

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/22/03703/FPA
FULL APPLICATION DESCRIPTION:	Change of use to hot food takeaway (across all three levels) and erection of high velocity duct/flue/cowl to rear, extracting above eaves but below ridge level.
NAME OF APPLICANT:	Dr Anthony Lang
ADDRESS:	17A Seaside Lane, Easington Colliery, Peterlee, SR8 3PF
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Elinor Woodruff Planning Officer 03000 261059 elinor.woodruff@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site is a vacant tanning, beauty, hairdressing and tattooing salon, located within the defined local centre of Easington Colliery. The premises is an end terrace, two-storey property, with a large corner frontage to Seaside Lane.
2. The property fronts onto Seaside Lane and does not benefit from any dedicated parking spaces. Immediately to the west of the property is an existing printing shop and the road that cuts through from Seaside Lane to Ashton Street. To the north of the site lies an area of amenity green space, with allotments beyond. To the south lies the Parish Church, along with a car park, another large area of green space and further allotments to the south. The area is surrounded by residential dwellings to the north east, north west, south west and south east.
3. The existing property is made up of three storeys and has both a two-storey and single storey extension to the rear, north facing elevation.
4. The property is situated within the HRA 6km Coastal Buffer Zone.

The Proposal

5. The application seeks full planning permission for the change of use to a hot food takeaway (across all three levels) and the erection of a high velocity duct/flue/cowl to the rear, north facing elevation.
6. The high velocity flue to the rear would exit through the ground floor window and would measure approximately 5.3m in height. All other changes from the plans provided are to be internal.

7. The application has been called to the Planning Committee at the request of Easington Colliery Parish Council due to concerns over an over proliferation of hot food takeaways, increased parking and servicing requirements, increased odour and noise, anti-social behaviour and littering which they consider are issues which the committee should consider.

PLANNING HISTORY

8. The following summarises planning history at the site:
9. DM/16/03841/FPA – Change of use from Estate Agent to tanning, beauty, hairdressing and tattooing salon. Approved on 7th March 2017.

PLANNING POLICY

NATIONAL POLICY

10. A revised National Planning Policy Framework (NPPF) was published in July 2021 (with updates since). The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
11. In accordance with Paragraph 219 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
12. *NPPF Part 2 - Achieving Sustainable Development.* The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
13. *NPPF Part 4 - Decision-making.* Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
14. *NPPF Part 6 - Building a Strong, Competitive Economy.* The Government is committed to ensuring the planning system does everything it can to support sustainable

economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.

15. *NPPF Part 8 – Promoting healthy and safe communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
16. *NPPF Part 9 – Promoting sustainable transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
17. *NPPF Part 11 – Making effective use of land.* Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
18. *NPPF Part 12 – Achieving well-designed places* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
19. *NPPF Part 14 – Meeting the challenge of climate change, flooding and coastal change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
20. *NPPF Part 15 - Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.

<https://www.gov.uk/guidance/national-planning-policy-framework>

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; design process and tools; determining a planning application; flood risk; healthy and safe communities; land stability; land affected by contamination; housing and economic development needs assessments; housing and economic land availability assessment; natural environment; neighbourhood planning; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of

planning conditions; Tree Preservation Orders and trees in conservation areas and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

The County Durham Plan

22. *Policy 9 – Retail Hierarchy and Town Centre Development.* Defines the retail hierarchy and states that proposals that would positively contribute to the evening economy will be supported provided they contribute to the vitality and viability of town centres, promote public safety and accord with this and other relevant policies in the Plan.
23. *Policy 21 - Delivering Sustainable Transport.* Requires all development to deliver sustainable transport by: delivering, accommodating and facilitating investment in sustainable modes of transport; providing appropriate, well designed, permeable and direct routes for all modes of transport; ensuring that any vehicular traffic generated by new development can be safely accommodated; creating new or improvements to existing routes and assessing potential increase in risk resulting from new development in vicinity of level crossings. Development should have regard to Parking and Accessibility Supplementary Planning Document.
24. *Policy 25 - Developer Contributions.* Advises that any mitigation necessary to make the development acceptable in planning terms will be secured through appropriate planning conditions or planning obligations. Planning conditions will be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Planning obligations must be directly related to the development and fairly and reasonably related in scale and kind to the development.
25. *Policy 29 – Sustainable Design.* Requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out detailed criteria which sets out that where relevant development is required to meet including; making a positive contribution to an areas character and identity; provide adaptable buildings; minimise greenhouse gas emissions and use of non renewable resources; providing high standards of amenity and privacy; contributing to healthy neighbourhoods; providing suitable landscape proposals; provide convenient access for all users; adhere to the Nationally Described Space Standards.
26. *Policy 30 – Hot Food Takeaways.* States that within defined local centres consideration should be given to the impact that the proposed hot food takeaways would have in terms of the overall vitality and viability considering the numbers of existing hot food takeaways and will be refused if the impacts is unacceptable. Where a proposed hot food takeaway is considered locationally acceptable, consideration will need to be given to the impact that the development would have in terms of amenity, particularly in relation to noise and odours.
27. *Policy 31 - Amenity and Pollution.* Sets out that development will be permitted where it can be demonstrated that there will be no unacceptable impact, either individually or cumulatively, on health, living or working conditions or the natural environment and that they can be integrated effectively with any existing business and community facilities. Development will not be permitted where inappropriate odours, noise, vibration and other sources of pollution cannot be suitably mitigated against, as well as where light pollution is not suitably minimised. Permission will not be granted for sensitive land uses near to potentially polluting

development. Similarly, potentially polluting development will not be permitted near sensitive uses unless the effects can be mitigated.

28. *Policy 42 Internationally Designated Sites* states that development that has the potential to have an effect on internationally designated site will need to be screened in the first instance to determine whether significant effects on the site are likely and, if so, will be subject to an Appropriate Assessment. Development will be refused where it cannot be ascertained, following Appropriate Assessment, that there would be no adverse effects on the integrity of the site, unless the proposal is able to pass the further statutory tests of 'no alternatives' and 'imperative reasons of overriding public interest' as set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017. In these exceptional circumstances, where these tests are met, appropriate compensation will be required in accordance with Regulation 68. Where development proposals would be likely to lead to an increase in recreational pressure upon internationally designated sites, a Habitats Regulations screening assessment and, where necessary, a full Appropriate Assessment will need to be undertaken to demonstrate that a proposal will not adversely affect the integrity of the site. In determining whether a plan or project will have an adverse effect on the integrity of a site, the implementation of identified strategic measures to counteract effects, can be considered during the Appropriate Assessment.

NEIGHBOURHOOD PLAN:

29. The application site is not located within an area where there is a Neighbourhood Plan to which regards is to be had.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

30. *Easington Colliery Parish Council* – object to the application on the grounds that there is an oversaturation of hot food takeaways within the locality. It will also impact on the viability and vitality of the area due to the hours of operation there will be a detrimental impact on residential amenity and nearby residents from increased noise, odour and parking.

INTERNAL CONSULTEE RESPONSES:

31. *Spatial Policy* – Advises on relevant policies within the County Durham Plan. They further comment that the proposal could potentially reduce the number of vacant units however, this would be subject to ensuring that there would be no impact on the vitality and viability of the local centre.
32. *Nuisance Action Team* – Advises that the information submitted is not sufficient to allow full consideration against the thresholds stated in the TANS and does not support the proposed opening hours. Therefore, the Officer has recommended a condition if the application is to be recommended for approval.
33. *Highways Team* – Advises that although there is gated access to the rear, there is no in curtilage parking. Parking to the front is restricted due to the location of a built-out adjacent to the side street access and double yellow lines opposite. However, there is a public car park diagonally opposite. The Officer does raise concerns regarding the parking of delivery drivers and recommends any deliveries and servicing are undertaken from the rear of the property. As such, a condition is to be included to ensure this.

PUBLIC RESPONSES:

34. The application has been advertised by way of a site notice, press notice and individual notification letters to neighbouring residents.

APPLICANTS STATEMENT:

35. Overall, it is better to have some active use at these premises than none. The new use will provide jobs and a new facility which will help with competition and keep prices low. Business rates will bring more money into the Council, as will taxes. The concerns of the Parish Council are noted, but on balance, it is obviously better to something, than nothing.

PLANNING CONSIDERATIONS AND ASSESSMENT

36. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The County Durham Plan (CDP) forms the statutory development plan and the starting point for determining applications as set out in the Planning Act and reinforced at Paragraph 12 of the NPPF. The CDP was adopted in October 2020 and provides the policy framework for the County up until 2035.
37. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, impact on the character and appearance of the area and the impact on residential amenity.

The Principle of the Development

38. Paragraph 86 of the NPPF advises that planning policies should define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses and reflects their distinctive characters.
39. In line with this, Policy 9 of the County Durham Plan (CDP) sets out the hierarchy of town centres across the County. The policy defines the settlement of Easington Colliery as having a local centre in which the application site is located. The policy sets out that the council will seek to protect and enhance defined local centres. With regards to the evening economy, Policy 9 supports proposals that would positively contribute to the evening economy, provided that they contribute to the vitality and viability of town centres, promote public safety and accord with all relevant policies in the CDP.
40. CDP Policy 30 relates to proposals for changes of use to hot food takeaways and seeks to restrict the number of new hot food takeaways receiving planning permission within the County. This is specifically within town centres (as defined within Policy 9) where there are already higher concentrations of hot food takeaways. With regards to defined local centres, Policy 30 states that consideration should be given to the impact that the proposed hot food takeaway use would have in terms of the overall vitality and viability considering the numbers of existing hot food takeaway uses and will be refused if the impact is unacceptable. Consideration should be given to the impact that

such a proposal would have on the overall vitality and viability of the centre, reflecting on the mix of uses and also the levels of existing vacancies.

41. The Council monitor town centres on an annual basis and the provides an assessment of the mix of uses within town centres, within the County, but local centres are not monitored in the same way. Therefore, as part of the assessment of the application, a site visit and walk around the local centre is important to observe the current balance of uses within the local centre before assessing whether this proposal would harm the vitality and viability of the local centre.
42. It is noted that since the Examination in Public and shortly before the Inspectors report was issued, changes to the use class order were announced which have now taken effect. The Inspector acknowledged this within his report and recognised that none of the policies in the Plan prevent the new regulations taking effect in the County. The Inspector went on to state that National Policy remains unchanged, and whilst implementation of some of the policies in the Plan will be affected, the full implications are not yet clear and will need to be thought through over time. From September 1st, 2020, hot food takeaways are now defined as sui generis, but the policy is still however applicable to sui generis proposals that are clearly proposing a hot food takeaway. These will be hot food takeaways where their sole use is for the sale of hot food for consumption off the premises, as is the case for the proposed use applied for in this application.
43. A site visit was undertaken on the 15th of February 2023 during which it was observed that there are presently 5 existing hot food takeaways within the defined local centre and a total of 21 vacant premises including the application site, out of a total of 41 units. In the final quarter of 2022, high street vacancies in England were 13.8% according to the British Retail Consortium and Local Data Company with the vacancy rate in Easington Colliery Local Centre significantly higher than this at approximately 51%. In addition, it is noted that the application site has been vacant since October 2020 and as such has been without positive use for a significant period. The introduction of a hot food takeaway to No. 17 Seaside Lane would result in 14% of properties being in use as a hot food take away which is not considered an over proliferation and it is noted that there would be some benefit to the introduction of a positive use to a unit which has been vacant since 2020.
44. Given the high proportion of vacancies observed in the local centre, allowing this proposal for the introduction of a hot food takeaway in a currently vacant unit would not prevent opportunities for the introduction of additional retail/main town centre uses to come forward and operate from the other vacant units present within the local centre. It is acknowledged that there are limitations of the above data collection, but it is considered that sufficient evidence exists to demonstrate there is a high enough vacancy rate that the approval of this application would not prevent opportunities for retail uses to come forward. Accordingly, the principle of the proposed use in this location accords with CDP Policy 9 and 30, subject to the considerations discussed under the relevant headings below.

Residential Amenity

45. Paragraph 130 of the NPPF advises that planning decisions should create places that have a high standard of amenity for existing and future users.
46. In line with this, CDP Policy 30 states where a proposed hot food takeaway is considered locationally acceptable, consideration will need to be given to the impact that the development would have in terms of amenity, particularly in relation to noise

and odours. Where it is considered that the proposal would give rise to unacceptable impact, the application should be refused.

47. CDP Policy 31 also states that all new development which has the potential to lead to, or be affected by, unacceptable levels of air quality, inappropriate odours, noise and vibration or other sources of pollution, either individually or cumulatively, will not be permitted including where any identified mitigation cannot reduce the impact on the environment, amenity of people or human health to an acceptable level.
48. The development is of a type which can give rise to additional noise and odour, generated by cooking processes and also as a result of increased disruption from the comings and goings of customers and deliveries, usually outside of core business hours. The Environmental Health Officer (EHO) commented that the information submitted with the application is not sufficient to allow full consideration against the thresholds stated in the TANS.
49. The proposal would see the introduction of an additional takeaway unit in mixed commercial/residential setting. The intention to operate seven days a week from 0700hrs to 0400hrs is proposed however these were subject to objection from the Council's EHO who confirm that to operate beyond 2300hrs on any day would require a premises licence. Consequently, a condition is proposed to be included should the committee be minded to approve the application, which restricts the hours of opening to no later than midnight on Fridays and Saturdays and 11:30pm on any other day. This has been based on the opening hours of 38 Seaside Lane (Pizza Mania) restricted by condition 4 of reference 5/PL/2009/0433 and No. 37 Seaside Lane restricted via condition 5 of Planning Permission DM/21/02693/FPA.
50. No details of the proposed menu have been provided and whilst some information in relation to proposed fume extraction and schematic plan have been submitted, this does not relate to any information in terms of likely menu. As such the suitability of the proposed solution cannot be robustly assessed and in any event would need to be supported by a risk assessment based on EMAQ/DEFRA guidance on the control of odour and noise from a commercial kitchen exhaust system. Consequently, the EHO has advised that conditions should be imposed to mitigate the potential statutory nuisance or adverse impact upon amenity. Specifically, a planning condition requiring the submission and agreement of precise detail of all proposed extraction equipment to the LPA to be informed by a risk assessment based on EMAQ/DEFRA guidance as detailed above prior to the commencement of the proposed use.
51. With regard to the requirement to contribute to healthy neighbourhoods, Policy 29 requires that proposals contribute towards healthy neighbourhoods and consider the health impacts of development, whilst Section 8 of the National Planning Policy Framework (NPPF) acknowledges the role of planning in improving health. In this regard it is acknowledged that whilst significant high levels of hot food takeaways within an area can have a detrimental impact on the physical health of residents within communities, within this location it is not considered that there is an over proliferation of hot food takeaways in the immediate vicinity to a level that could be considered to have a direct detrimental impact on the physical health of the neighbourhood, to a level that could warrant refusal of the application.
52. In relation to potential impacts from antisocial behaviour and fear of crime whilst it is noted that such issues are subject to primary legislative control outside the planning system, they are nevertheless material considerations in determination of this application. However, it is noted that the property is set within a parade of existing commercial units beside a main road, benefits from natural surveillance and is well lit during evening hours by street lighting. As such there it is not considered that the

proposed use would result in any material increase in crime, the fear of crime or antisocial behaviour.

53. Therefore, subject to the inclusion of planning conditions, the proposed development is considered to accord with the requirements of CDP Policy 30 and 31 and Parts 12 and 15 of the NPPF.

Impact on the Character and Appearance of the Area

54. CDP Policy 29 (Sustainable Design) requires all development proposals to achieve well designed buildings and places having regard to SPD advice and sets out 18 elements for development to be considered acceptable, including: making positive contribution to areas character, identity etc.
55. CDP Policy 30 also seeks to ensure that roller shutters and blanks frontages be avoided.
56. The submitted elevations show no changes to the shop front but do show the proposed installation of a flue to the rear, north facing elevation. Whilst the precise detail of the plant required in this regard remains subject to final design it is likely that . It would be visible from Ashton Street to the rear; however, this would not look out of place as there are existing flues within the vicinity that serve other hot food takeaways. It would also be partially visible from Seaside Lane, looking eastwards via the cut through to Ashton Street. However, it is not considered that this would have a detrimental impact upon the character and appearance of the area.
57. In consideration of the above, the overall design and layout of the development is considered to be appropriate, and suitably accords with requirements set out in policies 29 and 30 of the CDP.

Highways Issues

58. Paragraph 110 of the NPPF advises that planning decisions should ensure development provides safe and suitable access to the site for all users.
59. Paragraph 111 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
60. CDP Policy 21 is broadly in accordance with the above and relates to the delivery of sustainable transport and states that the transport implications of development must be addressed as part of any planning application and [in part] that all development should deliver sustainable transport by ensuring that any vehicular traffic generated by the development, following the implementation of sustainable transport measures, can be safely accommodated on the local strategic highway network.
61. The application proposes the change of use from a former tattoo shop to a hot food takeaway. Parking to the front of the premises along Seaside Lane is restricted by the location of a built-out adjacent to the side street access and double yellow lines opposite. This results in space on Seaside Lane being at a premium, however there is a public car park diagonally opposite the site which would be available for customers to use.
62. An objection has been received from the Parish Council, citing concerns about car parking not being readily available on Seaside Lane and as such is at a premium, and

that the proposal would result in an increase in visitors and this would have a detrimental impact on residents.

63. The Highway Authority have been consulted and did raise some concern over the fact that the premises did not have any dedicated off-street parking provision and the likelihood of delivery drivers using the space to the front of the premises to collect order for dispatch and receive supplies. Highway Officers have noted the public car park diagonally opposite the site and parking available to the rear of the property on Ashton Street which would be available for use. As such, a condition is recommended to ensure deliveries and servicing takes place exclusively at the rear of the property.
64. Although it is likely there will be some increase in vehicular movements to and from the premises compared to those that might be expected as a result of the current permitted use. The Highway Authority does not consider this to result in such a significant increase to severely impact upon the capacity of the surrounding road network sufficient to sustain refusal of the application upon highway safety grounds as required by NPPF Paragraph 111.
65. In light of the above it is considered that given the location of the application site, within the defined local centre of Easington Colliery and adjacent to a bus stop providing access to sustainable travel facilities, that the proposal would not adversely affect highway safety and would accord with the requirements of Policy 21 of CDP and Part 9 of the NPPF.

CONCLUSION

66. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in this case relates to the County Durham Plan. Paragraph 11 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with an up to date development plan without delay (paragraph 11 c).
67. The proposal relates to the conversions of a vacant tattoo shop within the defined local centre of Easington Colliery into a hot food takeaway. Whilst there are five existing hot food takeaways operating within the local centre, the proposal would bring a unit that has been vacant for three years back into use. Given the high number of vacant premises within the local centre the introduction of a further hot food takeaway would not preclude the introduction of retail uses in the future. Therefore, the proposals are not considered to adversely affect the vitality or viability of the local centre, according with CDP Policy 9 and 30 and Part 7 of the NPPF.
68. Although the applicant has not provided any information relating to odour mitigation measures at the current time, EHO have recommended a condition to secure details of this. It is also recommended a condition is implemented to restrict operating hours. With these conditions, the amenity of neighbouring land users is considered to be safeguarded, according with CDP Policy 30 and 31 and Part 12 of the NPPF.
69. Whilst Highways Officers have raised concern at the lack of dedicated parking to serve the development and increased number of delivery drivers, the application site is considered to be a sustainable location within the defined local centre of Easington Colliery, with an adjacent bus stop and public car park and with provision for on-street parking and unloading on Ashton Street to the rear. The increase in vehicular movements to and from the premises is not considered to be of such significance to warrant the refusal of the application in the context of NPPF Paragraph 111.

70. Therefore, the proposed development is considered acceptable in principle and would not have an unacceptable impact upon the character and appearance of the area, residential amenity or highway safety in accordance with the requirements of policies 21, 29, 20 and 31 of the County Durham Plan and Sections 2, 4, 6, 7, 8, 9, 12 and 15 and so approval is recommended subject to the inclusion of appropriate planning conditions.

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Plan	Drawing No.	Date Received
Location Plan		14.12.2022
Proposed Plans and Elevations	AD-22-11 SHEET 2	14.12.2022
Existing and Proposed Site Plans	AD-22-11 SHEET 3	14.12.2022
Design and Specification for Extraction Ventilation System		14.12.2022

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy(ies) 9, 21, 29, 30 and 31 of the County Durham Plan and Parts 2, 4, 5, 6, 7, 9 and 12 of the NPPF.

3. The rating level of noise emitted from fixed plant/machinery on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014+A1: 2019.

On written request by the planning authority the operator shall, within 28 days, produce a report to demonstrate adherence with the above rating level. If the report identifies that the required limits have not been achieved, the offending plant/machinery shall cease to operate until such time as the required limits have been demonstrated as being achieved.

Reason: To protect the amenity of future occupiers in accordance with Policy 29, 30 and 31 of the County Durham Plan and Part 12 of the National Planning Policy Framework.

4. The premises shall not operate outside the hours of 09:00 to 23:30rs on Mondays to Thursdays, 09:00 to 00:00hrs on Fridays and Saturdays and between 11:00 to 23:30hrs on Sundays.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 30 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

5. All deliveries and servicing (including those being despatched and received) shall only be undertaken from the delivery area at the rear of the property. No deliveries shall be received or despatched from the property outside the approved hours of operation detailed in condition 4.

Reason: In order to ensure the highway safety in accordance with Policy 21 of the County Durham Plan.

6. No hot food shall be prepared or served at the premises until full details of all external fume extraction equipment has been submitted to and agreed in writing by the Local Planning Authority to be informed a risk assessment based on EMAQ/DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems. The approved scheme shall be installed prior to the use commencing and shall be operated at all times thereafter when cooking is being carried out on the premises.

Reason: In the interests of the residential amenity of surrounding properties in accordance with Policy 30 and 31 of the County Durham Plan and Part 15 of the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

In accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

- Submitted application form, plans supporting documents.
- The National Planning Policy Framework (2021)
- National Planning Practice Guidance notes.
- County Durham Plan 2020
- Statutory, internal and public consultation responses
- County Durham Parking and Accessibility Standards 2019



<p>Planning Services</p>	<p>DM/22/03703/FPA Change of use to hot food takeaway (across all three levels) and erection of high velocity duct/flue/cowl to rear, extracting above eaves but below ridge level.</p>	
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