

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**25<sup>th</sup> May 2016**

**REPORT OF DIRECTOR,  
ECONOMIC GROWTH AND DEVELOPMENT  
SERVICES**

**15/3073/COU**

**91 Lanehouse Road, Thornaby, Stockton-on-Tees**

**Change of use from A1 use class (Retail) to A5 use class (Hot food takeaway).**

**Expiry Date 29 May 2016**

**SUMMARY**

The application site is 91 Lanehouse Road a vacant (A1) retail unit positioned within a row of commercial units in Thornaby. The application site is located outside of the defined town centre, district or neighbourhood centres set out in the Stockton on Tees Local Plan.

The frontage of the unit faces towards Thornaby Road with residential properties sited across Thornaby Road at 34 and 36 Thornaby Road. On either side of the unit are commercial units with 93 Lanehouse Road a Fish and Chip shop (A5) located to the east and a hairdressers (A1) unit located to the west at 89 Lanehouse Road. Access to the rear of the unit is via an alleyway accessed from Stranton Street and through an extension to the rear of 93 Lanehouse Road which provides access to 85,87,89 and 91 Lanehouse Road.

The application seeks permission for the change of use of the retail unit (A1) to a Sharwama Hot Food Takeaway unit (A5). The hours of operation proposed are 10:00 to 23:00 Monday to Sunday (every day). The proposal will employ five part time employees. The previous florist shop ceased trading in August 2015.

A total of nine objections have been received in response to the proposed development. These objections principally relate to concerns including the following matters; noise and disturbance, litter, increased traffic and associated noise, parking, need for the facility, waste provision, drainage and issues around anti-social behaviour.

The site is located outside of the designated town centre, district centre and neighbourhood centres but is positioned within a existing row of commercial units in a sustainable location. The core principles of the National Planning Policy Framework (NPPF) seek to proactively drive and support sustainable economic development whilst ensuring a high standard of amenity for existing and future occupants. In view of the material planning considerations and the level of commercial activity which is already present within the surrounding area, the proposed change of use is not considered to have an unacceptable adverse impact on residential amenity. The sustainable location of the premises and the existing parking restrictions means the proposal is not considered to have any significant highway safety implications. Therefore, the proposal is considered to accord with the principles of the NPPF and the Development Plan in all regards.

## **RECOMMENDATION**

That planning application 15/3073/COU be approved subject to the following conditions and informative:-

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

Plan Reference Number	Date on Plan
SBC0001	14 December 2015

Reason: To define the consent.

02. **Hours of operation – Hot Food Takeaway;**  
The premises shall not be open for customers outside the following hours 10:00 – 23:00 Monday to Sunday and the premises shall be vacated by 23:30.

Reason: To ensure the privacy and amenity of the nearby residential properties.

03. **Noise from Kitchen Extraction Equipment;**  
Notwithstanding the submitted details, a noise consultant's report shall be submitted to the Local Authority prior to the premises being brought into use to demonstrate the rating level of sound emitted from any new kitchen extraction and ventilation associated with the development shall not exceed background sound levels by more than 5dB (A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142: 2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.  
Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.  
Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of nearby residents.

04. **Ventilation and Fume Extraction;**  
Prior to the commencement of the A5 use, details of a ventilation and fume extraction system, including a full technical specification, specifying the position of ventilation, fume or flue outlet points and the type of filtration or other fume or odour control treatment at the premises, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the hereby approved use commencing and shall thereafter be retained and maintained in accordance with the specification, including the replacement of any filters.

Reason: To ensure a satisfactory form of development

05. **Drainage;**  
Prior to the commencement of any A5 use, details of a drainage system to the premises, relating to the installation of a suitable grease trap to prevent the discharge of grease into the public sewer, shall be submitted to and approved in

writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the use starting and shall be retained thereafter and maintained in accordance with the specification.

*Reason: To ensure a satisfactory form of development*

**Waste Provision:**

06. Prior to the commencement of the development hereby approved, details of the siting and provision of waste provision and collection shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the use starting and shall be retained thereafter and maintained in accordance with the specification.

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

**INFORMATIVE OF REASON FOR PLANNING APPROVAL**

**Informative: Working Practices**

The Local Planning Authority found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application.

**BACKGROUND**

1. There have been no previous planning applications for the premises.

**SITE AND SURROUNDINGS**

2. The application site is 91 Lanehouse Road a vacant (A1) retail unit positioned within a row of commercial units in Thornaby. The application site is located outside of the defined town centre, district or neighbourhood centres set out in the Stockton on Tees Local Plan.
3. The frontage of the unit faces towards Thornaby Road with residential properties sited across Thornaby Road at 34 and 36 Thornaby Road. On either side of the unit are commercial units with 93 Lanehouse Road a Fish and Chip shop (A5) located to the east and a hairdressers (A1) unit located to the west at 89 Lanehouse Road. Access to the rear of the unit is via an alleyway accessed from Stranton Street and through an extension to the rear of 93 Lanehouse Road which provides access to 85,87,89 and 91 Lanehouse Road.

**PROPOSAL**

4. The applicant is seeking consent for the change of use of an A1 retail unit (Florist) to an A5 Hot Food takeaway unit. The applicant is seeking consent for a Sharwama shop. The hours of operation proposed are 10:00 to 23:00 Monday to Friday and 10:00 to 23:00 Saturday and Sunday/ Bank holidays. The proposal will employ five part time employees. The previous florist shop ceased trading in August 2015.

**CONSULTATIONS**

5. The following Consultations were notified and any comments received are set out below:-

**Environmental Health Unit -** At Lanehouse Road, Thornaby there is a parade of units which currently has three takeaways, one café and two non-food units. Applications have been received to change both 91 and 89 into A5 hot food takeaway units which would therefore potentially result in five takeaways and one café within the six units.

I therefore have great concerns regarding the cumulative impact which this application and the second application for this parade will cause with regards to odour, noise, grease in drainage and refuse storage. To alleviate my concerns consultants reports have previously been requested but

to date the information provided has been inadequate for me to support the application. However the matters could be suitably addressed by the conditions previously suggested which would result in minimal impact to neighbouring properties.

The below conditions are to be imposed on the development and adequate information is to be provided prior to the commencement of the development.

1. Odours from the premises. A consultant's report would be required to establish that odour will not cause significant impact or significantly increase odour levels that may affect local residential properties. The report should include 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 odour 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. The report should also demonstrate that the flue outlet is positioned no less than 1 metre above the eaves of the original building.
2. Noise
  - a) From the Premises. A consultant's report would be required to establish that noise from mechanical machinery will not cause significant impact or significantly increase the noise levels that may disturb local residential properties. The report should demonstrate that the sound emitted from new plant i.e. the extraction system shall not exceed background sound levels by more than 5dB (A) between the hours of 0700-2300 (taken as a 15 minute LA90 at the nearest sound sensitive premises) and shall not exceed the background sound level between 2300-0700 (taken as a 15 minute LA90 at the nearest sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142: 2014 (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.
  - b) 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 would not support the takeaway to be open beyond 23:00 if permission was granted. Please note if the premise are serving food after 23:00 they will be required to make a licensing application.
3. Removal of Refuse- I am concerned with the proposal for refuse being removed via another premise on the parade. A more suitable and practical means of refuse disposal is required. The applicant will also need to demonstrate that there shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained, and located so that access to them by vermin and unauthorized persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
4. Drainage - grease trap- With a number of takeaway food premises on the parade the drainage system is likely to be affected by grease accumulation. The drainage system to the premises needs to be provided with a suitable grease trap in order to prevent discharge of grease into the public sewer and associated problems occurring. This is a requirement under the current Building Regulations, Approved Document Part H (H1). The case officer should discuss with Building Control to confirm whether Building Regulation Approval is required in respect to this proposal. If building Regulation Approval is required then it is recommended that reference to the requirement of a grease trap is included as an informative on any planning permission. Should Building Regulation Approval not be required in respect to this proposal then a condition should be imposed to agree details.

**Highways Transport and Environment Team** - The Highways, Transport & Environment Manager objects on the highway grounds detailed below.

#### Highways Comments

In accordance with SPD3: Parking Provision for Developments 2011, 33m<sup>2</sup> of retail A1 should provide 1 incurtilage car parking space while 33m<sup>2</sup> of hot food takeaway A5 should provide 1 space for staff plus 1 space for customers plus 1 delivery space (3 spaces).

There is no incurtilage car parking associated with this property and the surrounding area has high levels of on-street parking. There are at least 4 other hot food takeaways within close proximity of this property; hot food takeaways are known to attract indiscriminate and injudicious parking with drivers parking as close to their destination as possible, particularly when they believe they will only be parking for a short time. This can result in drivers parking across footways thereby causing an obstruction to pedestrians, particularly those with visual or mobility impairments and those using wheelchairs or pushchairs. This can force pedestrians into the carriageway and into conflict with vehicles to the detriment of highway safety. Drivers will park close to junctions obstructing visibility and manoeuvring for other highway users to the detriment of highway safety and the free flow of traffic.

It is considered that given the number of existing hot food takeaways and the lack of incurtilage car parking any further hot food takeaways in this location would attract unacceptable levels of on-street parking.

The Highways, Transport & Environment Manager objects due to the lack of incurtilage car parking which will increase on-street parking to the detriment of highway safety and the free flow of traffic.

**Cleveland Police** –This location suffers higher than average incidents of anti-social behaviour and is a Priority area for local Police Teams in relation to Anti-Social Behaviour.

Hot food takeaways have the potential to increase incidents of anti-social behaviour with persons tending to congregate at these premises. If this application is granted in order to reduce this risk and deter anti- social behaviour I would recommend that CCTV is installed both internally and externally. The CCTV must be able to produce images of quality that can be used in a court of law and comply with Data Protection. The premises will require to be well managed.

#### **PUBLICITY**

6. Neighbours were notified and a total of nine objections have been received to the application, these are detailed below (in summary) ;

7. The full details of the objections can be viewed online at the following web address  
<http://www.developmentmanagement.stockton.gov.uk/online-applications/>

#### Objection comments:

- Waste disposal issues
- Increase in vermin
- Increase in litter
- Drainage issues
- Large number of takeaways in area
- Parking issues
- Traffic issues
- Anti-social behaviour
- Increase in noise
- Government aiming to reduce obesity epidemic
- 8-10 years previous application for A5 use refused twice on appeal

### Objectors:

1. Mrs R Bibi, 77 Stranton Street Thornaby
2. Mr Shaun Littler, 93 Lanehouse Road Thornaby
3. Sophia Sultan, 85 Lanehouse Road Thornaby
4. Miss Rebecca Dunn, 99 Lanehouse Road Thornaby
5. Mr And Mrs Dunn , 97 Lanehouse Road Thornaby
6. Mrs Jean Bates , 89 Lanehouse Road Thornaby
7. Anwar Said, 87 Lanehouse Road Thornaby
8. Mohammed Uddin, 75 Oxford Road Thornaby
9. Labib Uddin, 75 Oxford Road Thornaby

### **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. 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

### **National Planning Policy Framework**

9. 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'

Paragraph 70. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community;

## **Local Planning Policy**

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

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

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 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.

### Saved Policy S17 of Alteration No 1 of the adopted Stockton on Tees Local Plan

Planning permission will only be granted for a change of use that would result in the loss of a shop within a village or other location outside the Centres listed in Policy S1, where it can be demonstrated that: -

- i) local need for the facility no longer exists,
- ii) or the facility is no longer economically viable,
- iii) or appropriate alternative facilities exist within reasonable walking distance for residents who live within the pedestrian catchment area of the existing shop.

## **MATERIAL PLANNING CONSIDERATIONS**

11. The main considerations with this proposal are the principle of the development, the impact on the amenity of the neighbouring properties and the impact on highway safety.

### **Principle of Development**

12. 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.
12. The application site is located outside of the town centre, district centre and local neighbourhood centres as defined within the Council's Stockton on Tees Local Plan - Alteration Number One. Policy S14 of the Local plan is relevant in determining the change of use of the premises from (A1) retail to (A5) Hot Food takeaway.
13. Saved policy S14 (v) states development outside of the defined district or neighbourhood centres will only be approved if there are no suitable units within the defined centres or there are justified exceptional circumstances that necessitate such a location.
14. In addition, saved policy S17 states that the loss of a retail unit outside a designated centre will only be considered acceptable if it can be demonstrated there is no longer a local need for the facility, the facility is no longer economically viable (demonstrated through marketing evidence or vacancy of the unit) or and appropriate facilities exist within walking distance of the pedestrian catchment area of the existing shop.
15. In terms of policy S14 the applicant has provided no evidence as part of the application to show that any other units which either the local town centre, district centre or neighbourhood centre were considered for the intended A5 use and which may have been suitable. The applicant has provided a supporting letter (dated 12<sup>th</sup> February 2016) stating that they own the premises and did not wish to be tied into a lease, if financially the business is not successful. However, within the justification of Policy S14 the real intention of directing "food and drink" uses to identified retail centres is as a result of "reoccurring problems" with these uses (i.e. unsociable hours of business, noise and disturbance, smells/fumes, and traffic problems) and that by directing "food and drink" uses to retailing centres the perceived impacts are less.
16. Notwithstanding the lack of marketing information provided, the principle aim behind policy S17 is ensuring a range of shops to protect the viability of out of centre locations.
17. In this instance, the proposal will see the loss of an existing A1 use with the resulting increase in the proportion of A5 class uses in this small row of commercial premises. Within the immediate vicinity of the site there are ten units from 79 to 93 Lanehouse Road (odds) including the premise on the corner which is 75 Oxford Road. The ten units currently are four A5 uses (Chinese, Fish and Chip shop, Pizza and Indian), one A3 use and five A1 uses which include the vacant application site and the adjacent unit at 89 Lanehouse Road that is subject to a separate planning application for the change of use to A5 (16/0189/COU).
18. Objection comments relate to the need for a further A5 unit. It is acknowledged that should planning permission be granted for the change of use of this unit to A5 use it would result in the number of A5 uses in this row of commercial premises to increase to 50% of the units and result in the number of A1 units reducing from 50% to 40%. Although the change of use of 89 Lanehouse Road will be considered on its own individual merits, should this A5 change of use application be granted this would result in 60% of the units being A5 use which would reduce A1 units to 30%. However, the location is outside of a defined retail centre and not afforded the same degree of protection in planning policy terms



19. Whilst it is acknowledged that this change of use would lead to a disproportionate level of A5 class use in this row of commercial premises considerable weight has to be given to the core planning principle set out in the NPPF relating to the presumption in favour of sustainable development which is reflected in local policy s17. The unit is located within a sustainable location with significant additional weight being given to the fact this particular unit has been vacant since August 2015 . in addition the intended operating hours include daytime hours which would ensure the future vitality and viability of this row of commercial units. On balance, the change of use to an A5 use is considered to accord with the guidance set out in the NPPF and saved policy S17.

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

20. Paragraph 17 of the NPPF states 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."
21. Saved Local plan policy S14 states that any change of use to A5 Hot Food takeaway will be assessed in terms of 'any adverse impacts in terms of residential amenity in terms of noise and smell'. Each aspect will be addressed below:-

#### **Noise**

22. The applicant is proposing opening hours of between 10:00 and 23:00 every day of the week (including bank holidays). Within the existing parade of shops planning permission has been granted for 87 Lanehouse Road (Pizza Shop) to be open between 16:00 to 00:00 Monday to Saturday and 16:00 to 23:00 on Sunday (06/3214/VARY), 85 Lanehouse Road (Cafe) to operate between 08:00 and 17:00 Monday to Saturday with no restriction on the operating hours of the A5 use at 93 Lanehouse Road due to the length of time it has been operating.
23. The Council's Environmental Health officers have commented that due to the cumulative impact of the number of takeaway units within this parade of shops they have concerns regarding potential noise. No noise reports have been submitted and therefore the Environmental Health officers have requested that prior to commencement of development a noise consultant report be submitted to ensure there will be no additional noise impact to nearby residential properties.
24. Objection comments have been received with regards to the potential noise impacts of a further takeaway unit. Consideration has been given to the existing operating hours of 87 and 93 Lanehouse Road and the fact there already exists some form of noise within the area. Therefore, taking the existing background noise levels into consideration and providing a condition is in place regarding limiting the opening hours of the premises, the proposed A5 use is not considered to provide a significant increase in noise levels to the neighbouring residential properties.

#### **Litter/Waste and drainage provision**

25. Access to the rear of the unit for refuse removal is via a shared access alleyway from Stranton Street which is through a rear extension of the existing Fish and Chip Shop at 93 Lanehouse Road. Although there may be a legal right of access which exists between the parties for access to the rear alleyway. The Environmental Health Officers have concerns regarding the waste provision and have requested a condition be suggested to identify the waste collection storage and methods of disposal to ensure the secure disposal of waste.
26. The applicant has provided no information with regards to the proposed grease trap and drainage from the site. The Council's Environmental Health Officers have commented that as no building regulation application will be required a condition be placed on the application requiring further details on the intended grease traps and drainage.

27. Objection comments have been received in terms of potential litter from the use. The management of litter is outside of planning legislation however there is an existing litter bin located to the front of the commercial units along Lanehouse Road which should address these concerns.

### **Highway Safety**

28. Saved local plan policy S14 comments that change of use from A1 to A5 outside of the defined and neighbourhood centres will be assessed in terms of the 'levels of traffic generated and parking provision'.
29. The application site is one of ten commercial units located within this section of Lanehouse Road with none of the units benefitting from incurtilage car parking.
30. The Highways, Transport and Environment team has commented that the guidance set out in SPD3-Parking Provision For Developments 2011 states that a retail shop with 33m<sup>2</sup> of floor space should provide one incurtilage car parking space. The required parking provision for a hot food takeaway is 1 incurtilage car parking space for staff and 1 incurtilage space for customers with an additional incurtilage space for deliveries. In total three spaces should be provided for the hot food takeaway use.
31. The proposal would therefore be required to provide two spaces more than the existing A1 retail use. The Highways, Transport and Environment team objects to the proposal due to the existing number of hot food takeaway units in the area which tend to attract indiscriminate parking on pavements which obstructs pedestrians and can cause pedestrians to walk into the carriageway and affect the flow of traffic.
32. Although the highway objection comments have been noted, the existing commercial units within this parade have operated with no incurtilage car parking since they were established. In addition, the A5 use would only be required to provide 1 additional car parking space and a delivery space beyond the existing A1 retail requirements. Taking these factors into consideration, it would be unreasonable to refuse the application on highway safety grounds

### **Residual matters**

33. Objection comments have been received relating to the potential for anti-social behaviour. Section 17 of the Crime and Disorder Act 1998 places a duty on the authority to consider the crime and disorder implications of the proposal. Whilst there is no evidence to link such issues to the proposed use, such matters would be down to the successful management of the facility and would not be a reason to refuse the application. Cleveland Police have been consulted on the proposal and commented that if the application is approved then CCTV cameras should be installed both internally and externally and the premises should be well managed. The use of CCTV is a matter for licensing and not something which can be controlled through planning legislation.
34. Objection comments have been received with regards to potential vermin issues. The waste provision condition should address any future issues with vermin however any future issues would fall within the Environmental Health legislation to address and not planning.
35. Objection comments have been received regarding the government aiming to reduce obesity issues. There is no specific local planning policy which limits A5 uses on health grounds although the emerging Regeneration and Environment Local Development Document (LDD) policy TC10 does aim to limit A5 uses within 400m of schools. The LDD has not been formally adopted and cannot therefore be considered as part of this application.
36. An objection comment has been received that there has been a previous refusal for the

change of use to a hot food takeaway at the site however there have been no previous refusals on this site.

### **CONCLUSION**

38. The proposed development is considered to be acceptable in all other regards and consequently the application is recommended for approval subject to those conditions within the report.

**Director of Economic Growth and Development Services**  
**Contact Officer Miss Debra Moody Telephone No 01642 528714**

### **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Mandale And Victoria</b>
<b>Ward Councillor</b>	<b>Councillor Tracey Stott</b>
<b>Ward Councillor</b>	<b>Councillor Sonia Bailey</b>
<b>Ward Councillor</b>	<b>Councillor Paul Rowling</b>

### **IMPLICATIONS**

#### **Financial Implications:**

Section 143 of the Localism Act has been taken into consideration and there are no known financial considerations/implications at this time.

#### **Environmental Implications:**

The proposal relates to a change of use of a commercial premises and its visual impacts, along with matters relating to the impacts on residential amenity particularly as a result of noise and disturbance are considered and addressed within the report. These are however considered to have a limited impact.

#### **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**

Stockton on Tees Local Plan Adopted 1997

Alteration Number 1 to the Adopted Local Plan – 2006

Core Strategy – 2010

#### **Emerging**

Regeneration and Environment Local Plan – Publication February 2015.

#### **Supplementary Planning Documents**

#### **SPD3 – Parking Provision for Developments**