

# Report to Planning Committee

**26 July 2023**

<b>Application Reference</b>	DC/23/68109
<b>Application Received</b>	22 March 2023
<b>Application Description</b>	Retrospective change of use from bank to restaurant/takeaway, new shop front, external extraction ducts and flue to rear
<b>Application Address</b>	774 - 776 Hagley Road West Oldbury B68 0PJ
<b>Applicant</b>	Mr Muhammed Babar
<b>Ward</b>	Old Warley
<b>Contact Officer</b>	Dave Paine – 07765 156081 David_paine@sandwell.gov.uk

## 1 Recommendations

1.1 That planning permission is granted subject to conditions relating to:

- i) Refuse storage/refuse management;
- ii) Retention and use of the extraction system;
- iii) Implementation and retention of the parking arrangements; and
- iv) Noise management plan.


## 2 Reasons for Recommendations

2.1 The application has been recommended for approval as it is compliant with relevant policy and has been supported by consultee comments. It



is considered that any adverse impact on neighbours can be mitigated by way of relevant planning conditions.

### 3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
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### 4 Context

- 4.1 At your last meeting, members resolved to defer the application pending further details regarding parking arrangements being clarified and provided.
- 4.2 This application is being reported to your Planning Committee because the Council has received four objections. In addition, a petition was also received which contained 10 signatures, the latter was circulated to members on the day of your last committee meeting.
- 4.3 To assist members with site context, a link to Google Maps is provided below:

[774-776 Hagley Road West](#)

### 5 Key Considerations

- 5.1 The site is within the Quinton District Centre in the adopted SAD DPD Policies Map and it is a Borough Gateway.
- 5.2 The material planning considerations which are relevant to this application are:-

Government policy (NPPF)

Amenity concerns – Anti social behaviour

Highways considerations - Traffic generation and parking



Environmental concerns – Noise, air quality, pollution, rubbish and general disturbance

Noise, odours and disturbance from the development

## 6. The Application Site

6.1 The application relates to a previously vacant high street bank, situated on the north side of Hagley Road West and with a retail centre. To the east and west are a range of commercial and retail uses. To the south, on the other side of Hagley Road West are residential dwellings along with further commercial and retail uses.

## 7. Planning History

7.1 The site has been subject to numerous planning applications. Those which are relevant are summarised below.

7.2 Relevant planning applications are as follows:

DC/06174	Use of shop and residential accommodation at No.774 as extension to existing bank at No.776 and the construction of a small link extension.	Granted 09.11.1977
DC/09362	Demolition of existing vacant timber derelict lean-to and erection of 9" thick brick boundary wall to generally tidy - up appearance of property.	Granted 23.05.1979
DC/09912	Extension of existing branch car park.	Granted 13.08.1979
DC/26165	Refurbishment of existing premises, construction of new central staircase and	Granted 11.07.1990



	relocation of front entrance	
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## 8. Application Details

- 8.1 The application is for the retrospective change of use from a bank to a restaurant/takeaway, including external extraction ducts and flue to the rear. The premise includes a seating area for diners, a queuing area and a counter for takeaway customers. A customer toilet is provided. To the rear of the premises are washing up and preparation areas, a kitchen/cooking area and a storage area. The opening hours are stated to be 07:00 to 00:00 seven days a week.
- 8.2 The applicant has provided a Planning Statement which details the operations of previous premises which would continue at this new site.
- Waste Management – 2 large bins are located at the premise and these are collected twice weekly. Waste bins will also be provided to the frontage of the new property for customer use. An external cleaner is also employed to manage the front and rear of the existing property and inspections are scheduled hourly and documented. This would continue at the new premises.
  - Noise – The manager is responsible for noise management of the premise and staff will be briefed on the noise management plan to ensure that this avoids nuisance to nearby residential properties and other noise sensitive uses. An email address can also be provided to residents by the manager, so they can raise concerns about noise resulting from the premises, so this can then be reviewed, and appropriate actions taken.
  - Anti-social behaviour – Customers who are rowdy will be warned and if the behaviour continues they will be asked to leave the premises. The Police will be called if the behaviour persists. When



necessary, individuals will be permanently barred from the premises.

## 9. Publicity

9.1 The application has been publicised by neighbour notification letters and a site notice with four responses and 10 signature petition received.

## 9.2 Objections

Objections have been received on the following grounds:

- i) The proposed use creates an excessive amount of rubbish.
- ii) The restaurant produces unpleasant odours.
- iii) The increase in traffic causes additional pollution.
- iv) Highway safety issues relating to parking and manoeuvring vehicles.
- v) Anti-social behaviour.
- vi) Noise.
- vii) Too many similar businesses already in the area.
- viii) Increase in vermin associated with the business.

Non-material objections have been raised regarding issues around illuminated signage, and the retrospective nature of the application. The signage is not considered as part of this application. The applicant has submitted a separate application for advertisement consent, which will be assessed on amenity and highway safety grounds as per national and local policy guidance. While a retrospective application may not be the ideal option in this case, it is an accepted and valid approach and should not be used to influence the decision in this case.

These objections will be addressed in section 13 (Material Considerations).



## 10. Consultee responses

### 10.1 Planning Policy

Planning Policy commented that this premises should be considered as a restaurant and not a hot food takeaway due to the number of seats within the restaurant area. Therefore, the hot food takeaway SPD is not relevant. They noted that the site is a Borough Gateway. They noted that policy SAD CEN1 Non-Retail Uses at Ground Level is not relevant because the previous use was a bank and not a retail use. The restaurant is proposed to be open during the day which would contribute to the vitality and viability of the centre. Planning Policy did not object.

### 10.2 Highways

Highways have no objections. This proposal would not be expected to result in any net increase in vehicle movements. A revised parking plan has been provided showing a marked car park with 15 spaces to the rear along with forecourt parking at the frontage.

### 10.3 Public Health (Air Pollution and Noise)

Public Health noted that the extraction system appeared to be in good order and would not be considered to have an adverse effect on nearby residential properties.

### 10.4 West Midlands Police

West Midlands Police have no objections.



## 11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states 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 polices of the council's Development Plan are relevant:

CEN5: District and Local Centres

CEN6: Meeting Local Needs for Shopping and Services

12.2 The site is within the Quinton District Centre in the development plan which supports development for retail, office and leisure uses.

12.4 CEN5 and CEN6 are policies which seek to ensure development within district centres are appropriate in scale, meet local need and contribute to the viability and vitality of the centre. This retrospective use is deemed acceptable with a district centre location.

## 13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in Sections 11 and 12. With regards to the other material considerations, these are highlighted below

### 13.2 Amenity concerns – anti social behaviour

The police have raised no objections. The applicant has indicated that they do not tolerate inappropriate behaviour from customers and have a plan to deal with these matters, and in some circumstances, they will call the police to resolve incidents. Equally residents can likewise call the police if they have concerns.





### 13.3 Environment concerns - Noise, odours, rubbish, vermin and disturbance from the development.

In terms of noise, the overall noise levels would not be expected to differ significantly from any noise associated with the previous premises. Again, the applicant has stated that they would manage rowdy customers. In addition, Public Health did not raise any objection related to noise.

The application included details of the odour extraction system which have been reviewed by Public Health and is considered to be acceptable. A planning condition is recommended to ensure the ongoing maintenance and use of the extraction system.

Whilst the plans submitted with this application do not provide details of refuse storage, details of their current arrangements have been provided which indicate that they adequately manage refuse arising from their premises. Notwithstanding this, detailed refuse arrangements and management can be conditioned to be provided, approved, implemented and retained.

Environmental Health have confirmed that only one complaint has been received in relation to vermin in 2014. This complaint focussed primarily in a build-up of rubbish. It is therefore considered that with appropriate refuse arrangements as referred to above this use would not increase vermin in the area.

In terms of disturbance, this application would not create any net increase in the number of this type of business as this application is for the relocation of an existing business.

### 13.4 Highway safety, parking, servicing and traffic generation

Highways have not objected to the proposal. Arrangements for parking and servicing would not differ from the arrangements relating to the previous premises. The proposed premise was previously a bank and





the parking arrangements to the front would remain. Subsequent to your last meeting a parking plan has been provided and confirmation of the applicant's right to use the front forecourt and rear car park has been supplied. A condition is recommended to ensure the car parking arrangements are implemented and retained.

## 14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant with relevant polices and there are no material considerations that would justify refusal.

## 15 Implications

<b>Resources:</b>	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.
<b>Legal and Governance:</b>	This application is submitted under the Town and Country Planning Act 1990.
<b>Risk:</b>	None.
<b>Equality:</b>	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
<b>Health and Wellbeing:</b>	None.
<b>Social Value</b>	None.
<b>Climate Change</b>	Sandwell Council supports the transition to a low carbon future, in a way that takes full account of the need to adapt to and mitigate climate change. Proposals that help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure, will be welcomed.



## 16. Appendices

Location plan

Proposed floor plans

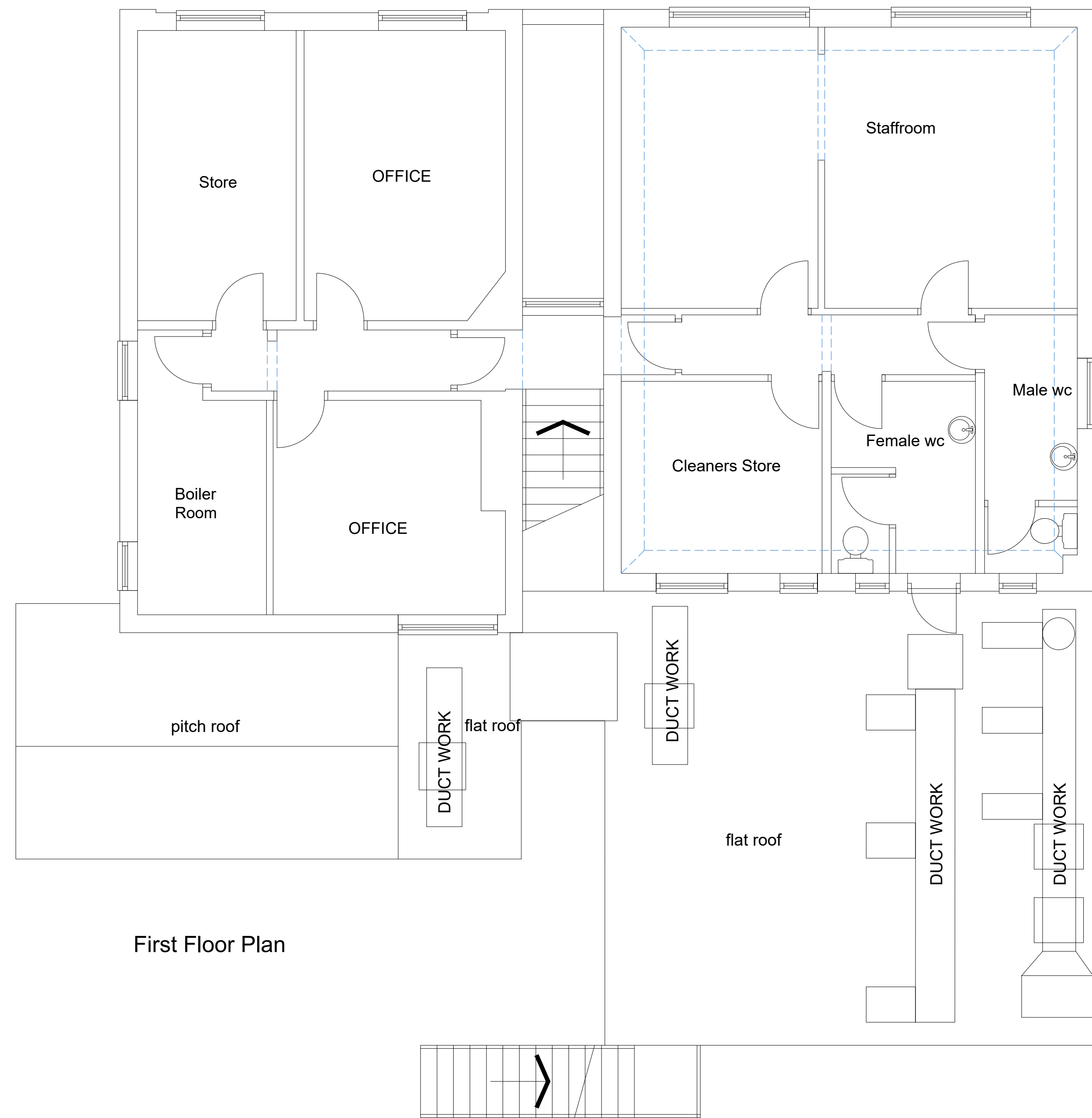
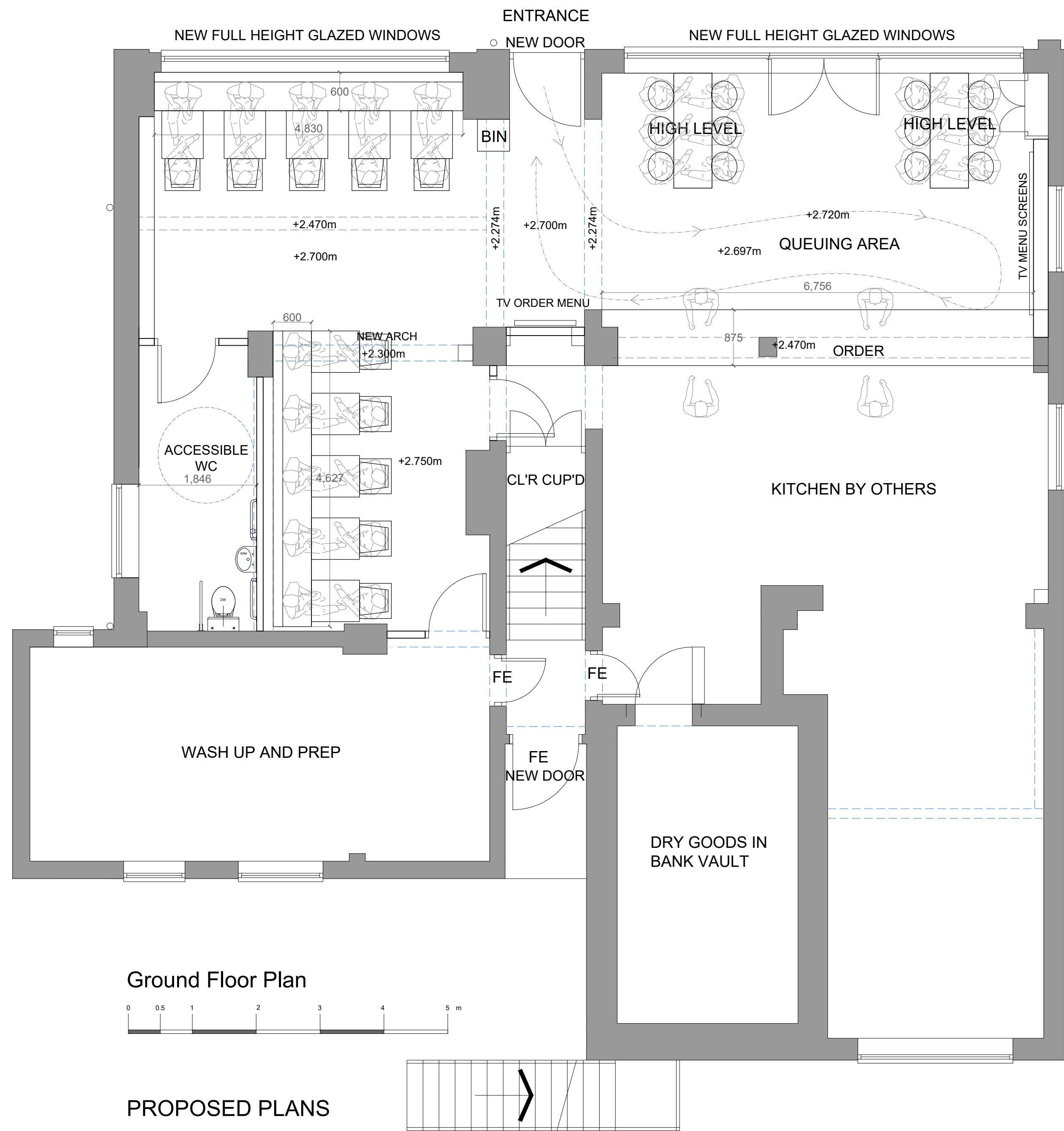
Proposed elevation plans

Extraction system plan









**NOTES:-**  
 1. All drawings to be read in conjunction with Structural Engineer's details & any relevant sub-contractor's details. All works to comply with current Building Regulations, British Standards & Codes of Practice.  
 2. The Main Contractor & Sub-Contractor where applicable will be responsible for checking all dimensions on site & reporting any discrepancies to all relevant consultants.  
 3. The contractor must familiarize himself with the site and measure all areas affecting his work. All dimensions must be verified on site prior to manufacture of any joinery or works on or off site.  
 4. All works to be carried out by approved installation contractors, and to manufacturers recommendations.  
 5. All dimensions to be in millimeters.  
 6. Contractor to ensure that all work meets the requirements of the DPO, Building Control, Fire Authority and all other statutory bodies.  
 7. All shop fit decoration to achieve Class 'O' surface spread of flame in accordance with BS476, Part 7, 1971 or 1982.  
 8. All stained timber areas to be treated with Thermoquard or similar to achieve Class 'O' surface spread of flame. All painted timber areas to be treated with Thermoquard Timbercoat or similar to achieve Class 'O' surface spread of flame.  
 9. Where MDF is specified this is to be Zero or Low formaldehyde type MDF made to British Standards.  
 10. The contractor is to ensure that all walls to be decorated are prepared prior to decoration and all surfaces smooth level and joint free.  
 All applied coatings are to be water based to save wall areas.  
 Contractor to allow for one mist coat and two top coats in cases, walls and timberworks.  
 All new timber to be pressure impregnated with preservative prior to delivery to site. Where subsequent cutting & bonding is necessary all exposed faces to be coated with Protex.

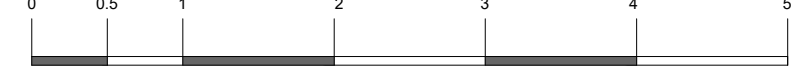
REV	DATE	DESCRIPTION



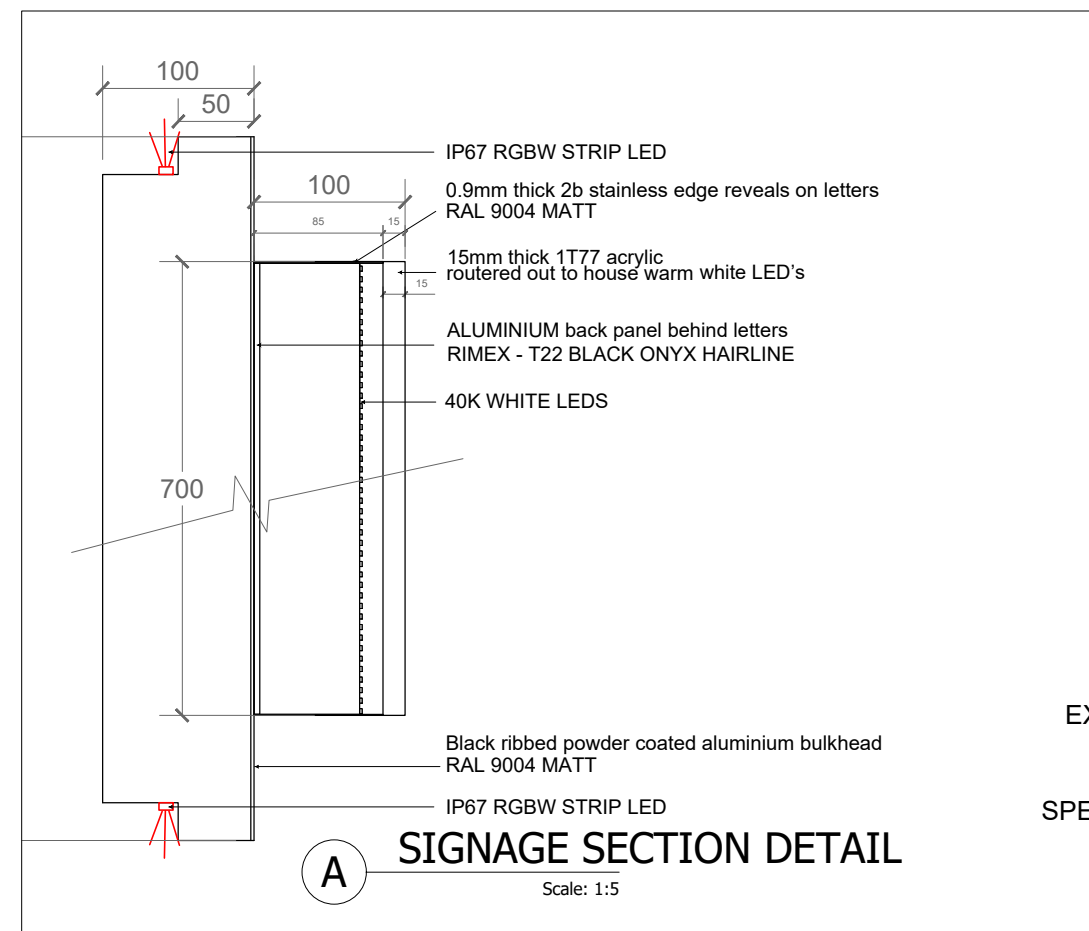
DATE	SCALE	DRG TITLE
JAN 23	1:50@A1	PROPOSED PLAN
JOB NO	DRG NO	PROJECT
2331	01	BIG JOHNS QUINTON



FRONT ELEVATION

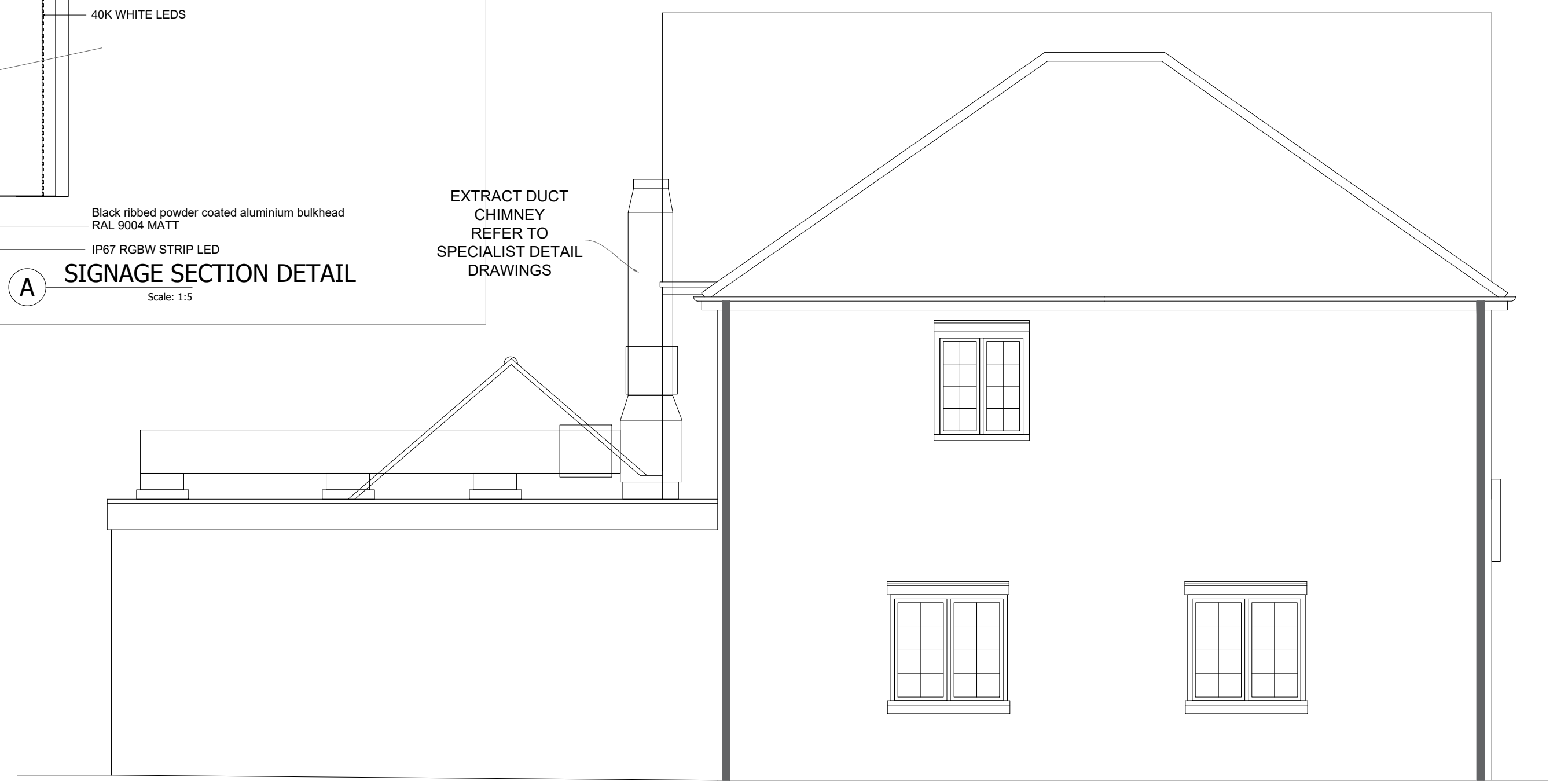


PITTED CHARCOAL HONED EXTERNAL TILE FINISH BETWEEN WINDOWS.  
Ref: NEOLITHIC ASH RECT  
1000X1000MM  
ROCCIA CERAMICS



A SIGNAGE SECTION DETAIL

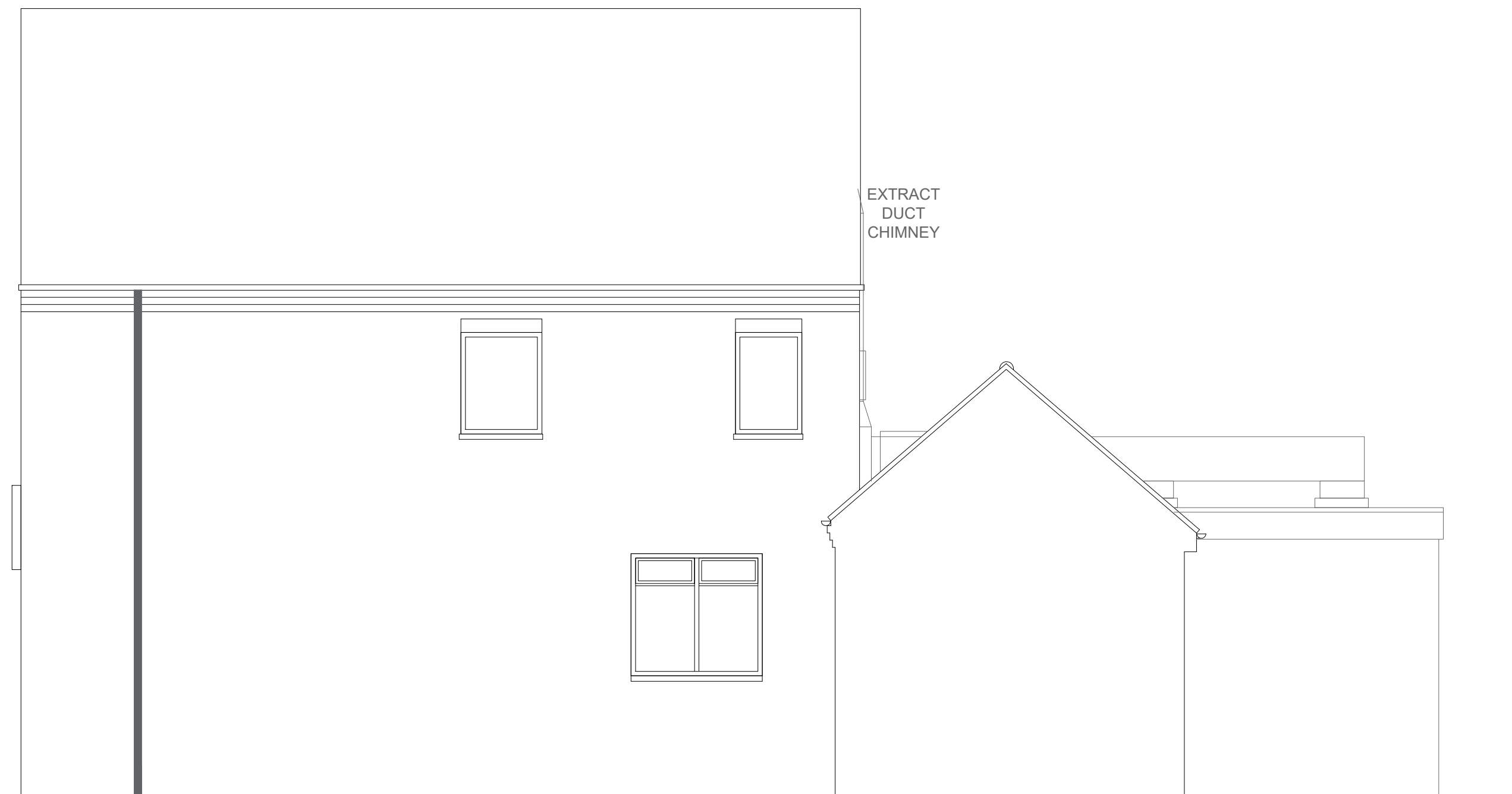
Scale: 1:5



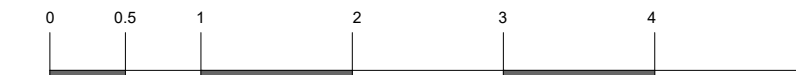
LH SIDE ELEVATION



REAR ELEVATION



RH SIDE ELEVATION



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Contractor to allow for one mist coat and two top coats in cases, walls and timberworks.  
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REV	DATE	DESCRIPTION

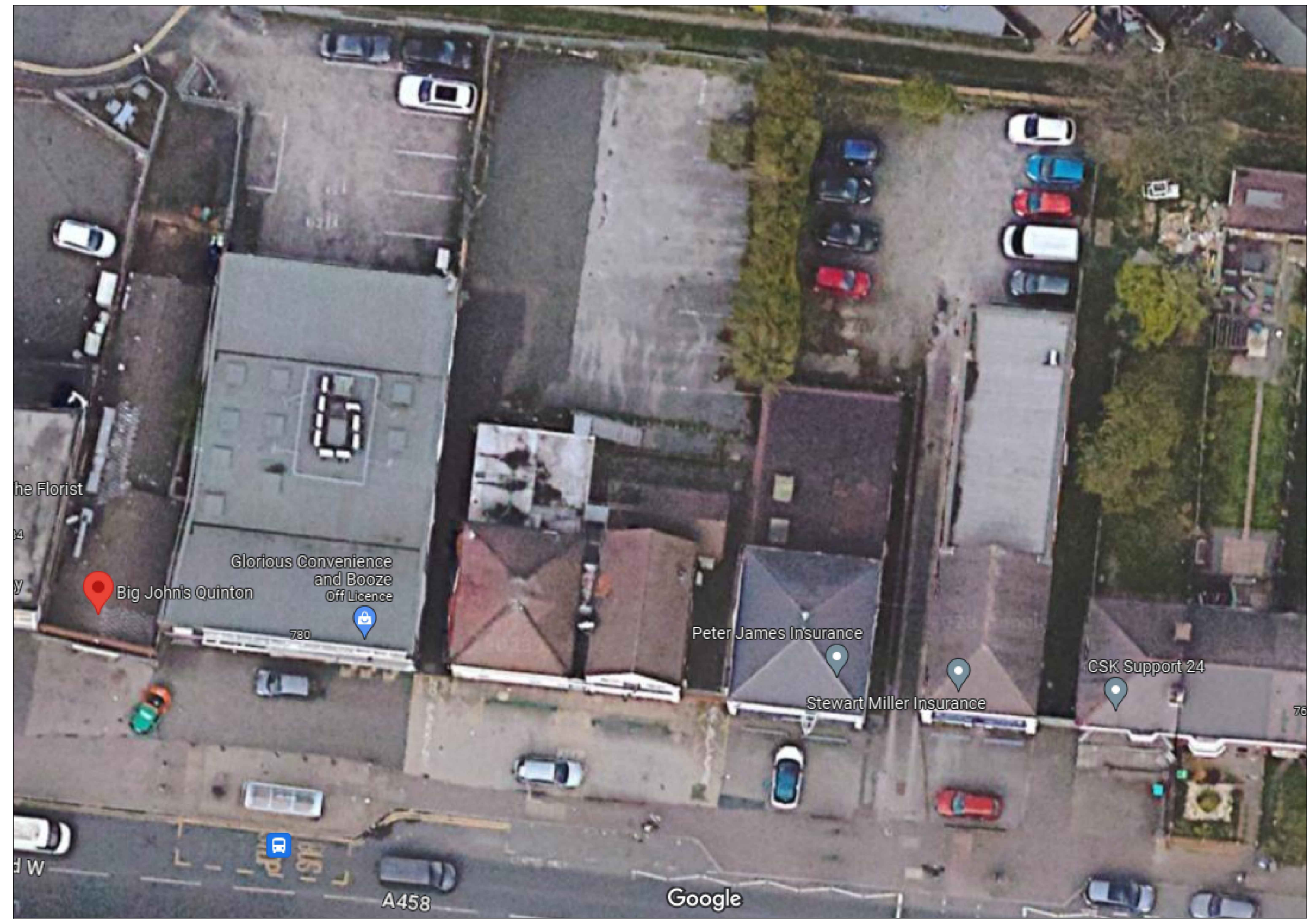
**ADA**  
INTERIOR ARCHITECTURE

DATE	SCALE	DRG TITLE
JAN 23	1:50@A1	PROPOSED PLAN
JOB NO	DRG NO	PROJECT
2331	02	BIG JOHNS QUINTON





**1 PROPOSED SITE PLAN**  
Scale: 1:150  
0 0.5 1 2 3 4 5m



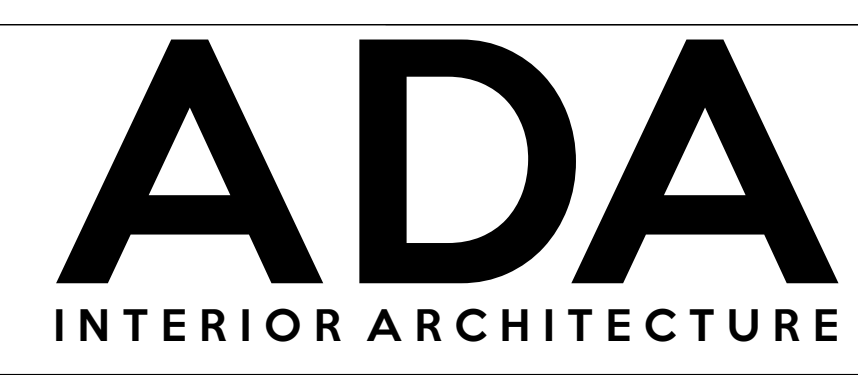
OVER HEAD VIEW



FRONT ELEVATION

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REV	DATE	DESCRIPTION



DATE	SCALE	DRG TITLE
JULY 23	1:150@A1	PROPOSED SITE PLAN AND CAR PARK MANAGEMENT
JOB NO	DRG NO	PROJECT
2331	06	BIG JOHNS QUINTON



Thermal Conversion Method									
Drawing Number: 381: Big Johns, Quinton									
Canopy Size: 6270(w)x1300(d)x400(h)mm									
Item No:	Description	Width	Depth	Overall Size m2	Gas Coefficient as DW172	Electric Coefficient as DW172	Area Ref: Main Wall Cookline	Cookline	Item TBC
46	COUNTERTOP TWIN KEBAB GRILL, ELECTRIC	0.8	0.6	0.48				0.55	0.264
47	COUNTERTOP TWIN BAIN MARE, ELECTRIC	0.3	0.6	0.18				0.15	0.027
55	COUNTERTOP SINGLE KEBAB GRILL, ELECTRIC	0.6	0.6	0.36				0.55	0.198
48	600MM WIDE GRIDDLER, GAS	0.6	0.8	0.48		0.3			0.144
50	900MM WIDE CHARGRILL, GAS	0.9	0.8	0.72		0.95			0.684
52	LARGE FRYER RANGE	2.3	0.9	2.07		0.8			1.656
53	CHIP SQUITTLER	0.3	0.8	0.24				0.03	0.0072
SubTotal								2.9802	
Canopy Factor (Based on ceiling mounted)								1.20	
Extract Rate m3/s								3.57624	
Air In Flow Rate m3/s (Based on 85%)								3.039804	

Drawing Number: 381: Big Johns, Quinton									
Canopy Size: 2000(w)x1600(d)x400(h)mm									
Item No:	Description	Width	Depth	Overall Size m2	Gas Coefficient as DW172	Electric Coefficient as DW172	Area Ref: Pizza Oven Canopy	Cookline	Item TBC
19	CONVEYOR PIZZA OVEN	1.7	1.2	2.04	0.45			0.918	
SubTotal								0.918	
Canopy Factor (Based on ceiling mounted)								1.15	
Extract Rate m3/s								1.0557	
Air In Flow Rate m3/s (Based on 85%)								0.897345	

Drawing Number: 381: Big Johns, Quinton									
Canopy Size: 2650(w)x1500(d)x400(h)mm									
Item No:	Description	Width	Depth	Overall Size m2	Gas Coefficient as DW172	Electric Coefficient as DW172	Area Ref: Combination Oven Cookline	Cookline	Item TBC
65	ELECTRIC COMBINATION OVEN	0.9	0.8	0.72				0.3	0.216
66	WALL BENCH	0.45	0.9	0.405				0.03	0.01215
67	FREESTANDING PRESSURE FRYER	0.6	0.6	0.36				0.45	0.162
67	FREESTANDING PRESSURE FRYER	0.6	0.8	0.48				0.45	0.216
SubTotal								0.60615	
Canopy Factor (Based on ceiling mounted)								1.20	
Extract Rate m3/s								0.72738	
Air In Flow Rate m3/s (Based on 85%)								0.618273	

All water services to avoid items placed against wall when dropping from above.

Pipework to run at 400mm AFFL. and terminate with isolating shut off valves within 1 metre of the final connection.

Prior to delivery and installation of equipment all wall, ceiling and floor finishes must be completed and services terminated within 1 metre of final connection.

Electrical connection to the extract fans are to be carried out by the main contractor on site. Fan speed controllers to be supplied by the catering equipment supplier.

All appropriate equipment to be earth bonded by main electrical contractor.

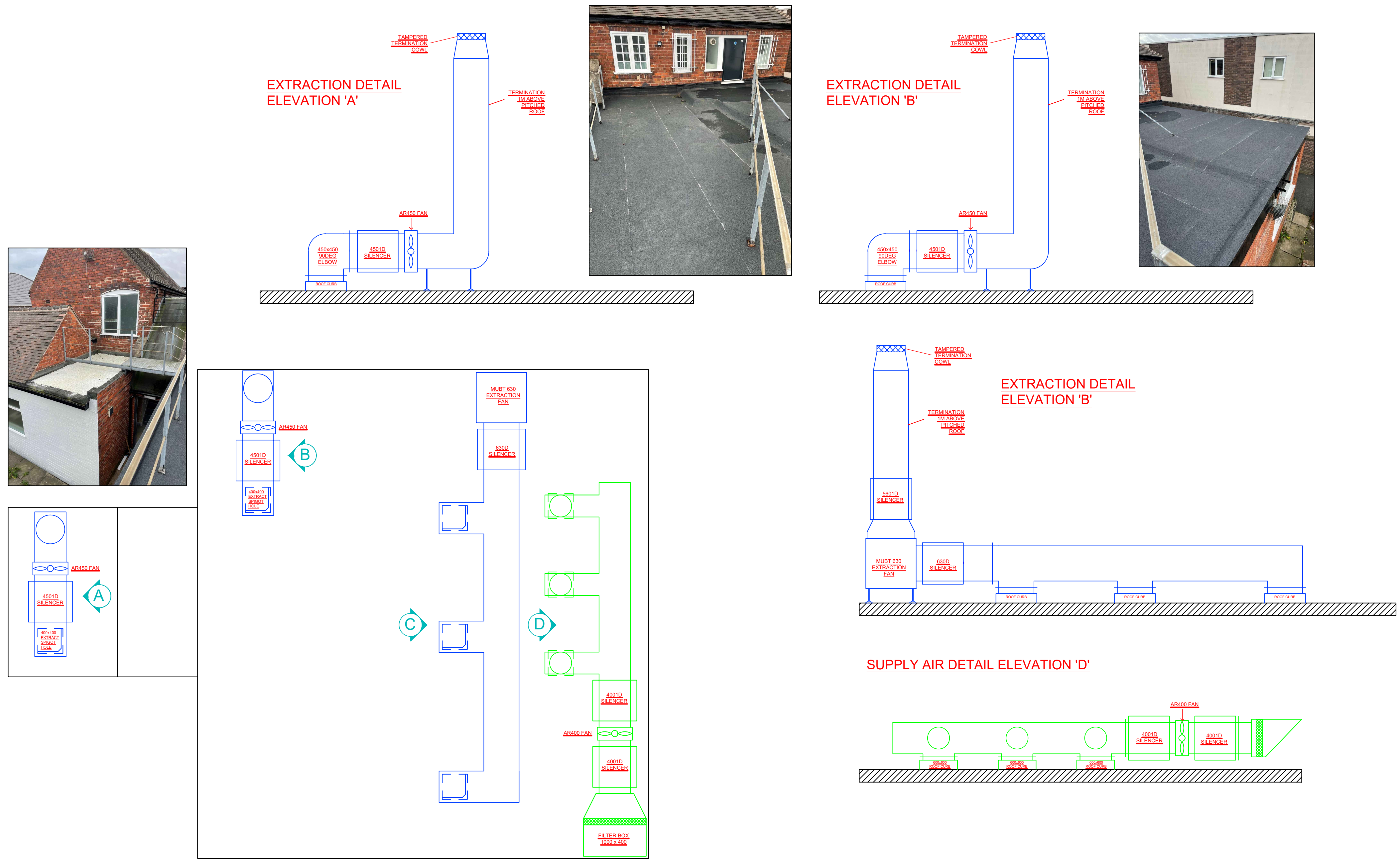
Means should be provided for the emergency shut down of power, fuel supply and extraction systems to all cooking equipment. The emergency shut down device should be clearly labelled and accessible.

Minimum flow rate for whb - 0.15 litres / sec hot or cold  
Minimum flow rate for sink bowls - 0.2 litres / sec hot or cold

Fresh air input to the kitchen to be provided by others.

Gas interlocking system to be supplied and fitted by main M&E contractor in accordance with CORGI recommendations.

- COLD WATER
- ⊕ HOT WATER
- WASTE
- ▲ 13 AMP SWITCH SOCKET OUTLET
- ▲ 13 AMP SWITCH FUSE OUTLET
- ⊠ ELECTRIC ISOLATOR
- ▲ CABLE OUTLET
- GAS



Revisions	
<h2>Northern</h2> <p>Northern Refrigeration &amp; Catering Equipment Ltd            Eckington Business Park            Rotherside Road            Eckington            S21 4HL</p> <p>Tel: 01246 434340            Fax: 01246 434341</p>	
Project	Proposed Extraction Layout for Big Johns, Quinton
Drawing Number	381.0
Status	For Approval
Scale	1:40 @ A1
Approved by:	
Date:	17th February 2023

Copyright of this drawing is retained by N.R.C.E. and none of the ideas or arrangements may be used without our written consent.