



Appeal Decision

Site visit made on 30 October 2007

by **Bern Hellier BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
15 November 2007

Appeal Ref: APP/H0738/A/07/2041854
65-67 Yarm Lane, Stockton-on-Tees, TS18 3DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Sangha Properties against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/0003/COU, dated 18 December 2006, was refused by notice dated 15 March 2007.
- The development proposed is a change of use from Use Class A1 to Use Class A5.

Decision

1. I dismiss the appeal.

Main Issues

2. I consider there are two main issues
 - The effect on the living conditions of nearby residents in relation to noise and disturbance.
 - The effect on the economic health of the existing defined retail centres in Stockton-on-Tees.

Reasons

Living conditions of nearby residents

3. The appeal site is situated on a corner plot at the junction of Yarm Lane with Outram Street. Vehicular access to Outram Street from Yarm Lane has been blocked off so that it is now a cul-de-sac. It is fronted by small terraced houses with on-street parking which appears to be at capacity. Yarm Lane is a busy route into the town centre and parking outside the appeal site is not permitted. There is an enclosed front parking area accessed from Yarm Lane but this would not comfortably accommodate more than two vehicles which, even so, would have to be reversed out onto the main road. This area is currently being used as a vehicular access to the adjoining flats. If it is a right of way then it would further restrict parking.
 4. The proposed use would generate a need for customer and employee car parking and delivery vans. Generic parking figures for a Domino's Pizza operation provided by the appellant show a peak parking demand for some 12 vehicles and daily movements of over 250 arrivals and departures.
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5. The inadequacy of parking on the Yarm Lane frontage convinces me that many vehicles would use Outram Street. Residents here would be subjected to noise from car engines stopping and starting, doors opening and closing, and the voices of customers. This disturbance would be aggravated by congestion in the street and by vehicles manoeuvring in the tight turning area. It might well spread to other nearby residential streets.
6. The appellant is prepared to close at 23.00 hours. Nonetheless I conclude that the movement and parking of cars and delivery vehicles, particularly during the evening, would have a materially detrimental effect on the living conditions of nearby residents in relation to noise and disturbance. Such an adverse impact on residential amenity would be contrary to Policy S14 of the Stockton-on-Tees Local Plan.

Economic health of the existing defined retail centres

7. Yarm Lane is a secondary shopping street on the outskirts of Stockton town centre. The appeal site is just outside the limits of the local centre as defined in the Local Plan. The Council seeks, in line with national policy, to reinforce the retail role of its existing centres. Policy S14 does not permit hot food takeaways outside the defined limits of retail centres unless there are no suitable sites available within these centres or there are exceptional circumstances that justify such a location. The appellant has indicated that there are no suitable sites within the adjacent Yarm Lane centre and this has not been challenged by the Council. However no evidence has been provided about sites in other defined centres as required by Policy S14.
8. The building on the appeal site is in a poor state of external repair and has been empty for some time. It is prominent in the street scene and creates a negative image. The proposal would bring it back into beneficial use and introduce customer and employee spend into the nearby shops. This would boost the commercial vitality of the Yarm Lane centre. In my view this provides a sound justification for the location of the proposal. I conclude that the proposed development would have an overall positive effect on the economic health of the existing defined retail centres in Stockton-on-Tees and that this would amount to exceptional circumstances which would satisfy Policy S14.
9. However my favourable finding on this issue does not outweigh the harm the change of use would cause to the living conditions of nearby residents.
10. For the reasons given above and having regard to all other matters raised, including the lack of objection from the Council's Head of Integrated Transport and Environmental Policy, I conclude that the appeal should be dismissed.

Bern Hellier

INSPECTOR