1. **Proposal**

1.1. This application proposes the change of use of the ground floor of No. 291 Alcester Road South from a vacant Class A1 retail unit to a Class A5 hot food takeaway.

1.2. Planning permission was granted in November 2011 for the change of use of Nos. 291 and 293 from Class A1 retail to Class A3 restaurant but this has not been implemented to date.

1.3. Indicative floor plans and elevations show a new shopfront and separate customer service and kitchen/food preparation areas. An extraction flue would be fitted to the rear elevation.

1.4. Proposed opening times are 1800-2330 hours Monday to Sunday and on Bank Holidays. 4 part time jobs would be created.

1.5. 2 parking spaces are shown on the frontage.

1.6. The applicant has control over No. 293 but this is not within the application site.

2. **Site & Surroundings**

2.1. The application site falls within the local shopping area at the junction of Alcester Road South with Taylor Road and Woodbridge Road. The centre comprises some 23 commercial units, of which 2 are already hot food takeaways and The Crown public house. Most of the buildings in the centre are Victorian with shops on the ground floor and office or storage space or flats above. However, immediately adjoining the site to the north is a new three-storey development comprising three retail units, the largest occupied by Tesco Express, and flats above. A driveway adjacent to the application property gives access to Tesco’s rear car park.
2.2. The application site is a three storey property with a relatively long single storey forward extension. According to the applicant it has been vacant for several years and it is in a very poor state of repair.

3. Planning History

APPLICATION SITE

3.1. 03/09/2008 - 2008/03833/PA – 291-293 & 291A-293A Alcester Road South - Planning permission granted with conditions for the erection of a two storey rear extension, single storey front extension and new shopfront.

3.2. 01/02/2011 - 2010/06683/PA - 291-293 Alcester Road - Pre-application enquiry for change of use from retail shop to hot food takeaway – Advised proposal unlikely to be supported due to impact on highway safety and on residential amenity.

3.3. 28/11/2011 – 2011/05880/PA - 291 & 293 Alcester Road South – Planning permission granted with conditions for the change of use from retail (use class A1) to restaurant (use class A3) and installation of extraction flue to rear.

3.4. 30/11/2011 - 2011/06805/PA - 291-293 Alcester Road South - Pre-application enquiry for the change of use to Class A3/A5 – Advised proposed A3 use is more appropriate than A5 due to concerns about parking and residential amenity associated with takeaways, and presence of two existing takeaways in the parade.

OTHER RELEVANT SITES

3.5. 19/03/2010 - 2010/00094/PA – 271 Alcester Road South – Planning permission refused for the change of use from retail (use class A1) to a hot food take away (use class A5) and installation of extractor flue to the rear. Refused due to impact on highway safety. Appeal dismissed.

4. Consultation/PP Responses

4.1. Transportation Development: Recommend refusal. On-street parking is extremely restricted in this location and the proposal is likely to lead to illegal parking to the detriment of safety and freeflow of the public highway and its users. Directly fronting the site is a bus stop lay-by area. To the north TRO’s extend up Alcester Road South and some distance into Taylor Road. To the south there are limited unrestricted on-street parking options. Off-street parking for 2 vehicles is being offered within the site’s curtilage but a vehicular footway crossing would be needed and is unlikely to gain consent. An appeal against refusal of a takeaway at No. 271 Alcester Road South was dismissed in 2010 (2010/00094/PA) on the grounds of the impact on highway safety and freeflow of traffic. Accident records show 8 accidents in the last 5 years within a 100m radius of the site; 1 was within the carriageway directly fronting the application site and was caused by a car parked adjacent to the access serving the neighbouring site obscuring the view of an exiting vehicle. It is noted regular buses run along Alcester Road South throughout the day.

4.2. Regulatory Services: No objection subject to conditions requiring details of extraction equipment and noise insulation, and restricting the opening times.

4.3. West Midlands Police: Awaiting response.

4.5. Local Councillors, Residents’ Associations and the occupiers of nearby properties notified of the application.

4.6. A letter of support has been received from the landlord of the property, enclosing a petition of 14 signatures (predominantly being occupiers of properties along this section of Alcester Road South) – the property has been empty for more than 6 years. Approval would mean one less vacant unit and support regeneration.

4.7. A letter has also been received from 1 local address objecting on the grounds that there are already takeaways in the area and it would not be good for the environment, and

5. Policy Context


6. Planning Considerations

6.1. Principle: Policy 6 of the Shopping and Local Centres SPD sets the threshold for hot food takeaways in local parades and locations outside of recognised district or neighbourhood centres. Policy 6 states that, in order to avoid over-concentration of takeaways, no more than 10% of units within a frontage shall consist of takeaways. In this case, 2 (13%) of the 15 units in the frontage, which extends from No. 267 to No. 299a Alcester Road South, are already in use as takeaways (Nos. 299 and 299a Alcester Road South, both pre-dating adoption of the policy) and approval of this application would increase the percentage of takeaways to 20%. Approval would also result in a concentration of takeaways at the southern end of the parade causing a cumulative impact which would be detrimental to residential amenity. Both the application property and its immediate neighbour No. 293 have been vacant for several years and are in poor repair, however, there is an extant permission for a restaurant (2011/05880/PA) which could be implemented. A petition has been submitted by the applicant comprising 14 signatures in support of the planning application for “A3/A5 use at 291/293 Alcester Road South”. This is not an accurate description of either the proposed use or the address of the application site and it does not outweigh the over-concentration and cumulative impact concern.

6.2. Parking and highway safety: Notwithstanding the two parking spaces indicated within the site’s frontage on the proposed plans, Transportation Development advises that the scheme should be considered without any off-street parking as the necessary vehicular footway crossing is unlikely to be approved. Despite the very limited on-street parking available in the vicinity of the site, experience at other takeaways suggests that, due to the short nature of visits to such premises, drivers will often risk parking illegally. Approval of this application is likely to cause illegal parking where there are already a number of hazards including the driveway to Tesco’s rear car park adjacent to the site and the bus stop immediately in front of the application parade. It is noted that a restaurant has already been approved here and that was considered appropriate due to the length of time spent by diners on the premises and the more responsible nature of the associated parking. I note that application 2010/00094/PA for a takeaway at No. 273 just north of the application site was dismissed at appeal due to highway safety concerns and in my view illegal parking in front of the application site would be even more hazardous.
6.3. Residential amenity: The nearest residents would be those in flats immediately above the application unit and above the Tesco development adjacent to the site. Regulatory Services advises that the impact on residents in terms of direct noise transmission, odour control and the opening hours of this particular site could be adequately controlled by conditions, which would be attached in the event of approval. It is noted, however, that such conditions would not prevent the cumulative effect of more general noise and activity caused by a number of takeaways in close proximity to each other.

7. Conclusion

7.1. This application is recommended for refusal because it would lead to an over-concentration of hot food takeaways in this parade and is likely to cause illegal parking to the detriment of highway safety. Local support for the proposal and the creation of 4 jobs is noted but these circumstances do not outweigh concerns about the negative impact on the character and safety of the area.

8. Recommendation

8.1. Refuse

Reasons for Refusal


   It would exceed the maximum allowance of ten percent for hot food takeaways within this local parade. This would further reduce the availability of A1 retail uses and would lead to a concentration of hot food uses which would adversely affect the vitality and viability of the frontage of which it forms part and would have a negative cumulative effect on the amenity of local occupiers by reasons of excessive noise and disturbance.

2  The lack of off-street parking in the vicinity of the application site is likely to lead to illegal parking to the detriment of pedestrian and vehicle safety and the free flow of traffic. As such it would be contrary to Paragraphs 3.8, 3.10 and 6.38 of the Birmingham UDP 2005 and the National Planning Policy Framework.

Case Officer: Amy Stevenson