

**Development Control (Hetton, Houghton & Washington)
Sub-Committee**

27 March 2012

SUPPLEMENTARY REPORT ON APPLICATIONS

REPORT BY DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report is circulated a few days before the meeting and includes additional information on the following applications. This information may allow a revised recommendation to be made.

LIST OF SUPPLEMENTARY ITEMS

Applications for the following sites are included in this report.

Houghton, Hetton &
Washington

- | | |
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| S1 | Holystone Waste Management Ltd Wilden Road Pattinson South
Washington NE38 8QA |
| S4 | Site Of Emerson House, Emerson Road, Emerson, Washington |
| S8 | Northern Area Playing Fields Stephenson Road Stephenson
Washington |
| S9 | 77 Newbottle Street Houghton-Le-Spring DH4 4AR |

Development Control
(Hetton, Houghton and Washington) Sub-Committee

SUPPLEMENT

Number:	S1
Application Number:	11/01182/VAR
Proposal:	Variation of condition 3 attached to planning application 92/0740 (Modernisation of waste-reprocessing station and erection of warehouse) to allow business activity between 07:30 and 18:00 Monday to Friday, 08:00 and 17:00 on Saturdays and between 08:00 and 18:00 on Bank Holidays (amended description following request from applicant for revision to proposed hours of operation, 23/02/2012
Location:	Holystone Waste Management Ltd Wilden Road Pattinson South Washington NE38 8QA

As stated in the main report, the proposed variation of the condition attached to the approval of planning application ref. 92/0740 to allow an extension to the currently permitted hours of activity at the existing waste management facility is considered to be acceptable in principle and to comply with the requirements of policy EC4 of the adopted Unitary Development Plan (1998). In addition, the proposal does not raise any concerns in relation to highway and pedestrian safety, in accordance with policy T14 of the UDP.

However, at the time of writing the main report, consultation comments had not yet been received from the Environment Agency or the City Council's Strategic Director of City Services (Environmental Services). Additionally, the period for the receipt of public representations had not yet expired.

The public consultation period ended on 20th March 2012 and no further representations have been received.

Comments have not yet been received from the Strategic Director of City Services (Environmental Services) and a consultation response from the Environment Agency was only received on 21st March 2012. The comments have raised some matters which require further consideration. Accordingly, it is recommended that the application be withdrawn from the agenda for the Hetton, Houghton and Washington DC Sub-Committee meeting of 27th March 2012 and deferred to the Sub-Committee meeting of 19th April 2012, by which time it is anticipated that a recommended decision can be made.

RECOMMENDATION: DEFER pending consideration of consultation comments

Number:	S4
Application Number:	11/03181/OUT
Proposal:	Outline application for the erection of 125 houses with associated landscaping and highway works with access to be determined and remaining matters reserved for future consideration .
Location:	Site Of Emerson House Emerson Road Emerson Washington

Subsequent to the compilation of the draft conditions further discussions have been held with the applicant in respect of the detailed wording of a number of conditions, principally conditions nos. 15 (affordable housing), 22 and 23 (noise attenuation).

The applicant is keen to have explicit reference to the need for the viability of the scheme to be included in the condition rather than leave the reason for the potential reduction in the affordable housing percentage being left open. It has been agreed therefore that condition 15 be amended to include such a reference.

As regards conditions 22 and 23 reference to checking surveys has been replaced by reference to validation surveys.

Minor changes have also been made to conditions 5 and 6 in terms of the timing of the submission and agreement of the information in respect of the external materials and boundary enclosures. While in condition 13 the cross reference to condition no.12 has been inserted.

The applicant had proposed that conditions nos. 17, 20 and 21 which relate to archaeology be restricted to a buffer zone around the identified wagon-way. However, the county archaeologist considered that if the wagon-way had branch lines similar to those found on the Dunlop Tyres site to the south east of this site, then potential archaeological remains could be put at risk. It was considered appropriate therefore to retain the original wording of the conditions. This view has been accepted by the applicant.

The full list of conditions as amended is set out below.

RECOMMENDATION: APPROVE subject to the completions of a s106 agreement in respect of children's play and primary education provision and subject to the conditions set out below.

Conditions:

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be agreed. Imposed pursuant to the provision of

Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced:

Details of the siting of the building(s);
Design;
External Appearance; and
The landscaping of the site.

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved. Because the application is in outline only, with only details of access submitted, the above matters are reserved for subsequent approval of the Local Planning Authority in accordance with section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004

Pre Commencement Conditions

3. No development shall take place until a scheme of working has been submitted to the satisfaction of the Local Planning Authority; such scheme to include , siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, the loading unloading and storage of plant and materials, the parking of vehicles of site operatives and visitors and measures to ameliorate noise, dust, vibration, smoke and other effects. The scheme of working shall be so implemented and adhered to throughout the construction period, in order to prevent nuisance and to protect the amenity of adjacent occupiers and in order to comply with policies B2 and EN1 of the adopted Unitary Development Plan.
4. Before the development commences details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. These details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the approved Unitary Development Plan.
5. Notwithstanding any indication of materials which may have been given in the application, no construction work shall take place on any dwelling until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details, in the interests of visual amenity and to comply with policy B2 of

the adopted Unitary Development Plan.

6. Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be submitted to and approved in writing by the Local Planning Authority before construction work takes place on any dwelling. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary development Plan.
7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of traffic calming. All works shall be completed in accordance with the approved details before the first house is occupied in the interests of highway safety and to comply with policy T14 of the adopted Unitary Development Plan
8. The development shall not commence until details of the foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until these facilities have been provided and installed in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the UDP.
9. Before the development hereby approved is commenced details of the bus shelters to be provided on Dunnock Drive together with a timetable for their installation shall be submitted to and approved in writing by the Local Planning Authority. The bus shelters shall then be installed in accordance with the agreed timetable in order to ensure that the development makes adequate encouragement for travel to and from the site by means of transport other than the private car and to accord with the requirements of policies T2 and T14 of the adopted Unitary Development Plan.

Land Contamination 1

10. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions numbers 11 to 13 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 14 has been complied with in relation to that contamination.

Reasons: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.

Site Characterisation

11. Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

Reasons: To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.

Remediation Scheme

12. Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation.

Reasons: To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.

Implementation of Approved Remediation

13. The remediation scheme approved under Condition number 12 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reasons: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.

Land Contamination 5

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 11 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 12 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 13 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

Reasons: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the adopted Unitary

Development Plan.

15. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the LPA. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:
- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of 10% (unless following the submission of a viability appraisal a lower percentage is agreed in writing with the Local Planning Authority) of housing units;
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing) (if no RSL involved);
 - iv. the arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the affordable housing;
 - v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced

Reason: in order to ensure that the development serves the widest possible housing need in the area and to comply with policy H16 of the adopted Unitary Development Plan..

16. Before the development hereby approved is commenced the details of habitat compensation and enhancement measures to be included within the proposed landscaping scheme in accordance with the recommendations in section 4 of the Ecological Appraisal (prepared by Mott MacDonald and dated October 2011) together with a timetable for the works shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented in accordance with the agreed timetable in order to avoid any adverse impact upon protected species and in accordance with the Wildlife and Countryside Act,, EU Habitats Directive, Regulations for European Protected Species and policies CN18 and CN22 of the adopted Unitary Development Plan.
17. No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification to be provided by the Local Planning authority and thereafter implemented in accordance with the approved details as being of potential archaeological interest. the investigation is required to ensure that any potential archaeological remains on the site can be recorded, in accordance with policies B13 and B14 of the adopted Unitary Development Plan.
18. Before the development hereby approved is commenced details of a pedestrian refuge island on Emerson Road to the west of the existing adopted access road and any

associated works to the carriageway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in full accordance with the agreed details before the occupation of any of the dwellings hereby permitted in order to ensure that adequate safe access to public transport and local facilities is provided in accordance with policies T8 and T14 of the adopted Unitary Development Plan

Pre-Occupation conditions

19. Prior to the occupation of any dwelling hereby permitted a detailed Travel Plan, including specific targets measures and monitoring arrangements building upon the Travel Plan Framework (prepared by Mott MacDonald and dated October 2011) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in full accordance with the agreed details in order to ensure that the Travel Plan targets are being met and to ensure that the use of modes of transport other than the private car are promoted and to comply with policy T14 of the adopted Unitary Development Plan.
20. No dwelling hereby permitted shall be occupied until the archaeological fieldwork has been written up in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the agreed journal as the site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any potential archaeological remains on the site can be recorded, in accordance with policies B13 and B14 of the adopted Unitary Development Plan.
21. No dwelling hereby permitted shall be occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 17 has been submitted to and approved in writing by the Local Planning Authority as the site is located within an area identified as being of potential archaeological interest. the investigation is required to ensure that any potential archaeological remains on the site can be recorded, in accordance with policies B13 and B14 of the adopted Unitary Development Plan.
22. No construction work shall take place on any dwellings until a scheme for the provision of sound insulation against traffic noise to achieve internal bedroom noise levels of 35dB(A) with windows closed and other means of ventilation provided has been submitted to and approved in writing by the Local Planning Authority. Before occupation a validation survey shall be undertaken and the results submitted to and agreed in writing by the Local Planning Authority to ensure that those levels are being met. Thereafter the sound insulation shall be retained in accordance with this standard in order to ensure that acceptable noise levels are attained within the residential properties in accordance with Planning Policy Guidance Note 24: Planning and Noise and with policies B2 and EN6 of the adopted Unitary Development Plan.
23. The noise attenuation fence along the west, south and east edges of the site to achieve a noise level within garden areas of no more than 55dB(A), as recommended in section 7 of the Noise Survey, Noise Exposure Classification and Facade Acoustic Design report (compiled by Apex Acoustics and dated 18th October 2012) shall be fully implemented.

Before any dwelling is occupied, validation surveys shall be undertaken and the results assessed and submitted to the Local Planning Authority. In the event that the required noise levels are exceeded, further appropriate mitigation measures shall be submitted to and approved in writing by the Local Planning Authority in order to ensure that acceptable noise levels are achieved in garden areas in accordance with Planning Policy Guidance Note 24: Planning and Noise and with policies 2 and EN6 of the adopted Unitary Development Plan.

Regulatory conditions

24. The clearance of any scrub or trees shall be undertaken outside the bird breeding season (March to end of August inclusive) unless a checking survey by an appropriately qualified ecologist has confirmed that no active nests are present immediately prior to the commencement of those works in order to avoid any adverse impact upon protected species and in accordance with the Wildlife and Countryside Act., EU Habitats Directive, Regulations for European Protected Species and policies CN18 and CN22 of the adopted Unitary Development Plan.
25. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policies B2 and CN16 of the adopted Unitary Development Plan.
26. No dwelling hereby permitted shall be occupied until the access road serving it has been completed to at least base coarse level in accordance with the submitted plans, in order to achieve a satisfactory form of development and to comply with policies B2 and T14 of the adopted Unitary Development Plan.
27. The construction works required for the development hereby approved shall only be carried out between the hours of 07.30 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP
28. Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
Drawings Nos:
GIS21655-001 Site location Plan (Rec'd 24.10.11);
IL21655-008 Access existing points (Rec'd 03.11.11) ;
IL21655-009 Detail Access West (Rec'd 03.11.11) ;
IL21655-010 Access Pedestrians (Rec'd 03.11.11);
IL21655-011 Access Eastern emergency Access (Rec'd 03.11.11) ;

IL21655-012 Detail Access East (Rec'd 03.11.11) ;
IL21655-013 Site Access and Insets (Rec'd 03.11.11)

Documents:

Design and Access Statement September 2011 (Rec'd 24.10.11);
Historic Environment Desk Based Assessment August 2011 (Rec'd 24.10.11); Transport
Assessment October 2011 (Rec'd 24.10.11);
Travel Plan Framework October 2011 (Rec'd 24.10.11);
Ecological Appraisal October 2011 (Rec'd 24.10.11);
Flood Risk Assessment October 2011 (Rec'd 24.10.11);
Geo-environmental Desk Study October 2011 (Rec'd 24.10.11);
Planning Statement 18 October 2011 (Rec'd 24.10.11);
Economic Statement October 2011 (Rec'd 24.10.11);
Employment Land Assessment August 2011 (Rec'd 24.10.11);
Noise Survey, noise exposure classification and façade acoustic design strategy
18th October 2011 (Rec'd 24.10.11);
Statement of Community Involvement October 2011 (Rec'd 24.10.11)
Sustainability Statement October 2011 (Rec'd 24.10.11);
Site Marketing - letter from Storey Edward Symmons (Rec'd 02.02.12)
Economic Viability Assessment - e-mail from Nathaniel Lichfield & Partners
dated 25.01.12 and letter from Nathaniel Lichfield & Partners dated 9th March 2012;

In order to ensure that the completed development accords with the scheme approved
and to comply with policy B2 of the adopted Unitary Development Plan.



Number:	S8
Application Number:	12/00150/LAP
Proposal:	Erection of a single storey changing pavilion to include 6no. team changing rooms, 2no. official's changing rooms, kitchen and public male, female and accessible W.C.s. Erection of a 2.4 metre high paladin fence and double gates and provision of new footpath and traffic calming facility.
Location:	Northern Area Playing Fields Stephenson Road Stephenson Washington

Subsequent to the main agenda report in connection with this application, further consideration has been given to the acceptability of the proposed development in respect of the potential enclosure of two of the football pitches by way of a new fence.

As the proposal relates to works affecting an existing playing field, Sport England are a statutory consultee on the planning application. Formal comments have not yet been received from Sport England, but initial advice received suggests that further consideration is required in respect of this proposal and its implications on the availability of playing fields in the locality, which means that it will not be possible to make a recommendation for the determination of the application to the Hetton, Houghton and Washington DC Sub-Committee meeting of 27th March 2012.

Accordingly, it is recommended that the application be withdrawn from the agenda for the Sub-Committee Meeting on 27 March 2012 and deferred to the a subsequent meeting of the Sub-Committee, to which, a full report and recommended decision can be made.

RECOMMENDATION: DEFER pending further consultation.

Number:	S9
Application Number:	12/00259/FUL
Proposal:	Change of use from opticians to bistro/cafe (Use Class A3) with flat above and erection of single storey extension and provision of rooflight to rear and new timber fascia over shop front (AMENDED DESCRIPTION
Location:	77 Newbottle Street Houghton-Le-Spring DH4 4AR

As stated in the main report to the Sub-Committee, the main issues to consider with regard to the proposed development are:

- the principle of the proposed change of use;
- the impact of the proposed development on residential and visual amenity and accessibility;
- the environmental impact of the proposed use;
- the level of amenity afforded to the proposed flat; and
- any parking / highway safety implications.

Principle

The site lies within Houghton Town Centre, as defined by the proposals map of the Council's adopted Unitary Development Plan (UDP), and, as such, policy HA30 is relevant, which states that the maintenance and improvement of Houghton Shopping Centre will be supported. This policy cites policy S2 of the UDP, which states that the Council will give favourable consideration to proposals which will sustain and enhance the vitality, viability and appropriate diversification of retail centres and thereby facilitate their regeneration. Subject to other policies within the UDP, Use Classes A1 (retail), A2 (financial and professional services), the former Class A3 (all food and drink, which has since been divided into Classes A3, A4 and A5), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) are identified as being acceptable within these centres.

The proposed bistro/café falls within Class A3, which is explicitly identified as an acceptable use within Houghton Shopping Centre. The development would also carry the benefit of bringing a currently vacant unit back into use, resulting in the creation of additional jobs (it is stated on the application form that 2no. full-time and 2no. part-time staff would be employed) whilst introducing an additional business to the Shopping Centre, to the benefit of the vitality and viability of the local area. There are also a number of first floor flats within the host terrace, so the principle of providing residential accommodation in the upper floor of properties in the terrace has been established.

Having regard to the concerns raised by Councillor Ellis and three local occupants relating the number of food-related uses within Newbottle Street and Houghton Shopping Centre in general, it is noted that there is a significant number of food-related uses within the locality. However, these

particular uses are varied, comprising hot food takeaways, a number of which are not open during the daytime, cafés and shops. As such, it is not considered that there exists a proliferation of bistros/cafés within Newbottle Street. Notwithstanding this, Members are advised that market competition is not a material planning consideration and are reminded that the premises have been vacant for some time.

Having regard to the aforementioned policies, notwithstanding the other issues listed above, the principle of the proposed change in the use of the property to a bistro/café with a flat above is considered to be acceptable.

Residential/Visual Amenity, Accessibility and Environmental Impact

Policy B2 of the UDP requires that the scale, massing and layout of new development should respect and enhance the best qualities of nearby properties and the locality whilst UDP policy S12 states that planning permission for hot food takeaways, restaurants and other food uses will normally be granted in existing town and local centres unless they have a detrimental effect on the environment, residential amenity and public or highway safety.

Section 9 of the adopted Development Control SPG expands on this and indicates that hot food takeaways 'will normally be permitted in shopping parades of greater than 10 units subject to the need to protect the amenities of residential properties from noise and general disturbance associated with food preparation and vehicle and pedestrian movement'. Section 9.1a(iii) states that 'applications for A3 uses likely to lead to car parking on nearby residential roads in evening periods and which would be likely to cause nuisance to nearby residents will not normally be permitted' whilst section 9.1b(iv) states that 'proposals for take-away hot food shops immediately adjacent or below properties in residential use will normally only be permitted where effective measures to mitigate smells and internally generated noise can be implemented. Such measures must be fully installed before trading commences'.

The application site is situated within Houghton Shopping Centre, a UDP designated town centre, in a parade containing significantly more than 10 units. There are no residential roads within the immediate vicinity of the site wherein cars may be likely to park and the submitted business concept states that the majority of trade would be by delivery of telephone orders and only approximately 20% of sales would be to customers visiting the premises, further negating any potential disturbance. The nearest residential property to the application site is a flat above a hot food takeaway situated 2no. properties away at no. 73 Newbottle Street, which was granted planning permission retrospectively in 2008 (application ref. 07/05310/FUL) upon condition that a suitable scheme of noise mitigation be put in place. In order to ensure that an adequate level of amenity is provided to the currently proposed flat it is recommended, should Members be minded to approve the application, that a similar condition be imposed in this instance, in addition to a condition requiring details of a means of extraction/filtration for the proposed bistro/café to be provided. The proposed opening hours of 08:00 to 19:00 on Mondays to Saturdays and 10:00 to 16:00 on Sundays and Bank/Public Holidays are considered to be acceptable in this instance, being typical of other premises in the area, and would facilitate an active frontage during daytime hours. As such, it is not considered that the proposal would be detrimental to residential amenity.

In terms of visual amenity, the proposed extension would not be visible from the public realm whilst it is not considered that the proposed rooflight would have any notable affect on the appearance of the host building; no details have been provided of the extraction flue, so its visual impact can be assessed upon receipt of such, which would be required by condition should Members be minded to approve the application.

Policy S8 of the UDP relates specifically to shop fronts and states, 'new and redesigned shop fronts should be of a scale, design and materials which relate satisfactorily to the building in which the shop front is to be installed, also to adjacent buildings. Access for people with disabilities should be provided wherever possible in new shop front design in accordance with development control guidance'. The proposed alterations to the shop front are relatively minor and it is considered that they would make a general improvement to its appearance whilst the access arrangements would remain unaltered.

For such reasons, it is not considered that the proposal would be detrimental to the appearance of the host building or the visual amenity of the streetscene whilst an acceptable means of access would be provided.

Highway Safety

Policies T14 and T22 of the UDP require proposals for new development to be readily accessible by pedestrians, cyclists and users of public transport and indicate that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision should be made for parking and the loading and unloading of commercial vehicles.

Section 9.1b(i) of the SPG states that 'take-away hot food shops will not normally be permitted without adequate on-street or other short stay parking provision, which should be conveniently located for use by customers and should not result in hazardous conditions for pedestrians, vehicles and other road users'.

A substantial car park is situated directly to the rear of the site, although this is dedicated to the Co-Op supermarket. However, it must be noted that the host property is situated within an existing shopping centre with good bus links and a public car park exists within close proximity.

With regards to servicing and refuse storage, whilst no details of such have been provided, it would appear that adequate provision can be made for servicing to the rear whilst the courtyard, for instance, could be reasonably used for the storage of refuse. As such, it is considered that a condition can reasonably be imposed requiring the submission of such details.

Upon compliance with such a condition, it is not considered that the proposal would compromise highway safety or the free passage of traffic, in accordance with policies T14 and T22 of the UDP.

Conclusion

For the reasons given above and particularly the fact that the proposal directly accords with the land-use policy of the UDP, the principle of the proposed change of use is considered to be acceptable and it is not considered that the proposal would compromise residential or visual amenity, accessibility or highway safety, in accordance with policies B2, EN6, S2, S8, S12, T14, T22 of the UDP and topic 9 of the adopted Development Control SPG, and the application should be approved accordingly, subject to the following conditions.

However, the statutory period for the receipt of representations does not expire until 26 March 2012, subsequent to the preparation of this report but prior to the Sub-Committee meeting. Accordingly, any representations received in this interim period shall be reported at the Sub-Committee meeting.

RECOMMENDATION: APPROVE subject to conditions:

Conditions

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Drawing No. 687-01: Existing Survey Drawing received 08.02.2012

Drawing No. 687-02: Proposed Planning Application Drawing received 08.02.2012

Drawing No. 687-03: Proposed Elevational Detail received 08.02.2012

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

- 3 The ground floor of the host building shall not be operated for the purposes hereby approved until details of a ventilation/extraction/filtration system have been submitted to and approved in writing by the Local Planning Authority and the system has been fully installed in accordance with the approved details. The system shall then be maintained and remain fully operational at all times for the lifetime of the use hereby approved, in order to protect the amenities of the area and to comply with policies B2 and S12 of the adopted Unitary Development Plan.
- 4 The flat hereby approved shall not be occupied until a suitable scheme of noise mitigation has been submitted to and approved, in writing, by the Local Planning Authority and

subsequently implemented in accordance with the approved details, unless otherwise agreed to in writing by Local Planning Authority, in order to afford an adequate level of amenity to the flat hereby approved and to comply with policies B2 and EN6 of the adopted Unitary Development Plan.

- 5 No development shall commence until a plan showing the provision of adequate facilities for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority, and shall be so installed and maintained thereafter, in the interest of highway safety and the visual amenities of the area and to comply with policies S12 and T14 of the adopted Unitary Development Plan.
- 6 The ground floor of the building shall not be operated for the purposes hereby approved other than between the hours of 08:00 to 19:00 on Mondays to Saturdays inclusive (excluding Bank/Public Holidays) and 10:00 to 16:00 on Sundays and Bank/Public Holidays, in order to protect the amenities of the area and to comply with policies B2 and S12 of the adopted Unitary Development Plan.