

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 27 FEBRUARY 2013

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

12/2877/FUL

**Former Tristar Neasham Site, Allensway, Thornaby
Erection of drive thru restaurant (Use Class A3/A5) and petrol filling station (Sui Generis)
with ATM and associated access, servicing, parking and hard and soft landscaping**

Expiry Date 4 February 2013

SUMMARY

The application site is the former Tristar Neasham site that is situated on the corner of Mitchell Avenue and Allensway, Thornaby. The application site occupies a prominent location and is a 'gateway entrance' into Thornaby District Centre. It has been vacant for a number of years and at present is not an attractive entrance to Thornaby District Centre. The car park and commercial premise that serve Thornaby Town Centre are to the west of the application site. While the residential properties that form Standstead Way lie to the east of the site with their rear gardens forming the eastern boundary of the site.

Planning permission is sought for the creation of a new drive-thru restaurant and petrol filling station with retail shop. The proposed development also allows for the provision of associated access into the site, parking and landscaping. It is intended that the proposed operators for the development will be McDonalds and ASDA.

The application site is an edge of centre site, located opposite to Thornaby District Centre. The proposed uses are considered to be appropriate for such a location and it is not considered that the proposed development would have any significant impacts on the vitality and viability of Thornaby District Centre. Whilst it is recognised that the proposed development will have impacts on the amenity of neighbouring residents, however, with adequate controls on the proposed development in terms of its hours of operation it is considered that adequate levels of residential amenity can be preserved. The proposed development is therefore recommended for approval subject to the receipt of an amended plan to provide sufficient landscaping on a prominent part of the site.

RECOMMENDATION

That planning application 12/2877/FUL be approved subject to the receipt of an amended plan to allow for sufficient landscaping and subject conditions and informative(s) set out below;

Approved Plans

01 The development hereby approved shall be in accordance with the following approved plan(s);

| Plan Reference Number | Date on Plan |
|------------------------------|------------------------|
| TRANSPORT STATEMENT | 31 January 2013 |
| NOISE IMPACT | 31 January 2013 |

| | |
|--------------------------|-----------------|
| ASSESSMENT | |
| MCD/SCH/1002 | 7 December 2012 |
| SBC0001 | 7 December 2012 |
| 4759_8696_0007 | 7 December 2012 |
| 4759_8696_0006 | 7 December 2012 |
| 4759_8696_0005 | 7 December 2012 |
| SBC0002 | 7 December 2012 |
| A1259/TH(PA)06 REV P1 | 7 December 2012 |
| A1259/TH(PA)08 REV P1 | 7 December 2012 |
| S0000150 REV 0 | 7 December 2012 |

Reason: To define the consent.

Materials:

- 02 Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).

Reason: To enable the Local Planning Authority to control details of the proposed development.

Means of enclosure:

- 03 All means of enclosure (including barriers to proposed seating areas) associated with the development hereby approved shall be in accordance with a scheme to be first agreed with the Local Planning Authority before the development is occupied. Such means of enclosure as agreed shall be erected before the development hereby approved is first occupied and shall be retained for the life of the development.

Reason: In the interests of the visual amenities of the locality.

Site and floor levels:

- 04 Notwithstanding the information submitted as part of the application details of the proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

Reason: To define the consent

Soft landscaping works:

- 05 A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is occupied. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

- Landscape Maintenance:**
06 Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

- Hard landscape details:**
07 Notwithstanding any description contained within this application, prior to the occupation of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and construction methods; minor artefacts and structures (e.g. incidental buildings and street furniture).

Reason: In the interests of visual amenity.

- External lighting:**
08 Details of all external lighting of the building and car park area, including the siting, colour and luminance shall be submitted to and agreed in writing with the Local Planning Authority before such lighting is erected. Before the use commences, such lighting shall be shielded and aligned to avoid the spread of light in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority and thereafter such lighting shall be maintained to the same specification and adjusted, when necessary, to the satisfaction of the Local Planning Authority.

Reason: To avoid light pollution in the interests of the visual amenities of the area

- Fume extraction:**
09 The fume extraction system shall be installed in full accordance with the submitted details (as detailed within the plasma clean extract 2100 technical information and drawing MCD/SCH/1002). The extraction system shall be installed before the development is brought into use and thereafter, the extraction system shall be retained in full accordance with the approved detail and shall be operated and maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters.

Reason: To ensure a satisfactory form of development.

- Fat/Grease Trap:**
10 Prior to the commencement of the use hereby permitted, details of a fat/grease trap to be installed in the foul drainage system shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved details, and thereafter retained.

Reason: To ensure a satisfactory form of development.

- Noise attenuation measures:**
11 The hereby approved development shall be in full accordance with the recommendations and conclusions contained and outlined within the submitted

apexacoustics noise impact assessment reports (number 3313.2, version A, dated 22nd November 2012 & number 3313.3, version A, dated 31st January 2013).

Reason: To ensure a satisfactory form of development and prevent undue noise and disturbance, in the interests of the amenity of neighbouring occupiers

Construction Activity:

- 12 No construction activity shall take place on the premises before 8.00 a.m. on weekdays and 9.00 a.m. on Saturdays nor after 6.00 p.m. on weekdays and 1.00 p.m. on Saturdays (nor at any time on Sundays or Bank Holidays).

Reason; To avoid excessive noise and disturbance to the occupiers of nearby premises.

Cycle parking

- 13 Prior to commencement of the development hereby permitted, details of all cycle parking provision (including secure covered cycle storage for staff) shall be submitted in writing to the Local Planning Authority for consideration and approval. The approved scheme shall be implemented in full and those facilities available for use of the hereby approved extension.

Reason: To ensure the provision of facilities to enable the use of sustainable forms of transport.

Waste and recycling

- 14 Notwithstanding any information contained within this application full details of the Bin storage facilities and management of waste/recycling material shall be submitted to and agreed in writing with the Local Planning Authority before the hereby approved development is occupied. The agreed management plan shall be implemented in accordance with the agreed details.

Reason: To ensure a satisfactory form of development.

Car park management plan

- 15 A car park management plan to prevent parking not associated with the proposed development shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development. The development shall be carried out in accordance with the agreed details.

Reason; In the interests of highway safety.

Travel Plan

- 16 Prior to the occupation of the development, a detailed travel plan shall be submitted to and approved by the Local Planning Authority. The travel plan shall detail measures, actions and targets of how to reduce car travel and car dependency to and from the site. The travel plan shall be implemented in accordance with these agreed details.

Reason; To reduce the dependence and reliance of the private motor car in the interests of the free flow of traffic and highway safety

Travel Plan Coordinator

- 17 Prior to first use or occupation of any part of the development, a travel plan co-ordinator shall be appointed and contact details for this individual shall be provided to the Local Planning Authority.

Reason; To reduce the dependence and reliance of the private motor car in the interests of the free flow of traffic and highway safety

- 18 **Hours of operation – Petrol filling Station, ATM Machine and Self Service Pumps**
The Petrol Filling Station Shop and the associated ATM machine and self service petrol pumps shall not be open for use outside of the hours of 0600 to 2300 hours Monday to Sunday.

Reason: In the interests of the amenity of the neighbouring occupiers.

Scheme for isolation/shutdown of the self service pumps

- 19 Notwithstanding any information submitted as part of this application, a detailed scheme identifying how the self service pumps shall be prevented from being available for use outside of the opening hours, shall be submitted to and agreed in writing with the Local Planning Authority. Such a scheme, shall wherever possible seek to use automated methods. Such controls shall be implemented in accordance with these details and be retained for the life of the development.

- 20 **Roller shutter – ATM machine**
Notwithstanding any details provided as part of the application, a roller shutter shall be installed over the ATM machine, details of which shall first be submitted and agreed in writing with the Local Planning Authority. The roller shutter shall be implemented in full accordance with these agreed details prior to the ATM machine becoming operational and shall be retained for the life of the development.

Reason: To allow for control of the operation of the machine interests of the amenity of the neighbouring occupiers.

- 21 **Roller shutter – ATM machine**
The roller shutter over the ATM machine shall be fully closed outside the hours of 0600-2300 Monday to Sunday

Reason: To prevent use of the machine outside these hours In the interests of the amenity of the neighbouring occupiers.

- 22 **Hours of operation – Drive-thru restaurant**
The Drive-thru restaurant shall not be open for use outside of the hours of 0600 to 2300 hours Monday to Sunday.

Reason: In the interests of the amenity of the neighbouring occupiers.

- 23 **Restaurant – Control of use**
Notwithstanding the provisions of Class A3 of the schedule to the Town and Country Planning (Use Classes) Order 2005 as amended, the proposed commercial unit shall be used as a restaurant only.

Reason: To enable the Local Planning Authority to retain control over the development and prevent new retail development.

- 24 **Removal of PD Rights - All Householder**
Notwithstanding the provisions of classes A, B & C, of part 42 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development)

(Amendment) (England) Order 2010 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary trolley parks or hardstanding areas be created without the written approval of the Local Planning Authority.

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based.

INFORMATIVES

General Policy Conformity:

The proposed development has been considered against the policies below and it is considered that the site is a suitable for a development of this nature given its uses and proximity to Thornaby District Centre. The development is considered to be visually acceptable, does not adversely effect the amenity of neighbouring occupiers, pose a significant risk to highway safety or adversely affect the vitality and viability of the defined retail centres and there are no other material considerations that indicate a decision should be otherwise.

Core strategy policies:

CS2 - Sustainable Transport and Travel
CS3 - Sustainable Living and Climate Change
CS5 - Town Centres

Saved Local plan policies:

Policy S2 – Retail and other town centre uses
Policy S13 – Major development opportunities within retail centres
Policy S14 – Use classes A3, A4 and A5 ‘Food and Drink’

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework

Section 278 agreements:

The applicant shall enter into a S278 agreement and meet all costs for any amendments to the existing highway including the alterations to the roundabout and footways and resulting relocation of any street furniture (including street lighting columns).

Tree Planting:

If tree planting cannot be achieved in between the petrol station and the boundary wall of the residential properties it is suggested that the developer could offer the residents tree planting within their to soften views from their houses.

BACKGROUND

1. In 2004 planning permission was granted for the demolition of the former Tristar buildings and for the approval of a development of class A1, A2, A3, B1 and police station uses (ref; 04/1497/FUL), however, this permission was never implemented and has since expired.
2. More recently planning permission was granted for the demolition of existing car showrooms and a change to use to a temporary car park (ref; 09/1886/FUL)

SITE AND SURROUNDINGS

3. The application site is the former Tristar Neasham site that is situated on the corner of Mitchell Avenue and Allensway, Thornaby. The application site has been vacant for a number of years and is not an attractive entrance to Thornaby District Centre. The car park and commercial premise that serve Thornaby Town Centre are to the west of the application site. While the residential properties that form Standstead Way lie to the east of the site with their rear gardens forming the eastern boundary of the site. Thornaby Church of England Primary School also lies to the north of the site on the opposite side of Mitchell Avenue. To the immediate south lie a series of three and four storey buildings, predominately in office use, although some are used for residential purposes and community uses.

PROPOSAL

4. Planning permission is sought for the creation of a new drive-thru restaurant and petrol filling station with retail shop. The proposed development also allows for the provision of associated access into the site, parking and landscaping. It is intended that the proposed operators for the development will be McDonalds and ASDA.
5. Both the proposed buildings are single storey and of a modern design. The proposed restaurant would provide a total floor space of approximately 340 sq m, while the associated shop would provide 120 sq m of floor space. The Petrol Filling Station will provide for 6 fuel pumps (with passing lane), ATM machine and associated canopy,

CONSULTATIONS

6. The following Consultees were notified and comments received are set out below:-

Spatial Plans

Thank you for consulting the Spatial Planning team on this application. As you will be aware section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission be determined in accordance with the Development Plan unless the material considerations indicate otherwise.

The Development Plan

In this case, the relevant development plan is the Core Strategy Development Plan Document and the saved policies of the Stockton on Tees Local Plan and Alteration No.1 to the Stockton on Tees Local Plan. As you will be aware the advice within the National Planning Policy Framework represents a significant material consideration in determining this application.

Thornaby is recognised as a District Centre in Core Strategy policy CS5. This policy gives priority to regeneration initiatives at the centre. The site lies outside of the boundary of the centre as identified in Local Plan Alteration Number 1. However, policy S13 of Local Plan Alteration number 1 refers specifically to this site, this states:

The following site is allocated for small-scale retail development immediately adjoining Thornaby District Centre:-

- i. Land at Allensway, Thornaby, for mixed use development, providing it cannot be accommodated in the adjoining District Centre and would not undermine its vitality and viability, or put at risk the redevelopment and regeneration strategy for the District Centre, which is needed to safeguard its vitality and viability. Proposals with a dominant food retail content will not be acceptable.***

The boundary of the district centre and the site allocation remain in the preferred options version of the Regeneration and Environment LDD. However, as this document is still emerging, policy S12 remains the relevant allocation for this site.

Clearly the development plan is supportive of the redevelopment of the site, providing any proposal does not adversely affect the district centre. The policy sets out the following tests which should be considered in determining the application:

- a. Is there a sequentially preferable location in the District Centre;
- b. Would it undermine the vitality and viability of the centre;
- c. Would it put at risk the redevelopment and regeneration strategy for the centre;
- d. Does the proposal have a dominant 'food retail content'.

With regard to point c, the Spatial Planning Team recommends that you consult the Regeneration and Economic Development section of the Council.

The meaning of 'food retail content' in point d is clarified by paragraph 57 of Local Plan Alteration Number 1. This states that this type of floorspace would compete with the type of floorspace which was part of the town centre redevelopment. This policy reference therefore relates to convenience retail (A1 use class) floorspace only, and should not be confused with restaurant (A3 use class) floorspace.

The National Planning Policy Framework (NPPF)

The NPPF recommends that applications for main town centre uses should be the subject of a sequential assessment and impact assessment if it is over 2,500 sq.m or there is a locally set impact threshold.

The NPPF also defines main town centre uses as:

***Retail development** (including warehouse clubs and factory outlet centres); leisure, entertainment facilities the more intensive sport and recreation uses (including cinemas, restaurants, **drive-through restaurants**, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).*

Conclusion

The site is allocated for a mix-of-uses which can not be accommodated in Thornaby District Centre. The site is therefore suitable for town-centre use development, like a drive-through restaurant, providing it is in accordance with the points set out in paragraph 4 above.

Although the petrol station part of the proposal is not a town centre use, it was the previous use of the site prior to dereliction and is the lawful use of the site. It will also be operated by Asda, an anchor tenant of the centre, and will add to the attractiveness of this store. The retail element at the site should also be considered in accordance with point 4 above.

You will appreciate that this response does not cover development control issues, such as residential amenity, opening hours and design. However, in relation to design issues, paragraph 57 of Local Plan Alteration Number 1 identifies this site as a 'gateway location' which 'represents an important opportunity to support the regeneration and continuing role of the District Centre'.

Councillor Derrick Brown

As ward Councillor (Derrick Brown) I do support a need for garage on that site. Regarding the McDonalds, having spoken to the residents along Stanstead Way there are concerns over traffic and parking. Over the past year I have worked with officers and residents on traffic calming around

Stanstead Way, therefore I believe if not addressed properly there could be further traffic in and around Stanstead Way.

Lately residents have complained about the amount of Rat sightings due to litter and food waste from around the food centre. Also as a school governor at Church of England Primary School share all the concerns put forward by their Head teacher regarding safety access around the area. I would also register my our concern on a health matter, I believe we have enough fast food takeaways causing enough problems for the NHS service with obesity.

Councillor Sylvia Walmsley

As Ward Councillor for the above, I am pleased that although this proposal is not ideal, a viable proposal has at last been put forward for this strategic gateway site at the entrance to Thornaby Town Centre.

This site has been a problem for many years, attracting anti-social behaviour along with traveller incursion and has had an adverse impact on the Town Centre Development. In the past the site owners have been extremely uncooperative with various initiatives put forward. When the new Town Centre was being developed, the site was initially included in the proposals with a police station & small parade of shops, this and any subsequent proposals were all refused by the site owners and ultimately the site had to be removed from the development plan.

Thornfield then offered to completely clear the site so that they could use it as the site compound during construction works and reinstate it as a car park upon completion at absolutely no cost to the owners, this was again refused. The site remained a derelict eyesore until following pressure from myself SBC took legal action and served notice on the owners to clear the site. Again we put forward proposals for the site to be used as a long stay car park and initiated negotiations between NPower & the site owners, however the owners then demanded such exorbitant fees that the proposal became untenable and we are left with the site as it is today.

In an ideal world, I agree with many of the comments made by residents that this site should be a long term car park alongside the petrol filling station. However, make no mistake that if this proposal is rejected the alternative will be the continuation of a derelict site. However much we want it, there will not be a car park development as it does not generate enough capital for the owners; this is evidenced by their refusal to cooperate with any such schemes to date.

At the forefront of our minds throughout all the many years of negotiations regarding this site has been the impact of any development on the residents of Stanstead Way. We have looked closely at the layout and design and demanded that the buildings are placed on the Allensway frontage and as far away as possible from the rear walls.

I share concerns expressed by the Schools regarding children crossing the entrance/exit road; There are a large number of children using Allensway to walk to school and therefore **in the interest of safety I would like to see a condition imposed requiring the inclusion of bollards/pedestrian refuge between the access & egress roads to enable children to cross one lane at a time.** I welcome the recommendation for a 5 MPH limit on the site and I feel that, along with a pedestrian refuge and adequate signage, should mitigate any problems. Indeed if the McDonalds were replaced by a car park, then this would be a much greater risk to children crossing as potentially the car numbers at those peak times would increase and coincide with school times. There should also be restrictions imposed on timing of deliveries using the service road.

I also share concerns regarding School children and the effect on "Healthy" eating, however no school children are allowed out of the schools during lunch times and out of school hours are the responsibility of parents. Most children (and their parents) view a McDonalds as a family treat and

not as an everyday meal. The fact that a KFC Restaurant and other fast food outlets are merely yards away from the proposed site also serves as a precedent.

Increased traffic – the completion of the long awaited Allensway Link Road should mitigate any adverse effects on traffic flow as this will no longer be the only access/egress point for the Town Centre.

I have held talks with representatives of McDonalds and have been assured of the following:

- Litter – there will be litter picking patrols of the surrounding streets every day. This can be widened to include any back gardens on Stanstead Way which are experiencing problems with litter being thrown over the walls. To do this the residents need only approach McDonalds and give their permission for the litter picking teams to enter their property which can then be included on the regular patrols.
- Smells – the latest and highest triple grade filters will be used to ensure that there are no smells emanating from the building. These filters are far superior to those used in sites such as Teesside Park or Durham Lane.
- Design and layout – this has been done as sensitively as possible, moderating where possible any effect on neighbouring properties.
- Security – the building has been “secured by design” and along with the presence of CCTV cameras can only serve to improve the security of surrounding properties
- Light pollution - the design of the lighting should take into consideration any effect on nearby residents with conditions imposed if necessary.

CONCLUSION

The applicants have finally come up with this proposal which because of the inclusion of a McDonald's restaurant is far from ideal, however the inclusion of the Petrol Filling Station far outweighs any negative aspects and will bring much needed jobs and an end to the dereliction of this important gateway site. I therefore support the application and request that the Planning Committee do likewise.

Head of Technical Services

I refer to your memo dated: 11/12/12

General Summary

The Head of Technical Services has no objections to this development subject the comments below including the provision of appropriate conditions.

Highways Comments

The proposed petrol filling station (PFS) and drive through restaurant would be accessed from the existing roundabout on Allensway with service vehicles using the existing access from Allensway north of the roundabout. The applicant has submitted transport statements for both the PFS and the restaurant which demonstrate that the development will not negatively impact the adjacent highway, such as vehicles queuing back into the highway. Autotracking has been carried out to demonstrate that vehicles can safely enter and exit the site in a forward gear.

The service area will be shared between the restaurant and the PFS with deliveries etc being timed to avoid any clash and ensure that only 1 vehicle uses the area at any given time and a barrier will prevent any unauthorised use.

The submitted plans show 2 car parking spaces for the PFS to serve the ATM and the shop; this is considered to be acceptable in this instance.

The submitted transport statement includes transport surveys carried out at a comparable restaurant including a car parking accumulation survey. This demonstrates that the proposed 32

car parking spaces are sufficient to serve the restaurant, including an element of staff parking. In order to ensure that the proposed car parking is available for restaurant users a car parking management plan should be submitted to demonstrate how the applicant proposes to prevent migration from other parking areas into their car park and should be conditioned accordingly.

The barriers around the external seating area and the boundary feature along the Mitchell Avenue/Allensway junction should be of a construction that prevents pedestrians from crossing the drive through lane away from the shown pedestrian crossing which links to the Mitchell Avenue. Alternatively, the main entrance should be relocated to align with the pedestrian crossing.

Covered cycle parking should be provided for staff; this should be conditioned accordingly.

The full Travel Plan should be submitted and agreed within 6 months of the restaurant opening and should be conditioned accordingly.

All costs for any amendments to the existing highway including the alterations to the roundabout and footways and resulting relocation of any street furniture (including street lighting columns).

Landscape & Visual Comments

Regarding the redevelopment of this town centre site the following landscape and visual comments are made.

The site shares a boundary wall that separates the gardens on Stanstead Way from the proposed car park. Views from these properties are partially screened by an existing wall which is approximately 1.8m in height. Some of these views would also be filtered by the proposed tree planting (drawing ref 2352/1), but the proposed trees are limited to the section opposite the McDonalds building. As this tree planting could provide visual amenity to other properties on Stanstead Way that abut the site it is recommended that the avenue trees be continued along the entire boundary. It is noted that houses overlook the section opposite the PFS rather than bungalows. As there is only 0.8 metres in places between the parking areas and boundary walls, opposite the McDonalds building, the tree planting along this boundary would have to be incorporated into the parking bays. This could be achieved by the use of underground root cells which would allow the trees to grow well without damaging the existing wall or proposed paving.

Maximum use must be made of all other landscaped areas within the site to provide a sense of place and to create buffer planting site boundaries. The planting bed on the western site corner at the junction of Mitchell Avenue and Allensway is much too narrow, at only 0.5 metres at one point, and must be wider. No planting would grow in such a narrow bed to provide an effective barrier between the site and the surrounding roads. This concern was raised in the Pre Planning meetings that were held about the proposed development. If the McDonalds Restaurant building was slightly relocated southwards into the site it would allow the creation of an acceptable depth of buffer planting. A minimum of 2m planting is recommended to prevent a 'desire line' being created as a more direct route to the restaurant. This route if created would bring pedestrians into conflict with moving vehicles. The lack of landscaping in this location, a gateway to the town centre would also be visually poor. The internal landscaping just north of the parking area used for the delivery vehicles can be reduced in width to achieve this.

It is recommended that a condition be placed on any recommendation for approval that enables the building to be resited as suggested and soft landscaping details submitted for approval prior to commencement of works on site.

The landscape proposals drawing states that the existing paladin fence (unknown height) or similar would be used around the site alongside the proposed soft landscaping, an ornamental hedge. Other reference has been made to new palisade fencing. As there are discrepancies on the

fencing type and heights it is recommended that a condition be placed on any approval for enclosure details to be submitted for approval prior to commencement of works on site.

The hard landscaping, lighting styles and site furniture for the site should be detailed to high standards to complement this town centre location. It is recommended that a condition be placed on any recommendation for approval that enables hard landscaping details to be submitted for approval prior to commencement of works on site.

Environmental Health Unit

I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

- Noise disturbance from access and egress to the premises

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

I have assessed the noise report and it appears that the revised noise assessment shows a 5dB improvement. All plant; such as fans and compressors have been attenuated at source therefore they meet the noise requirement. However I am not confident about the noise assessment with regards to cars and people. According to the report the specific noise levels from traffic at night is less than the existing ambient noise, therefore there should be no problem. However, the assessment can only look at this in an objective manner and cannot truly assess whether it will cause noise disturbance. Given the close proximity of the premises to the houses, I have concerns that the noise from customers in middle of the night will easily be received by the residents and will cause sleep disturbance.

I would therefore recommend limiting the opening hours to 11 pm.

- Light Intrusion

Adequate screening shall be provided to protect residential properties from light intrusion from the development.

The lighting provided shall be arranged so as not to shine directly towards any dwelling and shall be shielded to prevent light spillage beyond the boundary of the property.

- Construction Noise

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

Northern Gas Networks

No objections

Northumbrian Water Limited

Having assessed the proposed development, I can confirm that at this stage we would have no comments to make.

Thornaby Town Council

Thornaby Town Council fully supports both applications as it will create jobs and bring sustainability to the town centre.

Stockton Police Station - Eddie Lincoln

Sustainability is at the heart of all Planning applications. A sustainable community should not only consider the current crime and social problems, but should also consider what projected trends may be like in the future, and countermeasures planned for now. The design and access statement states that the development has been designed to meet the aims of 'Secured by Design' and

'Designing Out Crime' enabling natural surveillance, lighting and CCTV to help maximise the safety and security of customers, without impacting on residential amenity. Cleveland Police operate the 'Secured by Design' initiative but have not yet seen a formal application. Fuel theft is an issue throughout the Force area, measures to reduce risk of this type of crime must also be considered at the design stage.

PUBLICITY

7. Neighbours were notified and any comments received are below (in summary). A total of 10 objections (including Petition with 139 signatures) has been received, 2 letters of support and 2 letters of general comment.

Objections:

Development is too close to residential properties

Too close to schools

Enough eating establishments in the Town Centre

Anti-social behaviour

Litter

Vermin

Existing parking problems on Stanstead Way will be exacerbated by staff parking

Existing problems with lighting will be made worse

Devalue property

Increase in traffic

More parking is needed not a McDonalds

Cooking smells

Assured previously that a McDonalds or other eating place would be allowed on the land

Pier pressure for parents will increase.

It is not promoting healthy eating.

Health and existing problems with obesity in the country

Traffic congestion as only one way in and out

There are already lots of places to eat at Thornaby Town Centre.

There will be a lot of school children congregating around the area straight after school (2.30 pm), this along with evenings and weekends up to 10 pm will definitely increase anti social behaviour.

Objectors:

Mr Alan Bell - 23 Yeadon Grove Thornaby

Mr and Mrs W Goldsmith -16 Stanstead Way Thornaby

Longstaff - 14 Stanstead Way Thornaby

Mr D Robinson and Petitioners - 10 Stanstead Way Thornaby

Mrs J Warriner - 8 Stanstead Way Thornaby

Maureen Parry and John Powell - 4 Stanstead Way Thornaby

Mr and Mrs Morris - 2 Stanstead Way Thornaby

Mr Mark Walpole - 2 Stanstead Mews Stanstead Way

Mrs Eileen Craggs MBE - 1 Forest Mews Thornaby

D Bowman - 27 Yeadon Grove Thornaby

General comments/concerns:

Request for further details about McDonalds in terms of its position on site, noise and height

Concerned over the increase in traffic and safety of children

Existing footpath would be broken by the two entrances to the site

There is no footpath on the western side of Allensway - no safe route home for children

Contributors:

Mr and Mrs J C Kell - 6 Stanstead Way Thornaby
Mrs Elaine Hughes-Narborough - Thornaby Church Of England Primary School Baysdale Road

Support:

Good for local community
Bring jobs to the area
Increase spending in town centre and help attract families

Supporters:

Mr Jason Spanswick - 55 Hudson House Westdale Road
Linda Goodwin -18 Hudson House Westdale Road

PLANNING POLICY

8. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan
9. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations
10. The following planning policies are considered to be relevant to the consideration of this application:-

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.
Further guidance will be set out in a new Supplementary Planning Document.

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of `very good' up to 2013 and thereafter a minimum rating of `excellent'.

8. Additionally, in designing new development, proposals will:

- Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

- Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

Core Strategy Policy 5 (CS5) - Town Centres

3. Billingham, Thornaby and Yarm will continue to function as district centres. Priority to regeneration initiatives will be given to:

- i) Thornaby centre
- ii) Billingham centre

Proposals which support Yarm's specialist niche role in offering higher quality comparison shopping, together with leisure and recreation opportunities will be supported, provided that the residential mix within the district centre is not compromised.

7. Should any planning application proposals for main town centre uses in edge or out-of-centre locations emerge, such proposals will be determined in accordance with prevailing national policy on town centre uses as set out in Planning Policy Statement 4: Planning for Sustainable Economic Growth or any successor to Planning Policy Statement 4.

Saved policy S2 of Alteration No 1 of the adopted Stockton on Tees Local Plan,

Proposals for new, or extensions to existing, major retail development outside the Primary Shopping Area within Stockton Town Centre and beyond the boundaries of the District and Local Centres, as illustrated on Proposals Map, will not be permitted unless :-

- i) there is clearly defined need for the proposed development in the catchment area it seeks to serve ; and
- ii) it can be clearly demonstrated that there are no other sequentially preferable sites or premises which are available, suitable and viable to accommodate the identified need the proposed development seeks to serve, starting from sites :-
 - 1) within the Primary Shopping Area within Stockton Town Centre or within the boundaries of the various District or Local Centres defined under Policy S1; followed by
 - 2) on the edge of the Primary Shopping Area within Stockton Town Centre or on the edge of the boundaries of the District and Local Centres within the Borough, then
 - 3) in out-of-centre locations which are well served by a choice of means of transport, close to an existing centre, and which have a high likelihood of forming links with the centre; and only then
 - 4) in other out of centre locations;
- iii) the proposal would not have an adverse impact, either individually or cumulatively with other committed developments, upon any proposed strategy for a centre, or the vitality and viability of any centre within the local retail hierarchy set out in Policy S1 or nearby centres adjoining the Borough; and
- iv) the proposal would be appropriate in scale and function to the centre to which it relates
- v) the proposed development would be accessible by a choice of means of transport, including public transport, cycling and walking, and
- vi) the proposed development would assist in reducing the need to travel by car, as well as overall travel demand.

Proposals for other key town centre uses in locations which lie beyond the Town, District and Local Centre boundaries defined on the Proposals Map will also be required to satisfy the above criteria. In relation to Criterion (ii), other Town Centre use proposals should be accompanied by evidence which demonstrates that there are no sequentially preferable development opportunities either within and/or on the edge of defined boundaries of the Town, District and Local Centres in the Borough.

Saved Policy S13 of Alteration No 1 of the adopted Stockton on Tees Local Plan,
Sites for major retail development are allocated at the following locations within the Town Centre and District Centres as listed in Policy S1:-

- i) Billingham Centre, for mixed use development
- ii) Thornaby Centre, for mixed use development
- iii) East of The Square and south of Church Road, Stockton, for mixed use development.

The following site is allocated for small-scale retail development immediately adjoining Thornaby District Centre:-

- iv) Land at Allensway, Thornaby, for mixed use development, providing it cannot be accommodated in the adjoining District Centre and would not undermine its vitality and viability, or put at risk the redevelopment and regeneration strategy for the District Centre, which is needed to safeguard its vitality and viability. Proposals with a dominant food retail content will not be acceptable.

In association with other agencies and authorities, the Council will prepare a series of detailed strategies or action area plans for Stockton Town Centre and the area of the River Tees corridor beyond the defined Town Centre boundary.

Saved Policy S14 of Alteration No 1 of the adopted Stockton on Tees Local Plan,
Proposals for Use Class A3, A4 and A5 'Food and Drink' development will be permitted in the defined retail Centres listed in Policy S1, where the proposal is in accordance with the following retail locational policies:-

- 1) Within the Defined Stockton Town Centre, subject to Policies S4, S5 and S6;
- 2) Within the defined District Centres except Yarm, subject to Policy S7;
- 3) Within the defined Yarm District Centre, subject to Policies S8;
- 4) Within the defined Local and Neighbourhood Centres, subject to Policies S10;
- 5) Outside of the defined retail Centres, proposals for A3, A4 and A5 uses will only be permitted if there are no suitable units available within the defined Centres, or there are justified exceptional circumstances that necessitate such a location.

Proposals for all Use Class A3, A4 and A5 uses will be considered against the following criteria:-

- i) the level of traffic generated and the provision of parking facilities, both in terms of highway engineering considerations and the general amenity of the area;
- ii) any adverse impact of proposals on residential amenity in terms of smell, noise, litter fumes and disturbance;
- iii) the provision of adequate and effective fume extraction and filtration equipment;
- iv) the provision of facilities for litter within and adjoining the premises;
- v) the secure provision for trade waste, stored in an out of sight location;
- vi) where appropriate, conditions limiting the late night opening may be applied.

National Planning Policy Framework

11. Paragraph 14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking;

12. For decision-taking this means:

-approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
-specific policies in this Framework indicate development should be restricted.

13. The sections of the NPPF that are relevant to the determination of this application are considered to be;

- Section 1. Building a strong, competitive economy
- Section 2. Ensuring the vitality of town centres
- Section 4. Promoting sustainable transport
- Section 7. Requiring good design
- Section 8. Promoting healthy communities
- Section 10. Meeting the challenge of climate change, flooding and coastal change

MATERIAL PLANNING CONSIDERATIONS

14. The main planning considerations of this application are the principle of the development compliance with planning policies and the impact of the proposed development on the character of the area, amenity of the neighbouring properties, Access and Highway Safety and Crime and Disorder

Principle of development;

15. The National Planning Policy Framework (NPPF) sets out the Governments aims and objectives for the planning system. The general ethos of the NPPF is to promote and encourage development that accords with the definition of sustainable development (made up of three components; social; economic; and environmental) and sets out core planning principles.
16. The NPPF places a strong emphasis on promoting and supporting the vitality and viability of the town centres. Paragraph 24 sets out that a sequential test for main town centre uses not in an existing centre should be applied, the preference being for town centres, then edge of centre locations and only then if suitable sites are not available, should out of centre sites be considered. Although the proposed Petrol Station would not be classed as a town centre use the A3/A6 'drive thru' restaurant is classed as a town centre use and as such there is a requirement for this element of the development to be located as closely as possible to Thornaby District Centre. The NPPF defines edge of centre sites for non retail purposes as those within 300 metres of a town centre boundary, although local circumstances should also be taken into account. This would include topography and whether there are any significant barriers in accessing the site. Given that the site lies directly opposite with only the highway separating the site from Thornaby District Centre, it is considered that the application site falls within the edge of centre definition and is therefore considered to be a sequentially preferable location.
17. The above approach to protecting the vitality and viability of the defined centres and applying a sequential approach to site selection is also reflected with the Authority's adopted Core Strategy policy CS5 and saved policy S2 of the Local Plan Alteration. Furthermore support is given with Core Strategy Policy CS5 to give priority to regeneration initiatives within Thornaby Town Centre. While Saved policy S13 of the Local Plan Alteration (criterion iv) allocates this specific site for mixed-use development on the proviso that such development could not be accommodated within Thornaby District Centre and that any uses would not undermine its vitality and viability or threaten the regeneration strategy for this District Centre. As members will be well aware, Thornaby District Centre has in recent years, been re-developed with many of the completed retail units occupied, in the absence of any comments to the contrary from the Head of Regeneration; it is considered that the proposed development would not undermine the regeneration strategy. Although several objectors have raised concerns in relation to there being enough eating establishments in the Town Centre, the issue of need and competition is not a material planning consideration, in this instance given the site is a sequentially preferable location.
18. Saved policy S14 deals specifically with the 'food and drink' use classes (A3, A4 & A5). This policy requires such uses to be located within the defined retail centres unless no suitable units

are available within the defined centres or there are exception circumstances. Such schemes also have to comply with criteria on matters such as traffic generation, residential amenity and provision for litter and waste.

19. Within the planning submission the applicants have submitted a sequential assessment that ultimately concludes that there are no suitable and available opportunities that exist within Thornaby District Centre given either the limited availability of land or the size of vacant units. The Local Planning Authority is not aware of any other alternative site and given the application site edge of centre nature it is the next best option for a development of this kind.
20. Given the sites edge of centre location and mixed use allocation under saved policy S13 the proposed uses are considered to be acceptable on this site. Furthermore a petrol filling station lawful used to be situated on the site and this remains its lawful use. It is therefore considered that the proposal accords with the current planning policy framework and the principle of the proposed development and uses upon the site are acceptable, subject to other material planning considerations.

Vitality and Viability;

21. In terms of the impact on the vitality and viability of it is considered that the proposed development is unlikely to create any significant impacts on Thornaby District Centre. Its close proximity does however, offer the potential to attract customers to Thornaby District Centre and create some linked trips within it. There is therefore, no evidence to suggest that the proposed development would result in any significant harm to the vitality and viability of the neighbouring defined retail centre,
22. However, In order to prevent the restaurant benefiting from any permitted development rights for change of use to a retail use and to prevent uncontrolled further expansion of the petrol filling station shop restrictions should be imposed. Furthermore, given the constrained nature of the site additional permitted development rights should be removed in order to prevent further development that may have an impact on the layout or amenity or neighbouring properties. Planning conditions are therefore recommended to remove these permitted development rights with the aim of protecting the vitality and viability of Thornaby District Centre and neighbouring occupiers.

Regeneration/Economic Benefits;

23. The proposed development would clearly bring about the re-development of a site that has long since been vacant and would as a result improve the general appearance of the site and offer some environmental improvements. Furthermore the redevelopment of the site would bring about a significant level of capital investment as a result of its construction and given its proximity to Thornaby District centre may generate linked trips and increased spend within the retail centre. A number of job opportunities both during and after construction would also be brought about as a result of the proposed development. It is expected that the McDonald's restaurant and Petrol Filling Station would provide a total of 77 full and part time jobs.
24. As a result it is considered that the proposal would provide some environmental, social and economic benefits and therefore in accordance with the key themes of the National Planning Policy Framework, these benefits should be given significant weight unless there would be substantial harm arising from any planning approval.

Health;

25. It is noted that several objectors and the Local Ward Councillor have raised concerns in relation to the impact on health and the proximity to schools within the immediate area. Whilst these comments are duly noted, section 8 of the NPPF (which promotes healthy communities) does not offer any protection in this regard and furthermore there are no adopted Local Planning Policies that would prevent an A3/A5 use from being within a given proximity to

schools and the proposed development accords with policies that direct such uses towards the defined retail centres. The situation is also considered to be no different from that which already exists as other 'fast-food' operators are located within Thornaby District Centre and available to customers. It is therefore considered that there would be insufficient grounds to refuse the application on health grounds

Visual amenity/character of the area;

26. In its present vacant state the application site does little to enhance the character of the area or that of Thornaby District Centre, redevelopment of the site would therefore offer some environment improvement. However, it should also be recognised that paragraph 57 of Local Plan Alteration Number 1 identifies this site as a 'gateway location' and therefore there is a need for a high quality form of development on the site.
27. The visual appearance of the proposed buildings and canopy are considered to be standard for a development of this nature, with the restaurant being fairly typical of the McDonalds corporate image. The positioning of the restaurant building closest to the corner of the site offers some screening of the parking areas and petrol filling station development from Mitchell Avenue and would help provide some active frontages to the main highways, such an approach is welcomed and it is not considered that the proposed buildings would be out of character with the Thornaby's modern retail centre.
28. However, given the narrow nature of the site and level of hard surfaces as a result of access arrangements and parking areas, maximum use must be made of all landscaped areas within the site to soften the development, create a sense of place and to provide buffer planting to the site boundaries, particularly given its 'gateway' status to Thornaby Centre. The planting bed on the north-western corner (at the junction of Mitchell Avenue and Allensway) is considered to narrow, at only 0.5 metres at one point, and must be increased to a minimum distance of 2 metres to allow any planting to thrive and prevent desire lines. To achieve this a revised plan is required which would relocate the building further south and reduce the width of the landscaping area adjacent to the delivery parking area. It is also noted that the eastern boundary is shared with the residential properties of Stanstead Way. Whilst the existing 1.8m high boundary treatment provides some screening and the additional tree planting near the proposed restaurant would help to soften the view of this part of the proposed development, it is considered that the tree planting should be continued along the entire eastern boundary to provide some screening of the petrol filling station. Given the limited space for planting along this boundary the landscaping scheme may need to incorporate the use of underground root cells.
29. Details of any hard landscaping, lighting and boundary enclosures would need to be controlled via a planning condition and it is expected that these should be of a high quality that reflects the gateway nature of the site and compliments the final soft landscaping proposals.
30. On balance and subject to a revised site layout to provide for the required landscaping, the proposed development is considered to be visually acceptable and would not result in significant visual harm to the area. Particularly given the sites current appearance and the nature of the recently redeveloped Thornaby District Centre that would be sufficient to justify a refusal of the proposed development on these grounds.

Amenity;

31. Several objectors have understandably raised concerns over the proposed development given its proximity to residential properties and over the associated impacts that may arise on levels of amenity. Given the commercial and single storey nature of the proposed developments, along with separation distances in excess of 15 metres, the proposal is not considered to have any significant impacts on privacy or loss of daylight and therefore, the main impacts on

residential amenity arising out of the proposed development are likely to be as a result of noise and disturbance and fumes.

32. A noise report was submitted with the application and updated at the request of the Councils Environment Health Officers. These reports have been considered and as a result of all plant, fans and compressors being attenuated at source, the development meets the appropriate noise requirements. However, noise and disturbance from cars and people using the site is much more difficult to control and despite the noise assessments view that the specific noise levels from traffic at night is less than the existing ambient noise levels concerns remain that given the proximity of the site to residential properties noise from customers in the middle of the night will easily be received by the residents and will cause sleep disturbance.
33. A similar situation in relation to a petrol station and retail shop exists at Billingham Beck Valley Service station; in recent times applications to allow 24 hour opening and the installation of uncontrolled ATM machines have been considered by the Local Planning Authority. An application in 2000 (ref; 00/0207/P) to allow 24 hour opening was refused due to the unacceptable impacts on residential amenity arising from increased activity and noise at night, the appeal was subsequently dismissed. A further application in 2007 (ref; 07/0303/FUL) sought the installation of 2 ATM machines, again this was refused due to the unacceptable impacts this would have on residential amenity and the Inspector in considering the appeal (ref; APP/H0738/A/07/2051419/NWF) recognised that there would be no physical barriers to prevent noise or light pollution affecting nearby residents as a result of the use of the ATM machines and saw it essential to limit their use to the hours of operation of the shop. To ensure customers did not attempt to use such facilities it deemed necessary to install roller shutter and have these closed outside of opening hours. It is considered that similar controls will be required to ensure that both the ATM and petrol filling station self service pumps are not operational outside of the hours of operation recommended by the Environmental Health Unit.
34. However, This site is nearest to properties that front onto the Billingham Beck Valley site and as such it is considered reasonable to take a similar approach to that site and restrict hours of operation of the proposed petrol station, restaurant and ATM machine to 11 pm (in line with the Environmental Health Units recommendation).
35. In line with the Environmental Health Officers recommendation planning conditions are also recommended in respect of controlling lighting and preventing light spillage, as well as restricting the hours of construction activity. Planning conditions are also imposed to ensure that the fume extraction system is in accordance with those details submitted and that any associated plant and equipment is appropriately attenuated.
36. Whilst the proposed development will undoubtedly have some impacts on the amenity of the neighbouring residential properties. The imposition of planning conditions would help to limit noise disturbance and smells, while the restriction of opening hours would ensure reasonable levels of residential amenity are preserved at unsociable hours. As a result any associated impacts are not considered to be so significant, in planning terms, to justify a refusal of the application

Access and highway safety;

37. The Head of Technical Services has considered the information supplied as part of the application and it is considered that the proposed access arrangements via the existing roundabout on Allensway and separate service vehicle access further to the north are acceptable. Transport statements for both the Petrol Filling Station and the restaurant have been submitted and demonstrate that the development will not negatively impact the adjacent highway and that vehicles can safely enter and exit the site in a forward gear.

38. The 2 car parking spaces for the Petrol Filling Station to serve the ATM and the shop along are considered to be acceptable in this instance. The submitted transport statement for the drive-thru restaurant includes a car parking accumulation survey at a comparable restaurant and demonstrates that the proposed 32 car parking spaces are sufficient to serve the restaurant. Therefore despite the concerns raised by local residents the Head of Technical Services is satisfied that there is sufficient parking provision for the proposed development subject to a condition requiring a car parking management plan which details methods to prevent migration from other parking areas into their car park
39. The barriers around the external seating area and along the boundary with Mitchell Avenue/Allensway will need to be of a construction that prevents pedestrians from crossing the drive through lane. Such matters can be satisfactorily addressed via a planning condition along with the requirement for provision of covered cycle parking and a travel plan for the restaurant. Given the above considerations and in the absence of any objection from the Head of Technical Services the proposed development is considered satisfactory in highway safety terms.

Crime and disorder;

40. Section 17 of the Crime and Disorder Act 1998 places a duty on the Council to deliver safer, more secure communities and places a duty on them to do all they can to reasonably prevent crime, disorder and anti-social behaviour in their area. Secured by Design principles also requires that community safety is a central part of the design process the guiding principles encourage well designed, attractive, clearly defined and well maintained developments so that a sense of shared ownership and responsibility is created.
41. Many of the objections received have raised concerns in relation to anti-social behaviour, both as a result of past problems on the site and similar experiences from 'fast-food' restaurants. There is no strong evidence to suggest that approval of the development will automatically give rise to an increase in anti-social behaviour and preventing such instances occurring will largely be down to management of the premises and appropriate liaison with community police officers as necessary. The proposed development has been designed with 'secured by design' principles in mind, although no formal application has yet been made. Such measures would enable natural surveillance, provide appropriate lighting and install CCTV with number plate recognition.
42. Whilst concerns with respect to increases in anti-social behaviour as a result of the proposed development are noted there is no evidence to suggest that this would occur and the proposed development would incorporate a range of measures prevent and deter crime and disorder from taking place. The proposed development is therefore not considered to conflict with Section 17 of the Crime and Disorder Act.

Residual issues;

43. As members will also note that planning permission is being sought for a new access linking Allensway to Tedder Avenue (ref; 12/2800/FUL). This would allow for increased accessibility to Thornaby District Centre and helping to alleviate existing congestion at the junction with Mitchell Avenue/Allensway.
44. Several objections have raised concerns in respect of the restaurant increasing litter within the surrounding area. The agent for the proposed development has clarified the position of McDonalds in this respect and it is stated that the company are committed to the 'keep Britain tidy' campaign and along with the provision of litter bins within the site, staff will carry out litter patrols 3 times each day within the vicinity of the restaurant. Although the control of litter patrols is a matter for the management of the restaurant.

45. Whilst concerns in relation to the devaluation property prices are noted, this is not a material planning consideration and cannot be taken in account as part of the determination of this application.

CONCLUSION

46. The application site is an edge of centre site, located opposite to Thornaby District Centre. The proposed uses are considered to be appropriate for such a location and the proposed development meets with the requirements of the development plan and National Planning Policy Framework. It is not considered that the proposed development would have any significant impacts on the vitality and viability of Thornaby District Centre and subject to an amended plan allowing for increased landscaping would be visually acceptable.

47. It is recognised that the proposed development will have impacts on neighbouring residents however, with adequate controls on the proposed development in terms of its hours of operation it is considered that adequate levels of residential amenity can be preserved. The site proposed development is however, not considered to result in any significant impacts on highway safety or anti-social behaviour that would just justify a refusal of the application.

48. The proposed development is therefore recommended for approval subject to the receipt of an amended plan to provide sufficient landscaping and the planning conditions set out within this report.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Simon Grundy Telephone No 01642 528550**

WARD AND WARD COUNCILLORS

**Ward Stainsby Hill
Ward Councillors Mrs Sylvia Walmsley & Derrick Brown**

IMPLICATIONS

Financial Implications.

Section 143 of the Localism Act and planning obligations as set out in the report.

Environmental Implications.

As report.

Community Safety Implications.

Section 17 of the Crime and Disorder Act 1998 has been taken into account in preparing this report and it is not considered the proposed development would not be in conflict with this legislation.

Human Rights Implications.

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report and the proposed development will not contravene these human rights.

Background Papers.

Regional Spatial Strategy

Stockton on Tees Core Strategy
Stockton on Tees Local Plan Alteration
Stockton on Tees Regeneration and Environment DPD (Preferred options)
Draft National Planning Policy Framework (NPPF)
Planning Applications; 00/0207/P, 04/1497/FUL, 07/0303/FUL & 09/1886/FUL