

DELEGATED

AGENDA NO.

REPORT TO PLANNING COMMITTEE

DATE: 31st May 2006

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

06/0581/COU

2 HARLAND PLACE, NORTON, STOCKTON-ON-TEES 06/0581/COU

CHANGE OF USE OF GROUND FLOOR FROM RESIDENTIAL TO HOT FOOD TAKEAWAY
(A5)

Expiry date: 1ST MAY 2006

SUMMARY

The planning application seeks approval for the part change of use from a residential dwelling to a hot food Takeaway at 2 Harland Place, Norton

The application site is located in Norton Conservation area and 7no. letters of objections have been received from local residents/businesses.

The application accords with the local plan policies and the application is recommended for approval with conditions.

RECOMMENDATION

Planning application 06/0581/COU be approved subject to the following conditions:

- 01. The development hereby approved shall be carried out in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.
Drawing Number(s): - SBC001,
Reason: To define the consent.***

- 02. Details of any extract ventilation or fume extraction system, including the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment to be installed and used in the premises shall be first approved by the Local Planning Authority and installed before the development hereby permitted commences and therefore retained in full accordance with the approved details.

Reason: To ensure a satisfactory form of development.***

- 03. Before the plant is brought into use the building, structure and plant shall be insulated against the emission of noise in accordance with a scheme to be approved***

by the Local Planning Authority. Such noise insulation shall be thereafter maintained to the satisfaction of the Local Planning Authority. Any new plant installed subsequent to the approval shall not increase background levels of noise as agreed without the agreement in writing of the Local Planning Authority.

Reason: To ensure that the plant and machinery is adequately soundproofed in the interests of the amenities of the occupants of nearby premises.

- 04. *The use hereby permitted shall not be open for business outside the hours of 1800 hours and 2330 hours with the property being closed and vacated by 2400 hours each day.***

Reason: To ensure that adjoining residential properties are not adversely affected by the development.

- 05. *Before the use commences, the building shall be provided with sound insulation to ensure that adequate protection is afforded against the transmission of noise between the residential accommodation above and the hot food takeaway with a scheme to be submitted to and approved in writing by the Local Planning Authority***

Reason: To protect the amenity of nearby residents from excessive noise.

- 06. *The drainage system to the premises shall be provided with a suitable grease trap so as to prevent the discharge of grease into the public sewer.***

Reason: To ensure a satisfactory form of development

The decision to grant planning permission has been taken having regard to the policies and proposals in the Structure Plan and Stockton on Tees Local Plan set out below. This informative is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report by contacting Jean Ward on direct line 526069.

THE PROPOSAL

- 1. The application site is No.2 Harland Place, Norton, which is a vacant residential dwelling, located at the end of a row of shops. The applicant seeks planning permission for change of use of ground floor from residential to hot food takeaway (A5) with the first floor remaining in residential use. The application site is situated at the far end of Norton High Street, within the Norton Conservation Area.**

CONSULTATIONS

- 2. The following Consultees were notified and the comments they made are indicated below:**

The Acting Development Plans Manager

- 3. Advises that 2 Harland Place lies within the defined retail centre but is not a protected residential property as identified in policy S11 of the Alteration,**

'Policy S11

Change of Use from residential use (C3) will not be permitted in the following areas of Norton Local Centre: -

Norton High Street: -

- i) Eastern Side from number 32 to 120 High Street, excluding number 64;***
- ii) Western Side from number 69 to 87 High Street, excluding number 77 to 79;***
- iii) Western Side number 89, numbers 97 to 101, numbers 115 to 131, number 135, 143a and 145a'.***

Environmental Health Unit Manager

- 4. I have concerns about the potential for odour nuisance, as residential properties are in close proximity. The application contains insufficient information as to how odours from the proposed takeaway are to be controlled. As a result, I would object to this application unless a full technical specification on the ventilation and fume extraction system including the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment, to be installed and used in the premises in pursuance of this permission is first approved by the Local Planning Authority and installed before the development hereby permitted commences and thereafter retained in full accordance with the approved details.
- 5. In addition to my concerns regarding odours from the premises, I have other concerns about the premises and I would also recommend that the following conditions be imposed on the development: -

Insulation of plant

Before the plant is brought into use the buildings, structure and plant shall be insulated against the emission of noise in accordance with a scheme to be approved by the Local Planning Authority. Such noise insulation shall be thereafter maintained to the satisfaction of the Local Planning Authority. Any new plant installed subsequent to the approval shall not increase background levels of noise as agreed without the agreement in writing of the Local Planning Authority.

Noise disturbance from access and egress to the premises

The opening hours should be limited to ensure that adjacent residential premises are not adversely affected by either customers using the premises or from vehicles servicing the premises at unsocial hours.

Drainage - grease trap

The drainage system to the premises shall be provided with a suitable grease trap so as to prevent the discharge of grease into the public sewer.

Sound insulation between flat and takeaway

Before the use commences, the building shall be provided with sound insulation to ensure that adequate protection is afforded against the transmission of noise between the residential accommodation above and the hot food takeaway with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Premises layout

The plans submitted with the application do not provide detailed plans of the layout. I am therefore unable to ascertain whether the proposed layout is satisfactory.

Head of Transportation and Environmental Policy

6. The change of use will no doubt generate an increase in the demand for car parking. However, given the nearby public and private parking provision, on balance I have no adverse comments regarding this application.

Neighbour Consultation

7. The application was advertised by site notice and letters to adjacent occupiers and 7 letters of objection were received and are summarised below: --

Anwar Hussain 3 Harland Place, Norton

Objects on the grounds that the proposal will affect his A5 business financially.

Mrs A Harris 20 The Green, Norton

Object to proposal as there are nine takeaways in a small area of Norton already, which has litter problems. Worried about the vitality of the high street.

Mr S Crosby 4A Harland Place, Norton

Object to proposal on grounds of increased noise nuisance and there are too many shops during the day that appear to be closed, which makes the village appear empty.

Shamim Ahmed 7 Harland Place' Norton

When the objector went through his own application he was told no A3 use and highways objected due to congestion. Also, it was stated that the high street being a conservation area, no further hot food takeaways would be allowed.

Miss C Hind 5A Harland Place' Norton

Object to proposal on grounds of increased noise nuisance and there are too many shops during the day that appear to be closed, which makes the village appear empty

Mrs Poulton 433 Norton Road, Norton

Object to proposal on grounds of litter problems, another preferable use for the premises and the proposal will encourage traffic problems.

Geoff Mann C/O 137 High Street, Norton

Concerned about increase in litter problems from existing takeaways.

PLANNING POLICY CONSIDERATION

8. Where an adopted or approved development plan contains relevant policies, section 54A of the Town and Country planning Act requires that an application for planning permission shall be determined in accordance with the Plan, unless material planning considerations indicate otherwise.

The relevant development plan in this case is the adopted Stockton on Tees Local Plan.

Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;

- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

Policy EN24

New development within conservation areas will be permitted where:

- (i) The siting and design of the proposal does not harm the character or appearance of the conservation area; and
- (ii) The scale, mass, detailing and materials are appropriate to the character and appearance of the area

MATERIAL PLANNING CONSIDERATIONS

9. The applicant has not provided details of plan layout or details of extraction flu within the application, therefore; only the principal of change of use is to be determined.
10. The main considerations in regards to this application is the impact of the change of use on the conservation area, the vitality and viability of the shopping centre, planning policies and the amenity of the neighbouring premises.
11. There has been recent approval for a hot food takeaway at No.3 Harland Place (app.ref 05/2500/COU), which was approved at planning committee on the 16th November 2005
12. The site lies within essentially a commercial area with 2 no. Indian Takeaway's, pizza shop, 3 restaurants, a wine bar and a public house in Harland Place and a public house opposite, the remainder of the uses are mainly A1 retail and offices. To the first floor(s) there are several residential properties and to the front of the property there is the main highway of the High Street and to the rear of the property, there is a rear yard area, which faces onto another main highway, Norton Road.
13. Seven letters of objections were received from local residents and businesses, their Concerns relate to the potential increase in traffic, noise, litter problems and the number of existing takeaways in the locality and the effect on the vitality and viability of the defined centre. These concerns are considered below
14. With regard to Planning Policy, the Acting Development Plans Manager has advised that 2 Harland Place lies within the defined retail centre but is not a protected residential property as identified in policy S11 of the Alteration,

'Policy S11

Change of Use from residential use (C3) will not be permitted in the following areas of Norton Local Centre: -

Norton High Street: -

- iii) Eastern Side from number 32 to 120 High Street, excluding number 64;***
- iv) ii) Western Side from number 69 to 87 High Street, excluding number 77 to 79;***
- iii) Western Side number 89, numbers 97 to 101, numbers 115 to 131, number 135, 143a and 145a'.***

Therefore, in this particular circumstance, the loss of a residential dwelling is considered acceptable. Equally as it is not an existing retail use, the proposal does not require to be determined against policy to protect the vitality and viability of the neighbourhood centre.

15. Given that there is no direct policy with regards to the loss of a residential dwelling and the application is considered not to have a detrimental impact on the vitality and viability of the neighbourhood centre, the principal change of use from residential (C3) to hot food takeaway (A5) is acceptable and there is no proven grounds to refuse the application.

With regards to the traffic issues the Head of Engineering and Transportation has been consulted and stated that although the change of use will no doubt generate an increase in the demand for car parking but given the nearby public and private parking provision, he has no adverse comments regarding this application. Therefore, in this particular circumstance, the loss of a residential dwelling is considered acceptable. Equally as it is not an existing retail use, the proposal does not require to be determined against policy to protect the vitality and viability of the neighbourhood centre or limit the number of hot food takeaways.

16. Environmental Health recommends standard planning conditions be placed on the application if approved, to address noise and odour nuisance problems. In particular the positioning of the required flue extraction system would be restricted by planning condition to the rear of the property which is a similar location to the other hot food outlets along Harland Place
17. It is therefore considered that this application is acceptable on policy grounds and planning conditions can control potential impacts from noise and odour.

CONCLUSION

The proposed use is considered to be in accordance with the Policy GP1 and EN24 of the Stockton on Tees Local Plan and the application is recommended for approval subject to the conditions above.

Director of Development and Neighbourhood Services

Contact Officer: Fahim Farooqui – Telephone 01642 528558

Financial Implications

As report.

Environmental Implications

As Report

Community Safety Implications

N/A

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Background Papers

Stockton-on-Tees Adopted Local Plan (1997)
Planning Application 06/0581/COU

Ward and Ward Councillors

Ward

Norton North

Ward Councillors

Councillor M. Frankland and Councillor Mrs K. F. Nelson