

**Development Control (Houghton)
Sub-Committee**

SUPPLEMENTARY REPORT ON APPLICATIONS

REPORT BY DIRECTOR OF DEVELOPMENT AND REGENERATION SERVICES

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.

S1 89 High Street, Easington Lane

Houghton Sub-Committee

SUPPLEMENT

Number: S1

Application Number: 08/03391/FUL

Proposal: Change of use of existing terraced house to ground floor cafe/hot food takeaway with self-contained residential flat at first floor level and installation of shop front.

Location: 89 High Street Easington Lane Houghton Le Spring DH5 0JR

Further to the report on the main agenda this supplement provides consideration of the following matters arising from the development:

4. Environmental Health,
 5. Other issues.
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4. Environmental Health

Environmental Health provided comments on 21st October 2007. There were no objections to the application as such. However, comment was made regarding the close proximity to nearby residential dwellings and as a consequence a high quality extraction system incorporating a grease filtration system would be essential.

Environmental Health also remarked that it is essential that refuse is disposed of responsibly in order to detract pests.

Whilst it is recognised that Environment Health do not have any fundamental objections to the proposal, it is still considered that the development if approved would cause significant issues in terms of noise and odour. This is because in practice it may prove impossible to completely eliminate conversational noise and odour emitted from the shop especially when the door is open, this is considered to be unreasonable to the residents of the adjacent residential unit (91 High

Street) and would fail to promote satisfactory living conditions. As such the proposed change of use is considered to be unacceptable.

5. Other Issues

A objection has been received from Hetton Town Council, which has concerns that there are already too many hot food takeaways on the High Street.

Since the main report was written on 14th October 2008, further objections have been received from the occupiers of 32 High Street. Their objection on the same grounds as the Town Council was supported by twelve signatures.

In response to the objections from both Hetton Town Council and occupants of 32 High Street, Members should be aware that it is not for the Local Planning Authority to prevent competition, rather it should be left to market forces. Furthermore, it is not considered that the street is over proliferated with takeaways.

It is recognised that consent was granted on appeal for a hot food takeaway at 125 High Street on 10th August 2007 by the Planning Inspectorate (App. No 06/04790/FUL), it is important to be aware of the different circumstances in that case in comparison to the current application. Number 125 had been lying vacant for four years from the period of 2003 to 2007, having previously been operated as a greengrocers. Consequently there was considered to be a great need for the re-occupation of the shop in the interests of reinvigorating the High Street. The current application at number 89 does not share these characteristics as the property has been in residential use since 1977, and could continue to be used for such purposes.

It is also important to be aware that the two properties sited to either side of 125 High Street, were in commercial use, with 127 already in use as a hot food takeaway. However, in the current case at 89 High Street, the adjacent property to the east is a residential unit and as such different circumstances again exist between the two cases.

Conclusion

The development is considered to be incompatible in terms of land use due to the close proximity of residential properties as a result of noise and odours which will result from the proposed use. The proposal is likely to cause significant residential amenity issues in terms of conversational noise from the application premises and also additional pedestrian movements generated by the takeaway/café at a time of day when the residents could be expected to enjoy relative peace and quiet. As a consequence the proposal fails to comply with policies B2, EN5, EN10, S11 and S12 of the UDP.

It is therefore recommended that members refuse the proposed development on the grounds set out below.

RECOMMENDATION: REFUSE on the following grounds.

1. The proposed use would have a detrimental effect on the amenities of nearby residents by reason of noise, smell and disturbance late at night and, as such, is contrary to policies B2, EN5, EN10, S11 S12 and S22 of the UDP and section 9 of the SPG.
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