

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER:

APPLICATION DETAILS

APPLICATION NO:	PL/5/2010/0070
FULL APPLICATION DESCRIPTION	CHANGE OF USE FROM RETAIL TO HOT FOOD TAKEAWAY (A5 USE)
NAME OF APPLICANT	DR R HAQ
SITE ADDRESS	1/2 DICKMANS BUILDINGS, FIFTH STREET, HORDEN SR8 4LA
ELECTORAL DIVISION	HORDEN
CASE OFFICER	Laura Hallimond 0191 5274612 laura.hallimond@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

- 1 Site**
The application site relates to a detached single storey building situated on the edge of the locally defined shopping area for Horden village. The property currently benefits from an A1 Use Class (General Store), but has not been in operation for a number of months. The building is located adjacent to a workingmen's club and to the south is a garage block. To the rear of the premises are retail premises with living accommodation at first floor level. To the east is a vacant hall, which is currently boarded up.
- 2 Proposal**
Change of Use is sought for the property from A1 Use Class (General Store) to A5 Use Class (Hot Food Take away). The majority of the works will take place internally to create a section for pizza production and a section for Indian cuisine. This will require the installation of general cooking equipment and food storage equipment. Externally new UPVC windows/doors will be fitted to the front elevation of the premises along with a new security shutter to the front door. All access and delivery points will remain unchanged.
- 3** Having regard to constitutional requirements and the fact that the Parish Council has objected to the proposal, the application is brought before Members for their determination.

PLANNING HISTORY

None relevant to the application.

PLANNING POLICY

4 NATIONAL POLICY:

Planning Policy Statement 1: Delivering Sustainable Development sets out the Governments overarching planning policies on the delivery of sustainable development through the planning System.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

5 REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.gos.gov.uk/nestore/docs/planning/rss/rss.pdf>

6 LOCAL PLAN POLICY:

District of Easington Local Plan

Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.

Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.

Policy 111 - Hot food take-away shops will only be approved in town, local or neighbourhood centres and on prestige and general industrial estates provided no serious problems of noise, disturbance, smell, litter and traffic hazards would arise and where it would not adversely affect the vitality and viability of the centre and in the case of industrial estates it accords with policy 105.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.easingtonlocalplan.org.uk/>

CONSULTATION AND PUBLICITY RESPONSES

7 STATUTORY RESPONSES:

Parish Council- Have objected to the proposal on the following grounds: -

- Adverse impact upon the neighbouring club in terms of noise, litter and odours
- Adverse impact upon the club in relation to site deliveries, including highway safety issues with smokers congregating outside.
- Rubbish within the area generally

8 INTERNAL CONSULTEE RESPONSES:

Environmental Health Section- Raises no objections subject to additional information in relation to the means of extraction.

Highways Section- Raises no objections

9 PUBLIC RESPONSES:

The proposal was advertised by means of a site notice and by letter to 20 properties affected by the proposal. At the time of the preparation of this report no letters of representation had been received, however the consultation period does not expire until after reports are required to be sent out, and as such Members will be given an update at the meeting, if any representations are subsequently received. The consultation period expires prior to the date of Committee.

10 APPLICANTS STATEMENT:

The premise was previously used as a local shop but has been vacant for sometime. In that time it has been vandalised, partially burnt and repeatedly broken into and used by vagrants and drug abusers. Under these circumstances, to get the building back into use can only "safeguard the visual and general amenity of people living and working within the vicinity of the site" i.e. Policy 1, 5. Viii.

Preventing the current application from succeeding will have a "serious adverse effect on the amenity of the people living and working in the vicinity". I.E. the application is not in breach of policy 35, 5.iv.

The shop is not in a well-established commercial location and I have been unable to find another viable use. Due to its poor commercial visibility the business plan of my tenant depends on internet marketing / ordering and delivery to the wider local area. There is likely only to be minimal passing trade, largely pedestrian from the immediate vicinity. The traffic generated is highly unlikely to be any greater than that of its previous use, a shop.

The shop has quiet extensive frontage to a public road along its front elevation, as has the adjacent Conservative Club. It also has a side access road between it and the adjacent garages, which can be used for loading and unloading, as can the rear access road over which we have full rights of access.

In any event the deliveries are unlikely to be greater than 2 to 3 a week at most and will tend to be in transit size vehicles. It is difficult to see how this could interfere with the dray wagons next door.

The takeaway would create 6-7 full time jobs across the various shifts including cleaners, cooks, counter staff etc. This should be a serious consideration under the current financial circumstances and a positive benefit for the local community.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=108062>. Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below

PLANNING CONSIDERATION AND ASSESSMENT

The main planning considerations with regard to this proposal are:

- Impact upon residential amenity
- Policy
- Impact upon the Highway Network
- Odour impact

11 Impact upon residential amenity

The premises are located just outside of the designated local shopping area, in a street that is part residential and part commercial. They are adjacent to other commercial uses and not within the direct vicinity of the residential properties. This should ensure that the proposed development would have limited impact upon residential amenity within the area. There appears to be a first floor residential flat directly to the rear, but this is already located above a commercial premises. In addition it is unlikely to be adversely affected by activities at the front of the premises. As previously stated to the rear and north of the application site there are current retail premises and a workingmen's club. As such introduction of an A5 use within this area would not significantly affect the current amenities enjoyed in the area. Opposite the application site is an area of wasteland and a vacant hall, and to the south is a garage block.

There is a distance of approximately 20 metres to the nearest residential premises on Fifth Street, and as such it is considered that the proposal would be a sufficient distance away from them to minimise any negative impacts. Furthermore conditions regarding means of extraction and a limitation on operational hours would be placed upon any approval to ensure that any potential impact upon residential amenity would be mitigated.

12 Policy

Policy 111 states that hot food takeaway shops will only be approved in local shopping centres provided no serious problems of noise, disturbance, smell, litter and traffic hazards would arise. It goes on to state that permission will not be granted where residential accommodation is situated adjacent to the premises. In this case, although not within the local shopping centre as defined in the Local Plan, the premises are on the edge of it and amongst other commercial properties. Although there is a residential property to the rear, this is unlikely to be affected by the activities of the shop and is also adjacent to other commercial premises. Overall, it is considered that the proposal is consistent with the principles identified in Policy 111, in terms of the type of location and the potential impacts on the surrounding area.

13 Impact upon the Highway Network

The possibility of deliveries conflicting with the club's deliveries has been raised by the Parish Council as an issue at the site. Concerns are raised that if the application site is receiving deliveries then the club cannot receive them at the same time. With its previous use as a general store, daily deliveries to the site could be expected. The change of use at the site would not be anticipated to worsen the situation and deliveries to the premises would presumably carry on as previously. In terms of the impact upon the persons smoking to the rear people should not be congregating on public roads to the detriment of highway safety. It is noted that the Highway Authority has no objections to the proposal.

14 Odour impact

Turning to potential odours at the site, the Environmental Health Team have been consulted as part of the application process and are of the opinion that any potential impact created by cooking/food odours at the site would be mitigated through installation of a suitable extraction/ventilation system. Details of this have been provided and a condition ensuring that this is in operation during cooking would be attached to any approval. In terms of causing noise problems to the club, it is not considered that this would be an issue as the noise generated from the club during operational hours would be similar to if not more than that from the proposed hot food take away. In terms of litter at the site, it is envisaged by the applicant that a large amount of the customers would have food delivered rather than collect from the store, which would in part remove the issue from the site.

CONCLUSION

- 15 The proposal would bring vacant premises back into use, thus contributing to the commercial vitality of the area. The hot food takeaway would be located away from residential properties, in an area that is part commercial. Furthermore conditions to mitigate any potential impact through odours or unsocial operational hours would be attached to any approval.
- 16 As a result it is considered that the proposed development is in accordance with the intentions of the District of Easington Local Plan and in particular Policies 1, 35 and 111.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority. Design and Access Statement, existing and proposed plans all received on 22 February 2010, and means of extraction details received 13 April 2010.
3. The ventilation and extraction/filtration equipment approved as part of this application shall be used at all times when hot food is being prepared and served on the premises.
4. The premises shall not be open to customers outside the hours of 1000 hrs to 2300hrs on Monday to Friday, 1000hrs to 2330hrs on Saturdays and 1100hrs to 2330hrs on Sundays and Bank Holidays.

REASONS FOR THE RECOMMENDATION

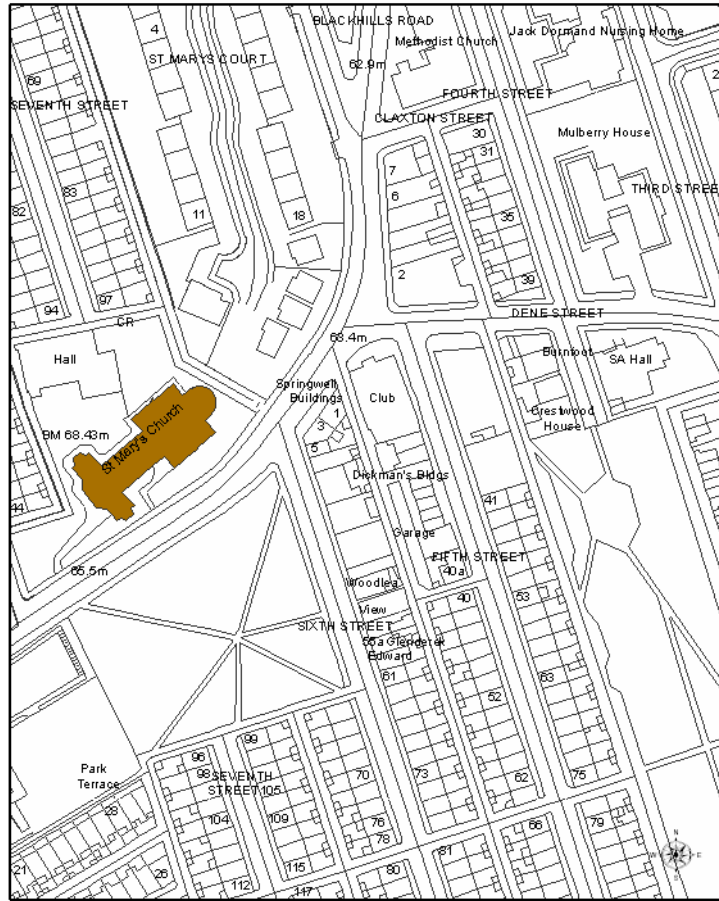
1. The development was considered acceptable having regard to the following development plan policies:

DISTRICT OF EASINGTON LOCAL PLAN	ENV35 - Environmental Design: Impact of Development
DISTRICT OF EASINGTON LOCAL PLAN	GEN01 - General Principles of Development
PLANNING POLICY STATEMENT/GUIDANCE	PPS1 - Delivering Sustainable Development
DISTRICT OF EASINGTON LOCAL PLAN	SHO111 - Hot food takeaways

2. In particular the development was considered acceptable having regard to consideration of issues of residential amenity, noise, odours, litter and highway impacts
3. The stated grounds of objection concerning highway conflicts, residential amenity and general amenity were not considered sufficient to lead to reasons to refuse the application because of the distance to the nearest residential properties, its proximity to the local shopping centre and the surrounding uses within the area.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
- District of Easington Local Plan 2001
- Planning Policy Statements / Guidance, PPS1, PPG2, PPS3, PPS7, PPS9, PPS13, PPG15, PPG16
- Consultation Responses



Scale: 1:1,139



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