

DELEGATED

AGENDA NO  
PLANNING COMMITTEE  
18 MARCH 2015  
REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES

14/3299/COU

270 Norton Road, Norton, Stockton-on-Tees

Change of use from A1 (Hair and Beauty Salon) to A5 (Fish and Chip shop)

Expiry Date 16 February 2015

**SUMMARY**

Planning permission is sought for the change of use of 270 Norton Road, Norton from an A1 (Hair and Beauty Salon) to A5 (Fish and Chip shop). The application site is located within the Norton Road (Central) Neighbourhood Centre. The premise is currently vacant.

There have been 9 letters of objection to the proposal which in summary object as the takeaway is against planning policy s10 of Alteration No 1 of the adopted Stockton on Tees Local Plan and Emerging Council's Regeneration and Environment (LDD), currently 50% of the parade is non-retail and if approved would be 58% which would affect vitality and viability of the defined centre, trade would be taken from Stockton town centre, the premises has not been vacant for the time period specified, there are five existing takeaways in the vicinity of the site, approval would not be limited to a fish and chip takeaway outlet but could be any other takeaway provision, there are no drainage or flue extraction details provided, odour nuisance, impact of a further takeaway on the character and appearance of Norton Road.

There have been 11 letters of support received which in summary support the proposal due to the jobs generated, promotion of a small business in the current economic climate, preferable to a vacant shop in the parade, it will increase in trade and custom through linked trips, variety given by a fish and chip shop, the need for a fish and chip takeaway in the area since the previous one (Belle Vue Fish Bar) on Norton Road closed, benefit of a further food outlet to residential properties.

The Built and Natural Environment Manager and the Environmental Health Unit Manager have no objections the proposal.

**RECOMMENDATION**

***That planning application 14/3299/COU be approved subject to the following conditions and informative:-***

- 01 Time period for commencement;  
The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.***

***Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).***

***Approved Plans;***

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

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>02</i>	<i>22 December 2014</i>
<i>01</i>	<i>22 December 2014</i>

*Reason: To define the consent.*

*Flue / Ventilation details;*

**03** *Notwithstanding the submitted plan before development commences details of a ventilation and fume extraction system, including a full technical specification by a suitably qualified technical professional person, specifying the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment which shall be installed and used at the premises in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority and shall be installed before the development is brought into use and thereafter be retained in full accordance with the approved details. The approved ventilation and extract system shall be operated and maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters.*

*Reason: To ensure that adjacent properties are not adversely affected by the development and to ensure a satisfactory form of development.*

*Drainage;*

**04** *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.*

*Construction noise*

**05** *No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.*

*Reason: To avoid excessive noise and disturbance to the occupants of nearby properties.*

*Operating Hours*

**06** *The premises to which this permission relates shall not be open for business outside the hours of 09.00 to 21.00 Mondays to Saturday with the premises being vacated by any members of staff by 22.00 hours. The premise shall not be open on Sundays. Any vehicles servicing the premises shall not call at the premises between the hours of 22.00 hours and 09.00 hours.*

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

**Informative 1: National Planning Policy Framework**

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

### **BACKGROUND**

1. There are no historical records of any planning permissions having been granted for the property. A previous application for the change of use of the premises from A2 (Estate Agents) to A5 Fish and Chip takeaway was withdrawn in December 2014 (14/2929/COU), following the site visit where it was highlighted that the former use was a hairdressers.

### **SITE AND SURROUNDINGS**

2. The application site 270 Norton Road, Norton is a retail unit (A1) on the ground floor with a residential flat above. The premise is located within the Norton Road (Central) Neighbourhood Centre. The premise is sited towards the centre of the parade of shops and is sited on the eastern side of Norton Road. The character of this neighbourhood centre comprises of commercial premises on the ground floor with residential flats above. The application site has a gated alleyway to the rear and across the alleyway are residential properties along North Mount Pleasant Street.

### **PROPOSAL**

3. The proposal is for the change of use of 270 Norton Road from an A1 Retail unit (hair and beauty salon) to an A5 Hot Food Takeaway (Fish and Chip shop). The premise is currently vacant. The submitted plans show internal alterations to remove the salon area and two offices which will be replaced by a servery and preparation area. Externally a fume extraction flue would be installed on the rear elevation.

### **CONSULTATIONS**

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

#### **Spatial Plans Manager**

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. In this case, the relevant development plans are the Stockton on Tees Local Plan, Alteration No.1 to the Stockton on Tees Local Plan and the Core Strategy.

The proposed change of use of 270 Norton Road is located within Norton Road (Central) Neighbourhood Centre. I understand that the property has most recently operated as a hairdressing salon, an A1 use and the application seeks to change this to A5 use (hot food takeaway). Therefore, Saved Policy S10 relevant to its determination. This states that:

#### **Policy S10**

Proposals for change of use from retailing (Used Class A1) within the defined boundaries of the Local and Neighbourhood Centres identified on the Proposals Map will be resisted, unless it can be demonstrated that : -

- i) The character, vitality and viability of the Centre will not be adversely affected as a retailing centre;
- ii) Reasonable efforts have been made to market the premises for retail uses;
- iii) It is appropriate in scale and function to the Centre;

Therefore, the proposed change of use away from retail (A1) use should be resisted unless criteria i to iii are met. It is important that the vitality and viability of the neighbourhood centre's shopping function is maintained, however in some circumstances the loss of a shop may be acceptable where the proposal replacing it provides a service or facility to the community or prevents units standing vacant over long periods of time.

Whilst the proposed use can be considered an appropriate scale and function for the neighbourhood centre, consideration should also be given to any impact on its character, vitality and viability. This includes the level of retail units in both the immediate vicinity of the unit being considered, and the wider neighbourhood centre. Attention should also be given to any concentration of A5 uses the proposal would cause.

The preamble to policy S10 states that 'the applicant/developer will be expected to advertise the shop on the open market at least four times at roughly equal periods, for a minimum period of 12 months, at a value that reflects its retail use and providing that no reasonable offer has been refused.' I have reviewed the information submitted by the applicant and note the applicant states that the property is 'currently vacant and has been for some time despite its relatively modest rent and business rates'. I also note the marketing evidence submitted with reference to point two of Policy S10 which states that the property has been occupied intermittently by A1 and A2 uses over a four year period, although this has either been at a discounted rent, or the businesses concerned have failed within a short timeframe. This could suggest that the unit is not economically viable for retail use; however, the Council would need to be satisfied that there is no other interested party prepared to reopen the unit as a shop. The evidence submitted does not specifically confirm that the shop has been placed on the open market, for example on a website likely to be viewed by potential occupiers. The invoice supplied suggests that a sign board has been placed at the unit since January 2014, however this relies on potential occupiers passing by the site. With these circumstances in mind, it seems unlikely that the criteria two in Policy S10 can be fulfilled.

Should you be minded to approve the application, Policy S14 provides criteria setting out other considerations you may wish to take into account.

#### **Environmental Health Unit**

I have no objection in principle to the development, however, I do have some concerns and would recommend the following condition be advisory on the development should it be approved.

#### **Construction/Demolition Noise**

I am concerned about the short-term environmental impact on the surrounding dwellings during construction/Demolition, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site. I would recommend working hours of all Construction/Demolition operations including delivery/removal of materials on/off site shall be restricted to 08:00 ' 18:00Hrs on weekdays, 09.00 ' 13:00Hrs on a Saturday and no Sunday or Bank Holiday working.

I have also checked the documentation provided, 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. The proposed operating hours of 11.30 to 14.00 and then 16.30 to 21.00 with no Sunday opening by the applicant are acceptable.

#### **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.

### Odour nuisance

Before development commences details of a ventilation and fume extraction system, including a full technical specification by a suitably qualified technical professional person, specifying the position of ventilation, fume or flue outlet points and the type of filtration or other fume treatment which shall be installed and used at the premises in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority and shall be installed before the development is brought into use and thereafter be retained in full accordance with the approved details. The approved ventilation and extract system shall be operated and maintained in accordance with the manufacturer's recommendations, including the frequency of replacement of any filters.

### Position of flue

The flue shall be positioned no less than 1 metre above the eaves of the original building and positioned at least 2 metres away from the top of any openable window.

### **Built And Natural Environment Manager**

#### General Summary

Subject to the comments below the Head of Technical Services raises no objections.

### Highways Comments

There is no incutillage car parking associated with this property however the adjacent highway is protected by Traffic Regulation Orders which should prevent indiscriminate parking. There are no highway objections.

### Landscape & Visual Comments

This proposal has no landscape or visual implications.

## **PUBLICITY**

5. Neighbours were notified along with a site notice and 9 letters of objection were received to date from the following addresses :-

1. Mr John Carroll, 283-285 Norton Road, Norton
2. Kieran Mason, 287 Norton Road, Norton
3. Salam Nariman, Milano Pizzeria, 291 Norton Road, Norton
4. Sheng Can Chen, T/A Peking Chef, 289 Norton Road, Norton
5. Mark Andrew Robson, 291A Norton Road, Norton
6. Debra Crane, 274 Norton Road
7. Mr D Eden, 1 Salisbury Terrace, Norton
8. Stuart Gordon, 7 Mount Pleasant Road
9. Nikki Maltby, 13 Larkhall Square, Norton

The objections received are summarised below:-

- Believe enough takeaways in the area
- Against planning policy
- Another hot food takeaway will mean end up looking like a ghost town and detract customers from the centre
- The end use could not be guaranteed as a fish and chip shop could be another type of hot food takeaway and would undermine the local people and the local daily needs
- Creation of a hot food alleyway which will impact on the character of Norton Road
- Smells generated and impact on the surrounding area

- Fume extraction, drainage and noise abatement should be requested during the application process.
- Premises should be advertised for 1 year to prove the A1 use is not required
- Previous error by the applicant showed the premises had been occupied (by an unlawful estate agents) and trading since the hair salon and not been left vacant for long. No marketing evidence to prove premises vacant.
- Currently 50% non-retail uses in parade and if approved would be 58% would have a severe effect on vitality and viability of the defined centre.
- If this marketing information accepted would set a precedent for others in the borough
- Councils' Regeneration and Environmental LDD should be considered TC10 and although not full material weight has been through two consultations.
- Five hot food takeaways in the area along Norton Takeaway, 376 Norton Road, Farooqs Bengal Tiger, 329 Norton Road, Pizza Shop, 16 Surrey Road, Albany Fish Bar, Surrey road and Royal Chef, 120 Norton Road so no 'need' for a further takeaway.

A total of 11 support letters were received from the following addresses:-

1. R Buckley, 14 Cooks Crescent, Norton
2. Glenn Watson, 5 Chadburn Road, Norton
3. Shaun Robson, 270A Norton Road, Norton
4. Steven Broadbent, 2 Mill Meadow Court, Norton
5. Jaqueline Cole, 17 Mowbray Road, Norton
6. Stewart Heeley, 12 Westport Close, Stockton
7. Gemma Bradshaw, 17 Temple Court, Stockton
8. Ellis Ruff, 4 Mark Avenue, Norton
9. David Evans, 278 Norton Road, Norton
10. David Thomas, Thomas Food Market (NISA) 264-268 Norton Road
11. Frank Carter, 16 Honeysuckle Court, Norton

The support comments are summarised below:-

- Creation of jobs
- Support of small businesses in this economic climate
- Prefer a business to be in the property than a closed shop
- Need for a fish and chip shop in the area following the closure of the Belle Vue Fish bar 500 yards down the road on Norton Road,
- Would provide a different food option.
- Proven business idea as the Belle Vue Fish and Chip shop existed for a long time in the area
- Proximity of the proposed site to residential properties
- Parade not as busy as once was so will bring in more custom which is a benefit to existing shops
- Straw poll of customers in Nisa the overwhelming majority were pleased would be a fish and chip shop with majority being elderly customers.
- No other Fish and Chip Shop in the area and the previous one further along Norton Road did not affect the businesses in the parade

#### **PLANNING POLICY**

6. 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

7. 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
8. The following planning policies are considered to be relevant to the consideration of this application:-

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

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.

**Saved Policy S10 of Alteration No 1 of the adopted Stockton on Tees Local Plan,**

Proposals for change of use from retailing (Used Class A1) within the defined boundaries of the Local and Neighbourhood Centres identified on the Proposals Map will be resisted, unless it can be demonstrated that :-

- i) The character, vitality and viability of the Centre will not be adversely affected as a retailing centre;
  - ii) Reasonable efforts have been made to market the premises for retail uses;
- 16

iii) It is appropriate in scale and function to the Centre;

**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:-

4) Within the defined Local and Neighbourhood Centres, subject to Policies S10; 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

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;

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.

Paragraph 17 'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth'.

Paragraph 17 ....always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'

## **MATERIAL PLANNING CONSIDERATIONS**

9. The main planning considerations for this proposal are the principle of the development, the impact on the amenity of the neighbouring land users and the impact on highway safety.

### **Principle of the development**

10. The guidance set out in paragraph 17 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and that development proposals should be approved where they accord with relevant planning policies.
11. The application site is located within the designated Norton Road (Central) defined Neighbourhood Centre. With the proposal being for the change of use from A1 Retail to A5 Hot Food takeaway the criteria set out in saved policies S10 and S14 of Alteration No.1 to the Stockton on Tees Local Plan are also relevant in terms of assessing the proposed change of use.
12. Policy S10 states that applications for the change of use from retail units within these areas should be resisted unless it can be demonstrated that the development is appropriate to the scale and function of the Centre; that the character, vitality and viability of the centre will not be adversely affected and that reasonable efforts have been made to market the premises. Within the preamble to policy s10 there is a requirement for the applicant to demonstrate that the premises has been advertised on the open market at least four times at roughly equal periods for a minimum of 12 months and that no reasonable offer has been refused.
13. Saved policy S14 sets out specifically that proposals for the change of use to A3, A4 and A5 units within defined centres will be considered acceptable providing the levels of parking, traffic generated, removal of waste and hours of opening will have no adverse impact on residential amenity.
14. Criterion ii of saved policy S10 requires the applicant to demonstrate that the premises have been actively marketed for a period of 12 months on the open market. The applicant has submitted a letter from Gibbens Lettings (formerly DH Lettings) which documents that they have managed the shop for the last four years and during this time frame a number of



businesses, mainly hairdressers have occupied the premises for short periods, but were not successful mainly due to local competition. They confirmed that during this period their business DH Lettings also occupied the premises due to being given a heavy discount from the landlord as they had been unable to rent the premises on a long term rent. DH Lettings vacated the premises in December 2013 with the only tenant in the meantime being a hairdresser between 1<sup>st</sup> April and July 2014 which closed due to competition in the area.

15. The Spatial Planning Officers had concerns that the applicant had not demonstrated that the (A1) retail premises were marketed for the 12 month period required under saved policy S10. The applicant has submitted marketing information within the design and access statement that confirms the premise was advertised on-line with Rightmove. They have confirmed that the premise was advertised on the Rightmove website site between October 2013 and February 2014 and again between June 2014 and October 2104. Further marketing was undertaken with a letting board attached to the premise. During these advertisement periods the agent has confirmed that there was no serious interest or formal offers on the premise during the advertisement period.
16. Objection comments have been received that the proposal has not been vacant for 12 months and is contrary to saved policy S10 and could set a precedent for other A3, A4 and A5 change of use applications if approved. In terms of this application, the applicant has demonstrated that although the premise has not been vacant for a period of 12 months it has over the last 4 years had issues in finding a long term viable A1 tenant. The agent has demonstrated that the premises has been actively marketed during the periods when the premises was vacant and that the only A1 retail interest was from hairdressers which have not managed to succeed in this location due to local competition. Therefore, the marketing information in this instance is considered to be acceptable and satisfies the aims of criterion ii of saved policy s10 of Alteration No1.
17. Criterion i of saved Policy S10 requires that a change of use from A1 retail to A5 Hot Food takeaway should not affect 'The character, vitality and viability of the Centre' as a retailing centre. Objection comments have been received that a further hot food takeaway will increase the percentage of non-retail use, impacting on the vitality and viability of the parade.
18. However, within the Norton Road (Central) centre there is a mixture of commercial premises. Including the application site there are currently three A3, A4 and A5 class uses within the parade, six A1 retail uses and two sui generis uses in the parade. There was a further A4 public house in the defined centre but the Brown Jug Pub has since been demolished as part of the wider 'Swainby Road' regeneration scheme. The current percentage of retail uses within the centre is 54% which would be reduced to 45% with the change of use, nevertheless this proportion of A1 retail use is still considered to be acceptable in terms of the vitality and viability of the Norton Road (Central) centre.
19. In terms of the 'vitality of the defined centre the operating hours of the premises are a material consideration. An objection comment has been received that the takeaway will lead to the centre being a 'ghost town'. The proposed opening hours of the hot food takeaway are between 11.30 to 14:00 and 16:30 to 21:00 Monday to Saturday with no Sunday opening. With the proposed takeaway indicating that it will be open during day light hours, it is considered to have the potential to retain some active frontage and not have as significant a detrimental impact on the vitality of the centre. However, the planning system cannot require the applicant to open during these hours and only limited weight can be given to this consideration.
20. Policy S10 also states that the change of use will be considered acceptable if the proposal is of an appropriate scale and function for the centre. The proposal will not extend or alter

the footprint of the premises and although the site is positioned between a retail premises (A1) and a café (A3), the other two takeaway units within the centre are on the opposite side of Norton Road.

21. An objection comment has been received that the emerging Regeneration and Environment (LDD) Policy TC10 should be considered as part of the proposal. The policy reference within the emerging Regeneration and Environment (LDD) is TC8 which states that within designated centres, the Council will not support proposals for food, drink and evening economy uses that would result in an over-concentration of that use, either as a proportion of the centre or as cluster within the centre. As previously demonstrated the number of hot food outlets within the designated centre is relatively limited and there is not considered to be an over concentration of use due to the remaining as retail (A1) being 45% of use within this centre. By comparison the takeaway use would form only 30% (including the proposed takeaway).
22. An objection comment has been raised that by accepting the marketing information submitted for this change of use as being less than a year a precedent will be set for other change of uses in the borough. However, each application is considered on its own merits and in line with the relevant policy requirements. In such cases policy S10 would be considered on its own individual merits along with other factors such as the location of the premises, the marketing history for the property before and during the last year and the existing number of A5 uses in the vicinity. Therefore approval of this application is not considered to set a precedent.

#### **Amenity of neighbouring land users**

23. Paragraph 17 of the NPPF states that new development should ‘always secure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.’ The application site is located within an area of mixed residential and commercial premises with commercial premises located predominantly on the ground floor with residential flats above and with residential houses located to the rear.
24. The applicant is proposing opening hours of between 11:30 and 14:00 and 16:30 to 21:00 Monday to Saturday and no Sunday opening which the Council’s Environmental Health officers consider to be acceptable and a condition will be placed on the application to limit the hours of operation to normal opening hours with a 21.00hrs limit and staff vacating the premise by 22.00hrs.
25. Objection comments have been received in relation to potential odours from the premises and the fact details of the fume extraction should be submitted during the determination of application. The applicant has submitted a plan showing the proposed flue to the rear of the premises. The Environmental Health Unit have also considered the application and requested a condition which requires the specifications of the flue to be submitted and approved prior to installation, this requirement would form part of any planning approval.
26. The proposal will also include internal structural works to the premises to involve the removal of internal walls and therefore the Environmental Health Officers have requested a condition be placed on the proposal restricting the hours or operation for any demolition/construction works. Due to the proximity of the proposal to residential properties this condition is considered to be appropriate.

#### **Highway Safety**

27. The application site is located on Norton Road with a wide section of pavement to the front of the parade of shops but with no designated parking provision for the parade. The

premises has good public transport links with a bus stop directly to the front of the premises and with it being within walking distance to residential properties.

28. Policy S14 of alteration No 1 of the Stockton on Tees Local Plan states that proposals for changes of use to A5 hot food takeaways will be considered in relation to the levels of traffic which would be generated and the parking provision. The Built and Natural Environment Manager has commented that they have no objections to the proposal on highway grounds. They have commented that although there is no parking associated with the premises the adjacent highway is protected with a Traffic Regulation Order which should prevent indiscriminate parking and therefore they have no highway objections.

### Residual Matters

29. Objection comments have been received that the proposal will affect the character of this section of Norton Road and would create a takeaway alley. Due to the current mixture of both retail and sui-generis class uses within this defined neighbourhood centre the proposed change of use is not considered to materially affect the existing mixed use character of this section of Norton Road.
30. An objection comment has been received that approval of this current application would not necessarily result in a fish and chip shop as the end users as it would be granting permission for a takeaway and there are two takeaways already in the neighbourhood centre (Pizza and Chinese). These comments are noted and although there is no restriction which can be placed on the final users of the site, the application has been considered in this context and in light of the fact the premises could be used for a different type of end user.
31. In terms of the waste bin provision for the premises the submitted drawings show two bins to be placed within the rear yard area and the Environmental Health Officers and Highway Engineers have not objected to the waste bin proposals.
32. An objection comment has been received relating to the drainage on the site. The site is outside of Flood Zones 2 and 3 and any issues in terms of drainage would be dealt with under the building regulation considerations. In terms of waste blocking the existing drainage facilities these would be controlled by separate environmental legislation although there is a requirement for a grease trap (in respect of drainage) to be fitted, which is secured via a condition.
33. An objection comment has stated there are five takeaway outlets within the vicinity of the application site and that there is no requirement for a further hot food takeaway. The five takeaway outlets stated in the objection are not located within the Norton Road (Central) neighbourhood centre with only two other hot food takeaways being located within the centre.

### CONCLUSION

34. The proposal is considered to be in accordance with paragraph 17 of the NPPF, adopted Stockton on Tees Local Plan (Alteration No 1) S10 and S14 and Core Strategy Policies CS3 and is not considered to have a detrimental impact on the vitality or viability of the Norton Road neighbourhood centre or have a detrimental impact on residential amenity and is therefore recommended for approval.

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Miss Debra Moody Telephone No 01642 528714**

### **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Norton South</b>
<b>Ward Councillor</b>	<b>Councillor R. Cook</b>
<b>Ward</b>	<b>Norton South</b>
<b>Ward Councillor</b>	<b>Councillor Eileen Johnson</b>

### **IMPLICATIONS**

#### **Financial Implications:**

As Report

#### **Environmental Implications:**

As Report

#### **Human Rights Implications:**

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

#### **Community Safety Implications:**

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

#### **Background Papers**

The Town and Country Planning Act 1990.  
National Planning Policy Framework  
Stockton on Tees Local plan, Alteration No 1  
Core Strategy Development Plan Document March 2010  
Regeneration and Environment LDD (under consultation)