

Report to Planning Committee

08 December 2021

Application Reference	DC/21/65971
Application Received	5 August 2021
Application Description	Proposed change of use to takeaway and installation of ventilation/extraction.
Application Address	263 Duchess Parade, High Street, West Bromwich, B70 7LX.
Applicant	Ahmed Shabbir
Ward	West Bromwich Central
Contact Officer	Anjan Dey anjan_dey@sandwell.gov.uk

1 Recommendations

1.1 Subject to no objections from West Midlands Police, that planning permission is granted subject to:

- (i) Details of odour control equipment, noise attenuation and future maintenance to be submitted and thereafter retained.
- (ii) The premises shall only be open during the following hours, this also applies to deliveries:
1000-2330 Mon to Sat.
1200-2300 Sun & Public Holidays.
- (iii) The rating level of sound emitted from fixed plant and equipment at the use hereby approved shall not exceed background sound levels by more than 5dB(A) between the hours of 07.00-23.00 (taken as a




60-minute LA90 at any sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at any sound sensitive premises)

2 Reasons for Recommendations

- 2.1 The application has been recommended for approval as no objections from statutory consultees have been received to the proposed use subject to the imposition of relevant planning conditions which will protect neighbouring residential properties from adverse impacts. In addition, proposal falls within West Bromwich town centre where such uses are deemed appropriate.

3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy – The proposal would bring a vacant commercial property into use and would provide a small number of employment opportunities.
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4 Context

- 4.3 This application is being reported to your Planning Committee because it has had several representations from the owners of neighbouring businesses.

5 Key Considerations

- 5.1 The site is allocated within the West Bromwich Area Action Plan for mixed used and Duchess Parade forms part of the main commercial area of the town centre. Other development plan policies are referred to in section 12 below.

Duchess Parade, High Street, West Bromwich

- 5.2 The material planning considerations which are relevant to this application are:-



Noise and disturbance from the scheme
Disturbance from smells

6. The Application Site

- 6.1 The application relates to a vacant retail unit, located at the north-eastern part of Duchess Parade, West Bromwich town centre. Duchess Parade is an enclosed shopping precinct and is bounded by The property is bounded by West Bromwich Ringway to the north. Duchess Parade is characterised by a range of retail and other commercial uses that typically found in town centres.

7. Planning History

- 7.1 There is no recent planning history for the unit.

8. Application Details

- 8.1 The applicant proposes a change the use of the shop from retail (Use - Class E (a)) to a Hot Food Takeaway (now Sui Generis – no use class). Internal floorspace for the unit equates to 110 square metres. The application includes a ground floor layout that shows a front serving counter with ancillary seating, and a kitchen/preparation area at the rear of the unit. The first floor would also be used as an additional ancillary seating area for customers. The proposal does not include any changes to the existing shop front and the Design and Access Statement indicates that the unit would be for the sale of 'Peri-Peri' chicken to be operated by 'Love Peri-Peri' which the agent has confirmed is a franchise with outlets across the country.
- 8.2 Proposed hours of opening are 0700 to 2300, 7 days a week.
- 8.3 As indicated, the proposed extraction flue would be at the rear of the property above the existing rear single storey element.



9. Publicity

9.1 The application was publicised by neighbour notification letter.

A total of four objections have been from owner/occupiers of neighbouring businesses.

9.2 Objections

Objections have been received on the following grounds:

- (i) There are already a number of hot food takeaway uses in Duchess Parade and another would result in there being too many;
- (ii) Anti-social behaviour (loitering etc.);

Immaterial objections have been submitted relating to devaluation of property and increased commercial competition/loss of business.

9.3 Responses to objections

I respond to the objector's comments in turn;

- (i) Planning Policy has confirmed that the proposed use complies with the authority's Hot Food Takeaway SPD. The threshold for the number of hot food uses in West Bromwich is 7%; the latest survey shows that there are currently 19 hot food takeaways of 430 units in West Bromwich town centre. This equates to 4.42% and therefore another hot food takeaway in the town centre would not result in an over-provision of such outlets.
- (ii) West Midlands Police has been formally consulted and at the time of writing their comments are yet to be received. (section 10.6 below).



10. Consultee responses

10.1 Planning and Transportation Policy

They did not object to the principle of the proposal, noting that it accords with the requirements of the Hot Food Takeaway SPD.

10.2 Public Health (Air Pollution and Noise)

No objection subject to conditions regarding ventilation & extraction, noise attenuation and restrictions on opening hours. Their comments refer to a nearby flat at 259 Duchess Parade.

10.6 West Midlands Police

At the time of writing this report, consultation comments from West Midlands Police has now been received. An update will be provided at your meeting.

11. National Planning Policy

- 11.1 National Planning Policy Framework promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

12. Local Planning Policy

- 12.1 The following policies of the Council's Development Plan are relevant:-

SADDM9 : Hot Food Takeaways
Hot Food Takeaways Supplementary Planning Document

- 12.2 SAD DM9 refers to all applications for hot food take-aways whether through new build or change of use, will be assessed on their individual merits. However, the following criteria will be taken into account:



- a) Centres/retail frontages where hot food take-aways are already present, the cumulative effect/impact of any proposal should be taken into account – The proposal is compliant with the council's Hot Food Takeaway SPD (see 12.5 below) in relation to the concentration of hot food takeaways within West Bromwich town centre.
- b) Proposed opening hours – this can be controlled by condition.
- c) Impact of noise, disturbance, smell and litter – this can be partially controlled by condition. Issues regarding litter are more difficult to control, however, this proposal falls within an area of existing retail shops and litter bins could be provided within the counter area
- d & e) Traffic generation; parking problems and highway safety – The town centre location provides for adequate provision of town centre car parks and a variety of public transport options.

12.5 The Hot Food Takeaway SPD seeks to control the numbers and location of takeaways in Sandwell, to ensure active, varied and vibrant high streets and to protect public health. As indicated above, the proposal is compliant with the SPD in that it would not result in the over concentration of hot food takeaways within West Bromwich town centre exceeding the 7% threshold and would not result in a cluster of hot food takeaways (3 or more together).

13. Material Considerations

13.1 The material considerations relating to Government Policy (NPPF) and proposals within the Development Plan have been referred to above in Sections 11 and 12. With regards to the other considerations these are highlighted below:



13.2 Noise Nuisance and Odours

The proposed noise and odour mitigation conditions should adequately address the amenity concerns of this application.

13.3 Highway Safety, Parking and Servicing

The unit benefits from its town centre location with excellent public transport links.

14 Alternative Options

14.1 Refusal of this application is an option if there are material planning reasons for doing so. In my opinion the proposal accords with relevant development plan policy and those material considerations such as noise/odour can be controlled by condition.

15 Implications

Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	Refer to the summary of the report (2.1).
Social Value	None



16. Appendices

Location Plan

Context Plan

2102-0002

2102-0001

2102-0100

2102-0300

2102-0301

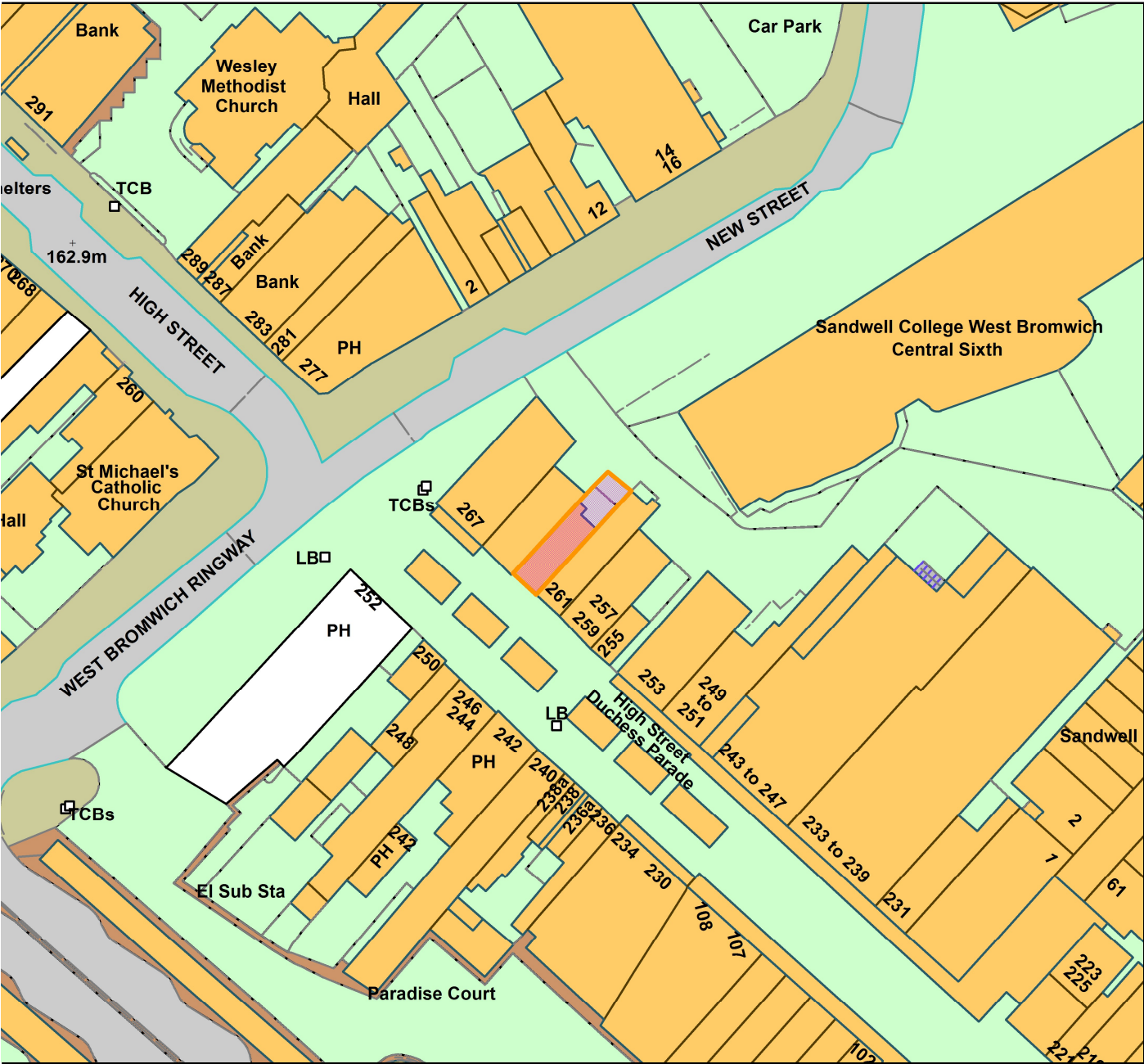
2102-0302

2102-0500



DC/21/65971

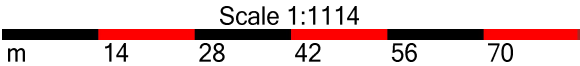
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Legend

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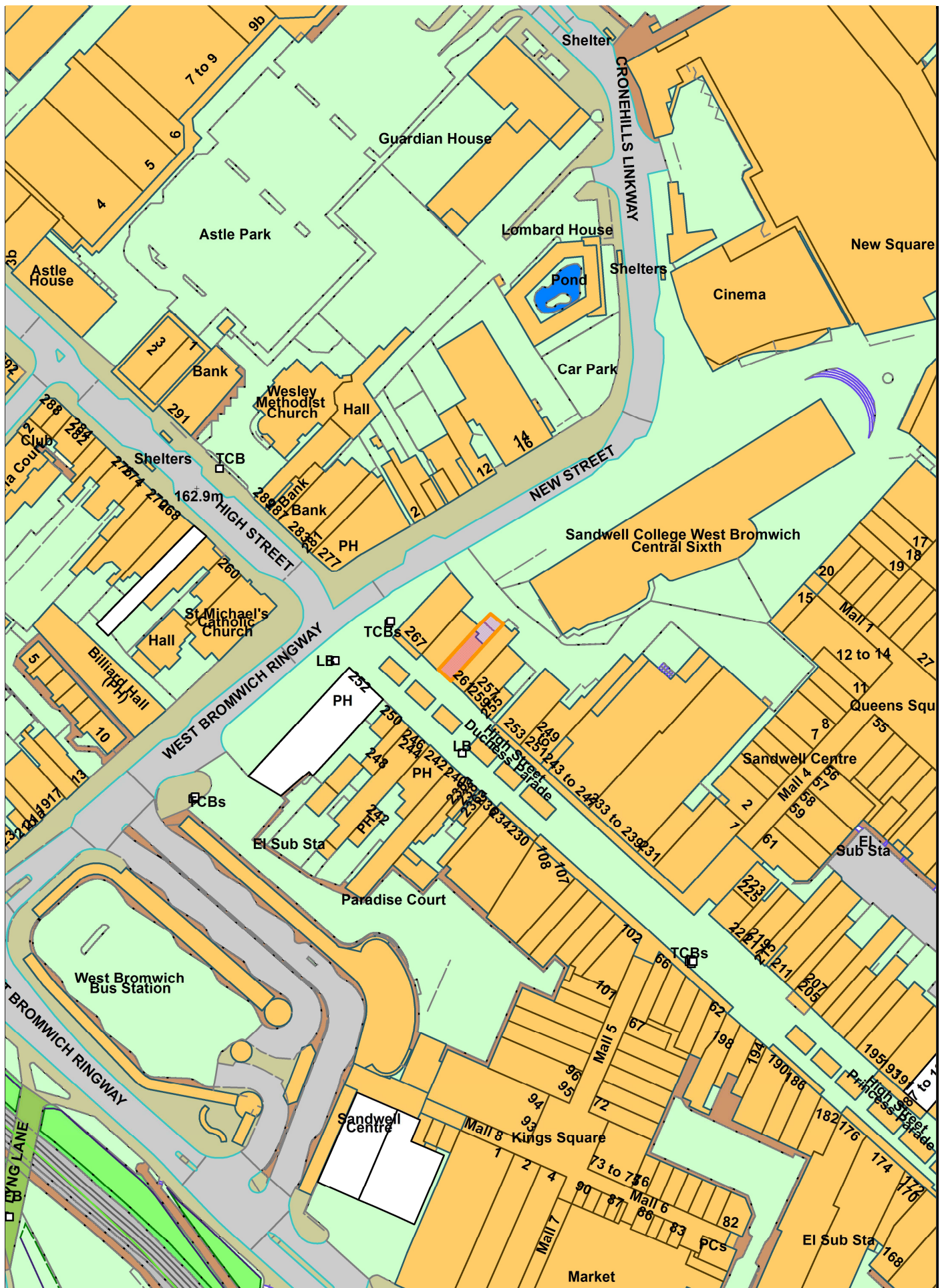
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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	23 November 2021
OS Licence No	





NORTH

0 2.0 4.0 6.0 8.0 10.0 12.5m

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P-01	Issued for information.	25.06.2021	KRD
Rev.	Description	Date	Drawn

KEY

— SITE BOUNDARY

Client
Ahmed Shabbir

Project
263 Duchess Parade
West Bromwich

Drawing Title
Site Plan

Drawing Status
DRAWING

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Drawing No. 2102-0002			Revision P-01
Drawn KRD	Paper Size A3	Scale 1:200	Date 25.06.21



NORTH

0 10.0 20.0 30.0 40.0 50.0 70.0m

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Location Plan

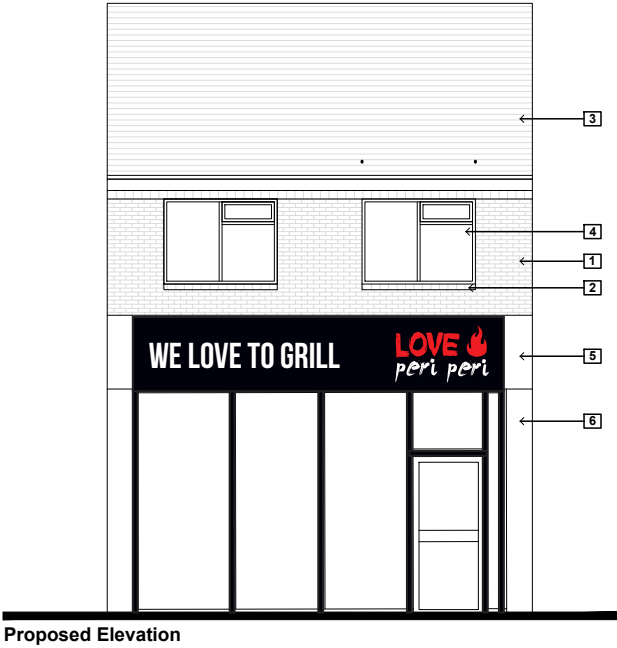
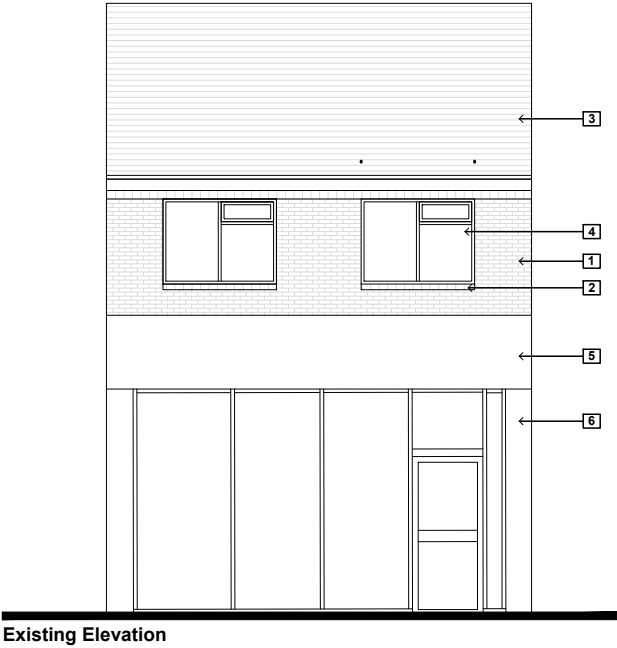
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Drawing No. 2102-0001			Revision P-01
Drawn KRD	Paper Size A3	Scale 1:1000	Date 25.06.21



Existing Elevation

Proposed Elevation

0

2.0

4.0

6.0

8.0

10.0

12.5m

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P-01	Issued for information.	25.06.2021	KRD
Rev.	Description	Date	Drawn

KEY

1

Brick Wall

2

Brick Sill

3

Roof Tiles

4

Plastic Windows

5

Signage

6

Full Height Glazing and Door

Client

Ahmed Shabbir

Project

263 Duchess Parade
West Bromwich

Drawing Title

Existing / Proposed Elevation

Drawing Status

DRAWING

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Drawing No.

2102-0301

Revision

P-01

Drawn

KRD

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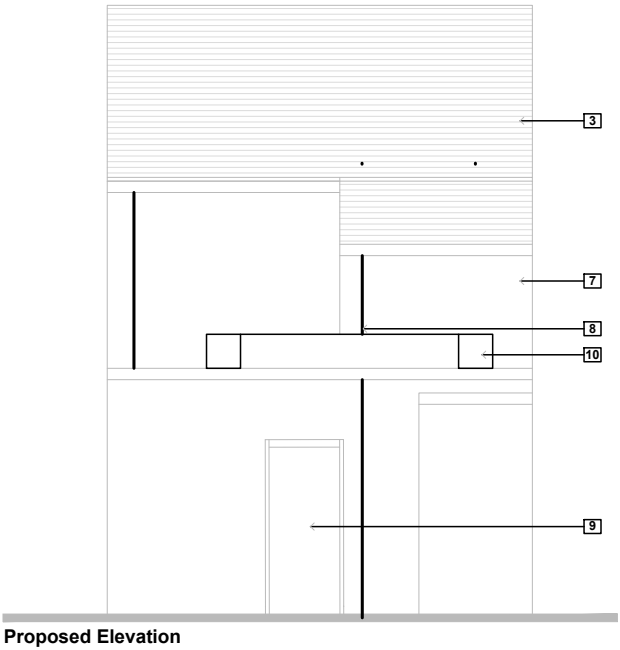
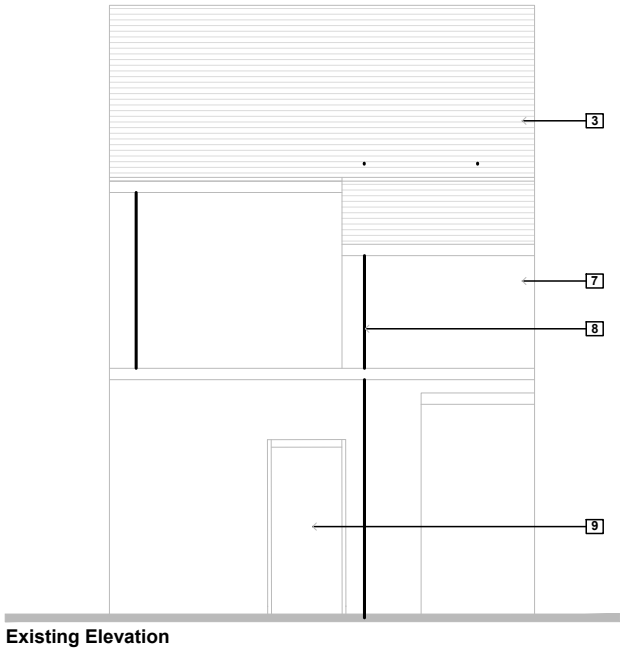
A3

Scale

1:100

Date

25.06.21



Existing Elevation

Proposed Elevation

02.04.06.810.12.5m

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P-01	Issued for information.	24.09.2021	KRD
Rev.	Description	Date	Drawn

KEY

1 Brick Wall

2 Brick Sill

3 Roof Tiles

4 Plastic Windows

5 Signage

6 Full Height Glazing and Door

7 External Skim (Existing)

8 Drainage - RWP (Existing)

9 External Door (Existing)

10 Flue Extract - Fans inline with ductwork and Silencers and carbon filters. To specialist design and detail.

Client
Ahmed Shabbir

Project
263 Duchess Parade
West Bromwich

Drawing Title
Existing / Proposed Elevation
Rear

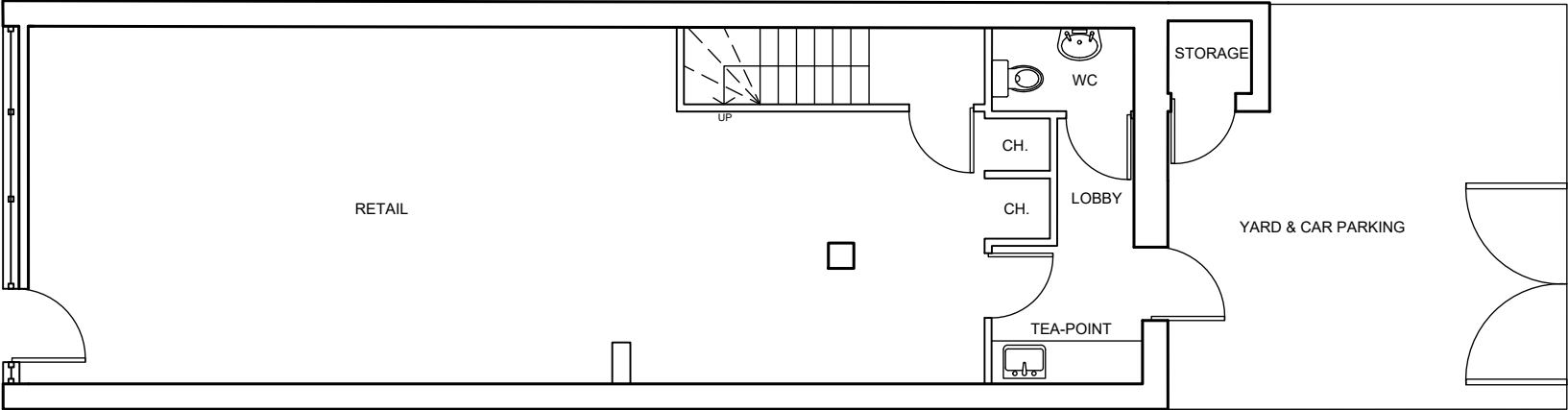
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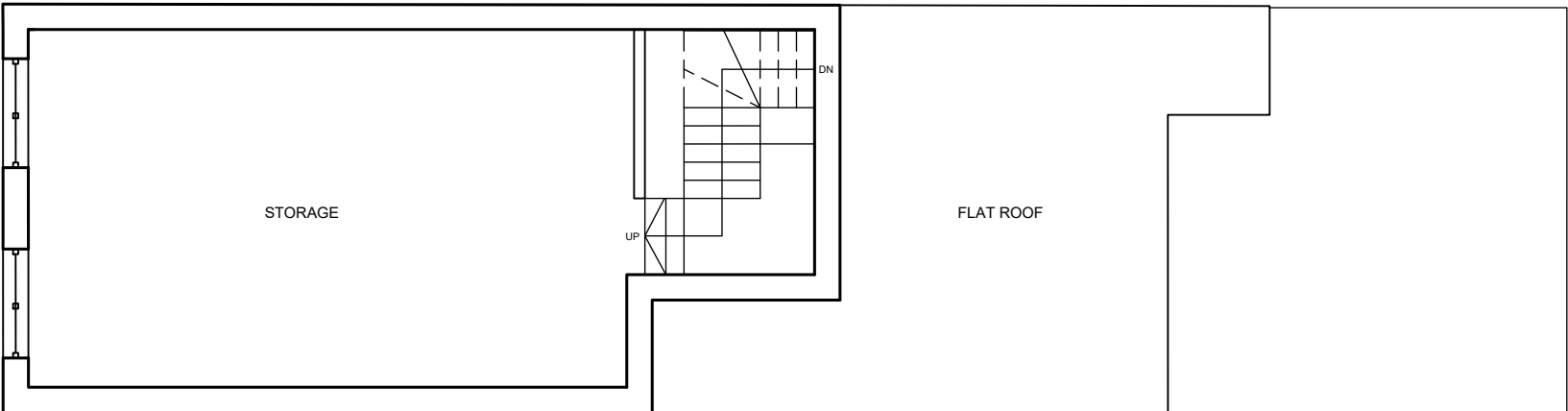
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Drawing No. 2102-0302			Revision P-01
Drawn KRD	Paper Size A3	Scale 1:100	Date 24.09.21



Existing Ground Floor Plan
1:100

Total Area (sqm): 67.3



Existing First Floor Plan
1:100

Total Area (sqm): 42.7

NORTH

0

2.0

4.0

6.0

8.0

10.0

12.5m

P-01

Issued for information.

25.06.2021

KRD

Rev.

Description

Date

Drawn

KEY

—

SITE BOUNDARY

Client

Ahmed Shabbir

Project

263 Duchess Parade

West Bromwich

Drawing Title

Existing Floor Plans

Drawing Status

DRAWING

KAVITA DHANDE

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Drawing No.

2102-0100

Date

25.06.21

Revision

P-01

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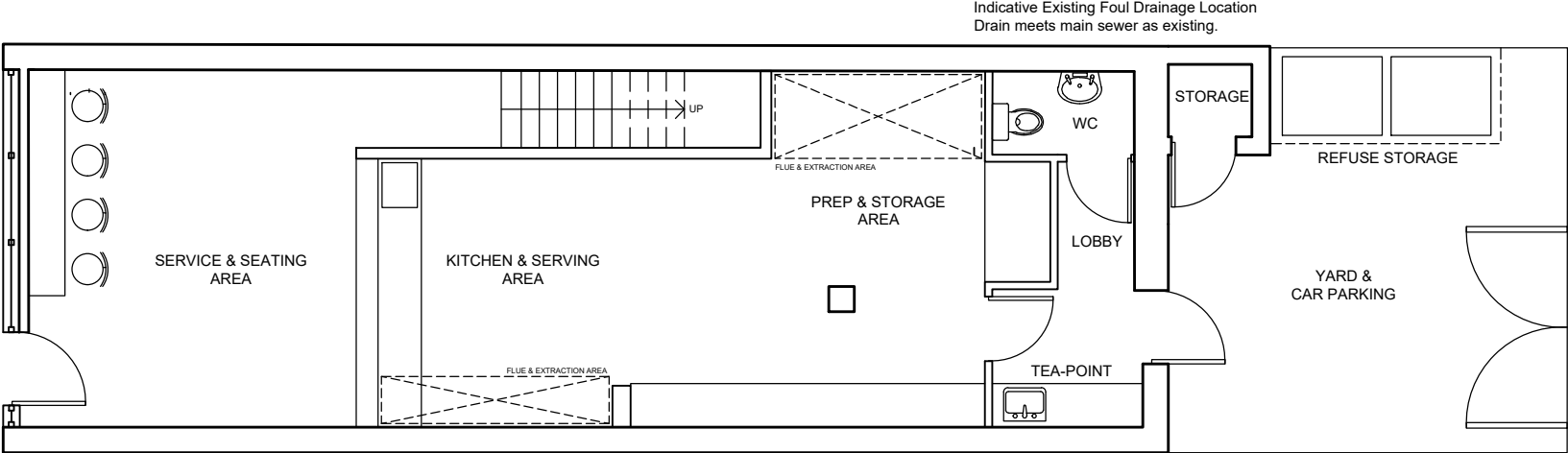
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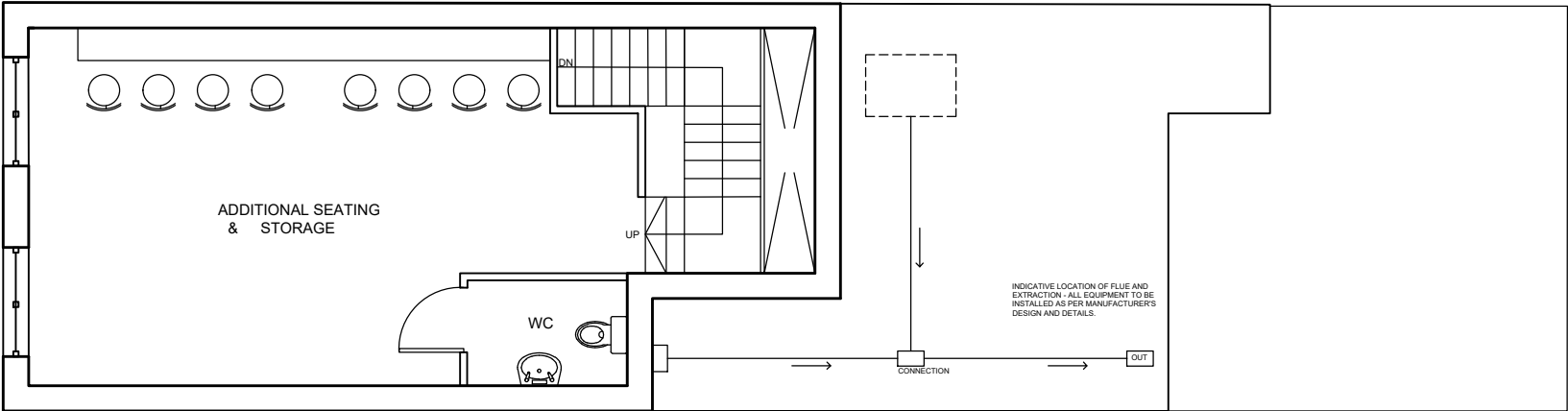
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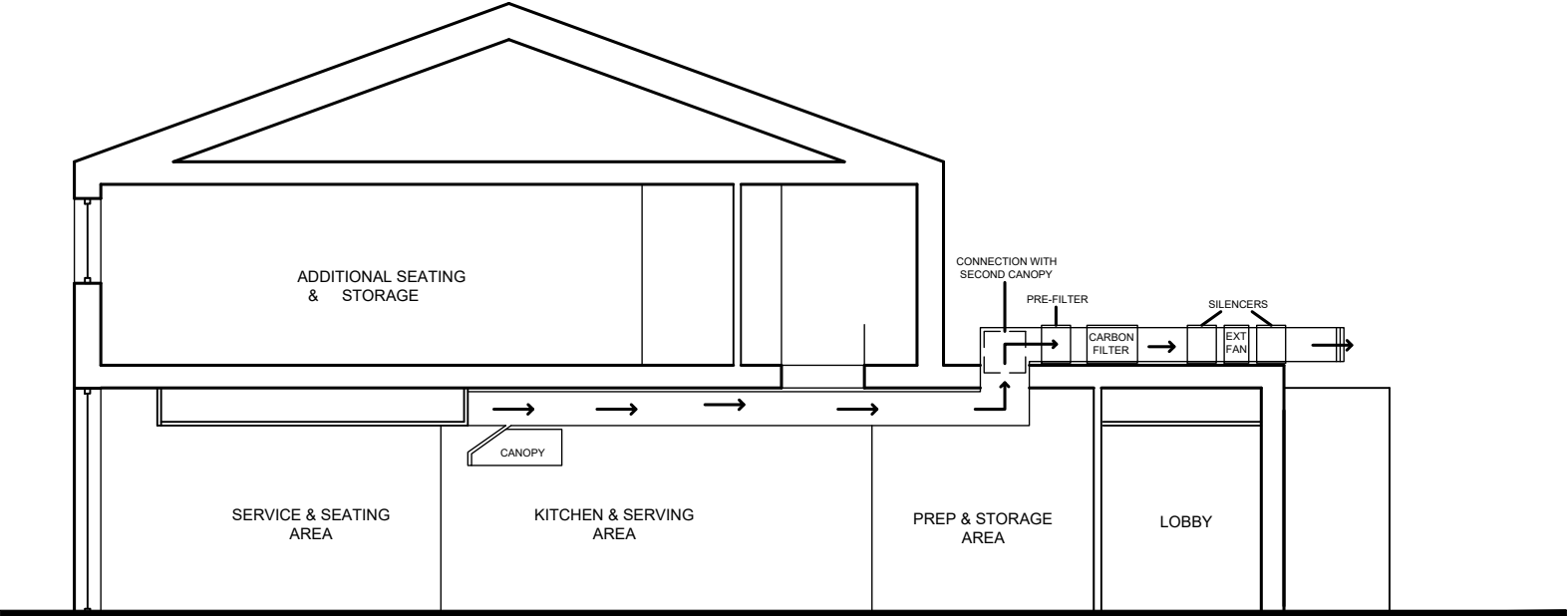
Proposed Ground Floor Plan
1:100

Total Area (sqm): 67.3

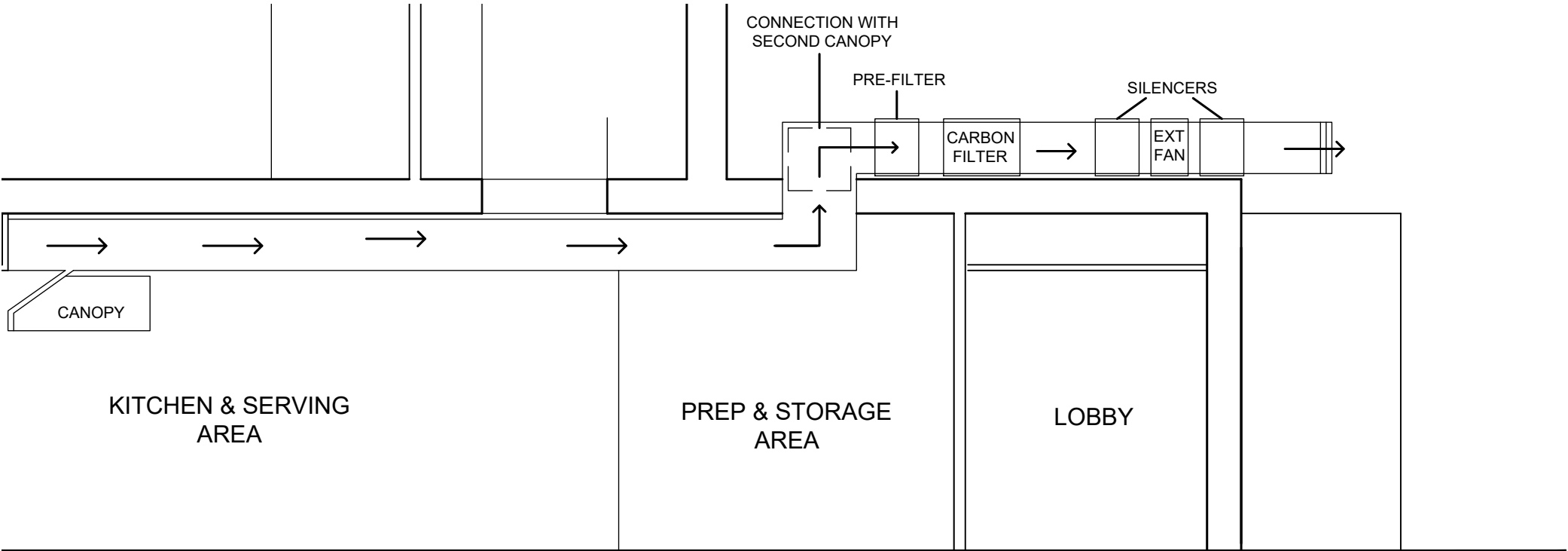


Proposed First Floor Plan
1:100

Total Area (sqm): 42.7



Section Diagram with Exhaust
and Fume Extraction
1:100



Section Diagram with Exhaust and Fume Extraction
1:50