issue of increased competition on existing businesses is not a planning matter.

7. **Conclusion**

7.1. This application is recommended for approval. Due to changes at other units, the proposal would not result in a significant breach of the 10% threshold for takeaways within the centre; it would support an existing business and allow its expansion and the creation of additional jobs; and the impact on local residents could be appropriately controlled by condition.

8. **Recommendation**

8.1. Approve subject to conditions

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1. Requires the scheme to be in accordance with the listed approved plans

2. Requires the prior submission of extraction and odour control details
3 No permission is given for the design of the extraction flue shown on the drawings
4 Limits the hours of use to between 0900 and 2330 hours daily
5 Limits the approval to 3 years (Full)

Case Officer: Amy Stevenson
Photo(s)

Figure 1: Application site and units to north

Figure 2: Application site and units to south