

S1 91 Newcastle Road, Sunderland, SR5 1JB.

Number:	S1
Application Number:	14/00287/FUL
Proposal:	Change of use of ground floor from newsagents to hot food takeaway and installation of extraction flue to rear (amended description 26/02/2014).
Location:	91 Newcastle Road, Sunderland, SR5 1JB.

As stated in the main report, the proposed change of use of the ground floor of the premises to a hot-food takeaway is considered to be broadly acceptable in principle, whilst the erection of an extraction flue to the rear of the property is also considered to be acceptable with regard to its impact on the visual amenity of the locality. However, the proposed change of use raises concern in relation to its impact on the amenity of surrounding residential dwellings, for the takeaway use will lead to noise and disturbance generated by visitors to the premises, both on foot and in vehicles, late into the evening.

At the time of writing the main report, the period for the receipt of representations from members of the public in respect of the application had not yet expired, whilst consultation comments were awaited from the Council's Network Management team in respect of highway and pedestrian safety and parking matters. These outstanding matters are considered in turn below.

REPRESENTATIONS

The end of the period for receipt of representations (20th March) has now expired and since the preparation of the main report, a further 19 no. letters of representation have been received. This gives a total of 32 no. representations, 28 no. of which object to the application and 4 no. of which are in support.

The letters of objection do not raise any additional issues which have not already been noted in the 'representations' section of the main report, with concerns relating to on-street parking and highway safety, litter, smells, odours and noise and disturbance being most prevalent.

The additional letters of support, meanwhile, essentially welcome the takeaway, suggesting that it will be a much-needed facility for the locality.

In addition to the above, the applicant has submitted a petition in support of the proposed change of use. A total of 154 no. persons have signed the petition, which is headed by the following statement:

'Dear Customers,
As you are aware, we are hoping to change this shop from a newsagent to

a hot food takeaway. We will make sure the bottom shop has all the services this shop provides (e.g. lottery, pay point). If you support this change we would be very grateful if you would sign this petition'.

(N.B. The 'bottom shop' referred to in the statement is the applicant's second newsagent/convenience store at nearby Eglinton Street.)

The applicant has also submitted a statement which provides some comment on matters raised by the objectors to the application and essentially indicates that he wishes to operate the proposed takeaway in a neighbourly manner. The applicant states that he is aware of the parking issues in the vicinity of the site, but suggests that this may partly be due to multiple car ownership amongst local residents. The applicant also apologises for any inconvenience which may have been caused by the loading and unloading of his van on the lane at the rear of the premises. It is also advised that the applicant fully intends to ensure waste is managed in a manner which will prevent the attraction of vermin to the site.

The applicant has also elected to submit financial information (e.g. bank statements, tax returns) which appears to indicate that the takings of the newsagent business have reduced markedly in recent years.

IMPACT OF DEVELOPMENT ON HIGHWAY AND PEDESTRIAN SAFETY

A consultation response from the Council's Network Management section has now been received. The comments note that there are existing parking restrictions on Newcastle Road and the corner of Crozier Street and that the area to the north of the Stadium of Light, bounded by Thompson Road, Newcastle Road and Southwick Road, may soon be subject to a Community Events Parking Scheme.

The comments queried whether the property benefits from any in-curtilage parking provision and seeks clarification of the proposed delivery service and staff parking arrangements. The applicant has since verbally indicated that up to two vehicles will be used to provide a delivery service and that four to six staff are likely to be present at the premises at any one time. The delivery vehicles and any staff vehicles would have to be parked on-street, as there is no in-curtilage parking available, although it is suggested that a high proportion of staff are likely to live within walking distance of the application premises.

The consultation response advises that there is already a significant amount of on-street parking in the area and it is considered that the change of use will lead to additional short-term opportunist and illegal parking in the vicinity of the premises, generated by customers, staff and delivery vehicles. It is suggested that these concerns may support a decision to refuse planning permission.

The Network Management team's concerns are shared by virtually all of the of local residents objecting to the application, with high levels of on-

street parking, which is argued to be causing obstruction to residents and highway safety issues, a common theme of the submitted representations. In addition, site visits carried out by Council Planning Officers during the day and after 6pm on weekday evenings have confirmed that adjacent streets, in particular Crozier Street, do experience significant levels of on-street parking, with the existing fish and chips takeaway appearing to make a significant contribution to the amount of parking at the site.

With regard to the above comments, it is evident that the opening of the proposed hot-food takeaway would increase the already-high levels of opportunist on-street parking on the residential streets adjacent to the site, thus giving rise to highway and pedestrian safety concerns. The proposal therefore conflicts with the requirements of policies S12 and T14 of the UDP and section 9 of the SPG.

CONCLUSION

As detailed in the main report, it is considered that the broad principle of a hot-food takeaway in the subject unit is acceptable in terms of its location within this mixed-use area, whilst the proposal raise no concerns in relation to visual amenity.

However, the proposed change of use of the unit as a hot food takeaway does raise significant concerns in relation to the amenity of adjoining, adjacent and neighbouring dwellings due to the disturbance which will be generated by visitors to the premises, both on foot and in vehicles, late in the evening. Disturbance will be caused by the conversation of customers inside and outside the premises, the banging of car doors and the revving of the car engines of visiting customers, which will occur on nearby residential streets. The levels of noise and disturbance will be greater than that generated by the current retail use, will be combined with that generated by the existing hot food takeaway at 8/10 Crozier Street and will also occur into the evening, when residents can reasonably expect peace and quiet.

Furthermore, as noted above, the Council's Network Management team have expressed concern in relation to the generation of additional opportunist on-street parking in an area which is already heavily parked.

The proposed change of use is therefore considered to be in conflict with the requirements of policies S12 and T14 of the UDP, section 9 of the SPG and the core planning principles of the NPPF.

However, in reaching a decision on applications of this nature, regard must also be had to the pro-sustainable development thrust of the current national planning policy and guidance agenda. The current Coalition Government's Localism Act also requires Local Planning Authorities take great heed of the opinions, needs and requirements of local residents and communities in both plan-making and decision-taking.

In this particular case, the subject unit was, at the time of a site visit,

occupied, although it is recognised that the applicant's current business has suffered a downturn in fortunes, possibly due to the recent opening of the nearby Tesco supermarket. Nevertheless, the proposal would not have the benefit of bringing a long-term vacant unit back into use and whilst there may be some low-level job creation or retention as a result of the proposed change of use and the applicant may see financial improvements with a change in business, these are not considered to be benefits which would necessarily outweigh the Council's concerns in relation to the proposed use's detrimental impact on residential amenity and highway and pedestrian safety.

In line with the Localism agenda, substantial weight is attached to the representations received from the local community in response to consultation, with particular weight given to those received from the residential properties adjoining the application premises and in the immediate vicinity of it. In this regard, it is observed that the majority of those living closest to the application premises are in opposition to the proposals.

The petition of support supplied by the applicant is noted, but it is observed that much of the support is from residents of streets which are to varying extents removed from the context of the application site. In this respect it could be argued that the occupiers of such properties would undoubtedly benefit from the service provided by the proposed use without experiencing the potential detrimental impacts that have been outlined above.

For the reasons detailed above and in the main report, the proposed change of use raises concern in relation to its impact on the living conditions of nearby residential properties and the generation of additional on-street parking. It is considered that, in combination, these concerns are such that it should be concluded that the proposal will have a significant harmful impact on the amenities of the locality and highway and pedestrian safety.

Due regard has been given to the high number of representations received from the local community; it is recognised that a significant proportion are seemingly in favour of the proposed use, but those from immediate neighbours primarily share the Council's concerns relating to disturbance and harm to residential amenity and parking and highway safety concerns outlined earlier.

In addition, it is considered that the benefits the proposal may bring, in terms of a potential increase in income to the applicant and job retention/creation and an additional hot-food takeaway to serve the area, are relatively slight.

In summary, it is concluded that the significant harmful impacts of the development on the amenity of nearby residential properties and highway

pedestrian safety are not outweighed by the marginal benefits the proposed use of the premises may bring. The proposal therefore fails to comply with the core planning principles of the NPPF, policies S12 and T14 of the UDP and the 'Development Control Guidelines' SPG and is consequently considered to be unacceptable.

The application is accordingly recommended for refusal, for the following reason:

1. The proposed use of the unit as a hot-food takeaway will result in unacceptable levels of disturbance to nearby residential properties, caused by the comings and goings of customers and their vehicles, which will extend into late evening periods, and will generate additional opportunist on-street parking in a locality which already experiences significant levels of on-street parking during evening periods. The proposed use of the unit therefore fails to comply with the requirements of the National Planning Policy Framework (NPPF), policies S12 and T14 of the City Council's adopted Unitary Development Plan (1998) and section 9 of the 'Development Control Guidelines' Supplementary Planning Document.

RECOMMENDATION: Refuse