
APPLICATION DETAILS

Application No:	18/0319/FUL
Location:	The Tad Centre Ormesby Road Middlesbrough TS3 7SF
Proposal:	Erection of 1no restaurant (A3) with drive through facility and associated car park
Applicant:	Chicken Villas Limited
Agent:	Steve Simms
Company Name:	SSA Planning Limited
Ward:	Berwick Hills/Pallister
Recommendation:	Refuse

SUMMARY

Planning permission is sought to construct a single storey stand-alone restaurant with drive through facility and associated car park within the existing car park of the Tad Centre on Ormesby Road. Access is taken from the existing Tad Centre access point.

Following the consultation process, ten individual representations were received. One supported the proposal, nine were objections including two from Ward Councillors. A 48 signature petition objecting to the proposal was also received.

The main issues for consideration are:

- Whether the principle of the use accords with policy;
- The impact on the character and appearance of the surrounding area;
- The impact upon surrounding occupiers;
- The impact on highway safety
- The impact on public health;

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. It is therefore necessary to consider whether this application accords with the development plan and also take into account any other material considerations in reaching a decision.

The proposal has been considered against local guidance and policy and it is considered that the principle of the use is not acceptable due to the site being outside of the District Centre without adequate demonstration that there are no other more suitable sites available which could accommodate the operation. Despite the conclusions of the submitted noise report it is considered that the proposal has potential to have an impact on nearby residents in terms of noise and disturbance. There are concerns that the proposed site layout will

result in conflicting movements taking place close to the access within the site which in turn will impact on the safe operation of the highway. There are further concerns that due to its proximity to residential properties and a school the proposal will undermine the Council's aspirations to promote healthy living.

The proposal is considered to be an unacceptable form of development, contrary to National and Local policy and is therefore recommended for refusal.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is located in an area currently used as car parking for the adjacent TAD Centre off Ormesby Road. The site is adjacent to, but not within, the Berwick Hills District Centre. The car park associated with the district centre is immediately to the north and west of the site, the TAD Centre Building is to the south with residential properties on the opposite side of Ormesby Road to the east.

Planning permission is sought to erect a drive thru KFC restaurant with external seating area and associated parking.

The proposed building is single storey with a gently pitched roof, which slopes down from east to west. The external elevations would be finished in a mixture of timber cladding, textured brick, grey cladding, glazing and standard KFC livery.

Customer vehicles will enter the site through the existing access to the TAD Centre and loop around the southern elevation of the building in a clockwise direction. A separate ordering point and collection point for the drive-thru will be located on the buildings north elevation.

Delivery vehicles will access the site through the same access point, a servicing area is provided to the west side of the building.

Original plans submitted with the application showed a restaurant with a floor area of 265sq. m., drive through facility and 22 associated parking spaces. Following concerns raised by the Council's Highway Officer that there was a lack of parking, a revised plan showing the floor area of the restaurant reduced to 194sqm and provision of 27 parking spaces was submitted. The following supporting documents were also submitted:

- Transport Statement
- Sequential Test

A separate application for advertisements within the site has also been submitted although revised details remain to be required for that application and as such it is not in a position to determine at this point in time.

PLANNING HISTORY

18/0320/ADV - Various illuminated and non- illuminated signs including fascia signs, totem signs and directional signs associated with proposed restaurant and drive through facility

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise.

Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).

In addition the Council has produced its Middlesbrough Local Plan Publication Draft 2018. Whilst not yet adopted is a material consideration in the assessment of planning applications.

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

With regards to emerging local plan policies, para. 48 of the NPPF states;

Local planning authorities may give weight to relevant policies in emerging local plans according to:

- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) The degree of the consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

DC1 - General Development
CS4 - Sustainable Development
CS5 - Design
CS13 - Town Centres etc. Strategy

Relevant policies of the emerging Middlesbrough Local Plan (Publication Draft 2018) include

EG6 – Town, District and Local Centres
EG7 – Hot Food Takeaways
INFRA4 – Health and Wellbeing

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

Middlesbrough Council Planning Policy

The proposed use is in line with sustainable development Policy CS4, it is located so that services and facilities are accessible on foot, bicycle and public transport. Policies CS5 and DC1 must be considered, the development will need to demonstrate high quality design with the layout and form contributing to the character and appearance of the area, and importantly the effect upon the amenities of nearby residents must be minimal. Nevertheless as a main town centre use, a restaurant in this edge of centre location could be contrary to Policy CS13 and the NPPFs 'town centre first' approach.

Concerns were raised that a sequential test that was subsequently submitted did not demonstrate sufficient flexibility and robustness to demonstrate that the proposal will be in an appropriate location. The following alternative locations were suggested as possible alternative locations although at the time of compilation of this report the applicant has not responded to the suggestions.

- a) Vacant Yorkshire Bank unit, Norfolk Place - Berwick Hills District Centre
- b) Vacant Thirteen Neighbourhood Offices, Crossfell Road - Berwick Hills District Centre
- c) Car wash/ Former petrol station - Eastbourne Road Local Centre

Middlesbrough Council Highway Planning Access

Concerns raised regarding the intensification of use of the existing access and proposed layout of the scheme which could lead to vehicles backing up onto Ormesby Road which is a main arterial route and a bus corridor. Swept paths submitted with the Transport Statement show that technically the junction can accommodate movements but it is considered that an improved solution could be achieved.

Traffic Generation

Revised trip rates show that the level of traffic to the site will not have a material impact on the surrounding highway network.

Parking

Although figures provided within the Transport statement indicate that sufficient parking is provided within the site for existing and currently vacant business uses at the TAD Centre as well as the proposed use, concerns are raised regarding how the separate parking provision will be managed.

On the whole the scheme is considered marginal, predominantly due to the access arrangements. However due to the submission of swept path analysis demonstrating that the arrangement works from a technical perspective no objections are raised. Conditions relating to the following are suggested:

- Access improvements details
- Cycle parking details
- Method of Works Statement

Middlesbrough Council Environmental Health

No objection subject to conditions relating to the following:

- Submission of details including mitigation measures relating of fixed plant and machinery.
- Submission of validation testing report for works carried out in accordance with the approved noise assessment.
- Details of any flood lighting.
- Details of ventilation and fume extraction system
- Hours of opening to be between 07.00 to 23.00 Monday to Sunday
- Deliveries and Collection to be between 08.00 to 19.00 Mon to Saturday and 09.30 to 18.30 Sunday.

Middlesbrough Council Public Health

Details were provided showing that Middlesbrough has a higher than average mortality rate for preventable Cardiovascular Disease and that the proposal is in a ward where levels of excess weight in children is higher than the England average. The site is within 300m of Unity City Academy and on the same site as a day nursery and so its impact on consumers, particularly children and young people should be considered.

Comment was made that the Food Environment Assessment Tool shows that there is a saturation of fast food outlets in the area with 52 takeaways within one mile of the development postcode.

Advised that National Planning Guidance recognises that the planning system has an important role to play in creating healthy communities and that planning practice guidance updated in 2017 refers to the implementation of local planning policies which limit the proliferation of certain use classes in identified areas, where planning permission is required. Provided that there is an evidence base and rationale to do so.

Middlesbrough Council Waste Policy

Details of bin storage provision were requested and subsequently provided. Comments on the revised details have not been received but can be dealt with by condition.

Secure by Design Officer

Development should be built to accredited Secured By Design Commercial standards.
Advisory note to be attached to any approval.

Northern Gas Network

No objection.

Northern Power Grid

No comments received.

Northumbrian Water

The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

Ward Councillors

Objections from Councillors Dryden and Thompson were received. The basis of the objections are included in the summary below.

Public comment

A 48 signature petition was received along with seven individual letters of objection.

Objections to the proposal can be summarised as follows:

- Proximity to residential properties and school
- Road safety
- Noise and disturbance
- Threat to function of TAD centre
- Litter
- Odour
- Public Health/Obesity
- Lack of parking
- Impact on vitality of nearby local centres
- Pollution caused by additional traffic
- Impact on School attendance
- Anti-social behaviour

Public Responses

Number of original neighbour consultations	103
Total numbers of comments received	11
Total number of objections	9
Total number of support	1
Total number of representations	1

Site notice posted –
23rd May 2018

PLANNING CONSIDERATION AND ASSESSMENT

Principle

1. The NPPF states that local planning authorities amongst other matters should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. It states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan.
2. Objections were raised on the basis that the proposal will not be in an appropriate location and will be detrimental to the vitality and viability of nearby local centres as well as the adjacent TAD Centre. The issues regarding health addressed below in the Public Health section of this report.
3. Policy CS13 of the Core Strategy (Policy EG6 of the Publication Draft) sets out a hierarchy of vital and viable town, district, local and neighbourhood centres and seek to safeguard the retail character and function of each centre by resisting development that detracts from their vitality and viability. The site is located on the edge of but not within the Berwick Hills District Centre, the proposed use as a restaurant and drive through is considered to be a town centre use and so in accordance with National Guidance a sequential test was requested and subsequently submitted.
4. Planning Practice Guidance determines it is for the applicant to demonstrate compliance with the sequential test, which should be proportionate and appropriate for the given proposal. The test should identify whether any sequential preferable sites of broadly the same size of the subject site are currently available and suitable, whilst demonstrating flexibility in the format and scale of the proposal.
5. Paragraph 4.7 of the submitted assessment 'identifies the size and scale of the proposed development as appropriate to a district or smaller centre, and identifies the suitable search area in 'Plan 2.' The assessment considers 4 sites within and on the edge of the Berwick Hills District Centre, however, given the search criteria identified in the document, it fails to consider any sequentially preferable locations within designated smaller local centres that fall within the search area. Three sites identified in the Councils March 2018 centre surveys were identified as being suitable for consideration. The applicant was advised of the possible sites but at the time of compilation of this report, the submission has not provided any justification for their exclusion.
6. It is considered therefore that the sequential assessment does not demonstrate sufficient flexibility and robustness to demonstrate that no other suitable sites are available and so does not justify the location of town centre use in an out of centre location.
7. Given its location adjacent the District Centre, it could be argued that the proposed use will add to provision, however it has a separate access and parking, it is considered that this and the drive through facility will make it more likely that customers will make a stand-alone trip which could attract custom away from the centre thereby reducing footfall and undermining its vitality and viability.
8. Although the site is located beyond walking distance of other nearby centres, given the proposed drive through facility, customers who would otherwise walk or drive to closer local facilities such as The Greenway, Marshall Avenue and Beresford Buildings may be attracted to drive to the restaurant/ takeaway thereby reducing

custom at the more local centres which are smaller centres and so more vulnerable to loss of footfall. It is considered therefore that the proposal will detract from the vitality and viability of surrounding local centres.

9. In view of the above the proposal is considered to conflict with Policy CS13 of the Middlesbrough Core Strategy, and EG6 of the emerging Local Plan, and is not acceptable in principle.

Impact on character and appearance

10. Policies DC1, CS4 and CS5 of the local development plan in essence seek to ensure that all applications deliver high quality sustainable development that is well integrated with the immediate and wider context.
11. The proposed restaurant/drive-thru would be located within the TAD Centre site on land currently occupied by parking. The TAD Centre is a part two storey part four storey modern glass fronted building, other surrounding buildings are one and two storey building with no common design characteristics. The proposed building is single story with mixed cladded walls and glazed entrance feature to the front. It is considered that the modern design of the development would be in keeping with the character and appearance adjacent TAD Centre building and will have minimal impact on the character of the surrounding area. It is also located in a close to sustainable transport routes in accordance with Policies DC1, CS4 and DC5.

Impact on Amenity

12. Policy DC1 of the Local Development Plan states that the effect upon the surrounding environment and amenities of nearby properties will be minimal both during and after completion.
13. Objections were raised by local residents on the basis that the proposal would result in disturbance as a result of cooking odours and noise and disturbance from customers, plant and delivery vehicles particularly during the evening.
14. A noise report has been submitted in support of the application, it advises that: *“noise from fixed plant and machinery will be designed and controlled so as not to exceed the typical background noise level; noise from the drive through facility and car parking activity would comply with World Health Organisation (WHO) guidance by some margin and would be below the existing ambient noise climate; noise from customer vehicles on the surrounding road network would result in imperceptible increase in road traffic noise and would have no impact on the amenity of existing residents; noise from deliveries would be marginally above the evening background levels, but below the WHO guidelines and the existing ambient noise environment, such as to have, in context, a low impact”*. The report concludes that the proposed restaurant with drive through facility could operate without causing significant adverse effects in accordance with national and local policy aims
15. The council’s Environmental Health Officer considered the noise assessment and raised no objection subject to relevant conditions being imposed. The conditions suggested relate to submission of details of:
 - fixed plant and machinery;
 - fume extraction and ventilation systems
 - flood lighting
 - validation report testing the sound attenuation works have been carried out in accordance with the approved noise assessment.
 - Operating hours at the site should be restricted to 07.00hrs to 23.00hrs Mon to Sunday and

- Deliveries between the hours of 08.00hrs to 19.00hrs Mon to Sat and 09.30hrs to 18.30hrs on Sunday.
16. On the basis of the conclusions of the submitted noise assessment, it would be difficult to substantiate a reason for refusal of planning permission based on noise and disturbance. The report does not identify noise from customers using the outside seating area located to the east of the building which will be 45m from the front elevation of the nearest properties on Summerby Terrace. It is difficult to quantify noise from raised voices but the proposal has the potential to attract customers to the outside seating areas who may remain at the site beyond the closing time of 11pm when raised voices have the potential to cause disturbance at a time when residents can expect to enjoy peace and quiet. It is considered therefore that on balance the proposal will result in unacceptable noise and disturbance contrary to Policy DC1 (test c).
 17. In respect of concerns raised about potential odours, adequate fume extraction and ventilation equipment is available to prevent this and can be controlled by condition

Highways

18. Policy DC1 states that development should have limited impact upon the capacity of existing and proposed transportation infrastructure both during and after completion with no impact being evident at all through the development process.
19. Local residents and Ward Councillors raised concerns that the proposal would result in harm to highway safety, highway congestion and parking problems.
20. A Transport Statement has been submitted in support of the application. The statement includes analysis of parking provision for both the existing TAD centre and the proposed restaurant/drive-thru and a swept path analysis for delivery vehicles.
21. The Councils Highway Officer gave the following comments on the proposal:

The proposed development seeks to utilise the existing junction to Ormesby Road.

Currently the internal layout beyond the site access operates as a one-way system. As such vehicles entering the site are directed/moved away from the junction without being opposed by oncoming vehicles. Exiting traffic approaches the internal junction along the Northern boundary and as such is either outside of the swept path of incoming traffic or has a good level of forward visibility to wait clear of the junction as may be necessary.

Under the proposed internal arrangements there is two-way traffic within the internal layout which has a 90deg bend leading to the junction. Traffic exiting the drive thru also joins the internal layout at this bend and will either cross the internal road to wait in the grill bays or will exit the site. Both manoeuvres appear difficult/convoluted.

Whilst swept path analysis has demonstrated that technically the arrangement works officers have reservations over the reality of such an arrangement and believe that a better alternative arrangement is achievable.

The concern officers have is that the use of the site access junction with Ormesby Road is being intensified and that the proposed layout will increase the likelihood of vehicles crossing the centreline of the internal layout and thus hindering the operation of the junction leading to traffic backing up and out onto Ormesby Road.

Ormesby Road is a main arterial route and is a bus corridor.

Traffic Generation

Following negotiation with officers a revised TA has been submitted which utilises trip rates which are considered more realistic as they are based upon other approved KFC's within the authorities area (Middlehaven and Coulby Newham). Such work demonstrates that the site will generate in the region of 44 and 61 two-way movements during the weekday PM and Saturday lunchtime peaks respectively. Such a level of traffic generation will not have a material impact on the operation of the adjacent highway network.

Parking

111 spaces are currently provided on the site. The reconfiguration of the internal layout leads to some spaces being lost and some new spaces being provided.

Following the reconfiguration 111 spaces will remain on the site with the indicated level of provision being based upon;

27 spaces for the proposed KFC

84 spaces for the TAD centre.

The submitted TA has provided a parking accumulation exercise which indicates that, in pure numbers terms, sufficient parking for the site is provided.

The parking demand assumptions made within the accumulation exercise included;

The current operation of the TAD Centre,

The potential parking generated by the vacant elements of the TAD Centre

The KFC demand.

The applicant has not proposed to identify/manage which parking is to be used by which end user. Officers have some reservations with such an approach as there is the potential for either the KFC or TAD Centre to utilise a higher level/proportion of the car park area leading to a shortfall for the other uses on the site.

On the whole the scheme is considered marginal, predominantly due to the access arrangements. However due to the submission of swept path analysis demonstrating that the arrangement works from a technical perspective no objections are raised subject to relevant conditions relating to : provision of: access improvements cycle parking and method of works statement being imposed if Members are minded to approve the application.

22. Following concerns raised by the Councils Highway Engineer the site layout was amended and the size of the unit reduced to ensure that the scheme would meet requirements in terms of parking and trip levels and whilst it has been demonstrated that the amended proposal meets technical standards and that parking in the site meets existing and proposed parking needs, it is considered that the scheme has been 'squeezed' into the site giving rise to concerns about its practical operation. The Highway Engineer has expressed concerns that due to the tight layout and increased use of the junction onto Ormesby Road may result in traffic backing up during peak hours.
23. The layout within the site shows access for servicing through three parking bays and includes two spaces shown as 'grill bays' in the parking provision. It is argued that in practise these parking bays will not necessarily be available to customers using the restaurant thereby reducing overall parking provision at the site. Furthermore nine of the spaces associated with the proposal have been created in the car park to the southern side of the TAD Centre remote from the restaurant, it is considered that customers of KFC are more likely to use the closer car parks associated with the TAD Centre thereby reducing attractiveness of the TAD Centre facilities.

24. In view of the above it is considered that due to the layout of traffic circulation within the site and increased use of the existing access the proposal will have detrimental impact on the function of the highway contrary to Policy DC1(test d) and that the lack of adequate parking has the potential to undermine the successful operation of the nearby TAD Centre. The National Planning Policy Framework advocates high quality design for new development and it is considered that this proposed layout would therefore fail to meet this national requirement.

Public Health

25. Paragraph 91 of the NPPF identifies that planning decisions should aim to achieve healthy places, including enabling and supporting healthy lifestyles, especially where this would address identified health needs for example access to healthier food. Paragraph 92(b) of the NPPF states that planning policies and decisions should take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
26. Local residents and Ward Councillors raised concerns about the proximity of the proposal to a school and the impact on the health and wellbeing of the local community.
27. The Councils Public Health Officer has considered the proposal and raised an objection. He identifies that Middlesbrough has a higher than average mortality rate for preventable Cardiovascular Disease and that the proposal is in a ward where levels of excess weight in children is higher than the England average. The site is within 300m of Unity City Academy and on the same site as a day nursery and so its impact on consumers particularly children and young people should be considered. Comment was also made that the Food Environment Assessment Tool shows that there is a saturation of fast food outlets in the area with 52 takeaways within one mile of the site.
28. It is recognised that proliferation of hot food takeaways can have an adverse impact on health and well-being. A review of the Middlesbrough Local Plan is currently underway. The Publication Draft was approved by Council in October 2018, and is currently awaiting submission. It includes a section on hot food takeaways where the approach focuses upon the vitality and viability of centres and identifies the need for a balanced use of retail especially given the negative impacts that hot food takeaways can have. The policy also seeks to restrict such uses within 400m walking distance of secondary schools. As highlighted in the previous paragraph the application site is within 300m of Unity City Academy.
29. The intention is to introduce a number of methods that will provide a tool to manage proliferation and over-concentration in our centres. The key methods will be to restrict hot food takeaways outside of defined centres and apply a percentage threshold to existing centres. As shown above the further that a local plan goes through the consultation process the more weight that can be attached to it. As the local plan has reached an advanced stage it is considered that significant weight can be attached to its policies, however this needs to be seen in the context that objections have been received to the proposed hot food takeaway Policy (EG7) from both KFC and McDonalds, which in turn limit the weight that can be given to the policies at this stage. However given advice set out in the NPPF, it is considered that impact on Public Health is a material consideration and, it is appropriate to give significant weight to consideration of the impact of the proposal on the Health and well-being of the local population. In this instance, local evidence indicates that health conditions in this area of Middlesbrough are already above the national average.

30. The Planning Practice Guidance amplifies the interpretation of the NPPF and identifies at paragraph 6 of the Health and Wellbeing chapter that local planning authorities can consider bringing forward, where supported by an evidence base, local plan policies and supplementary planning documents, which limit the proliferation of certain use classes in identified areas, where planning permission is required. In doing so, evidence and guidance produced by local public health colleagues and Health and Wellbeing Boards may be relevant.
31. Local planning authorities and planning applicants could have particular regard to the following issues:
- proximity to locations where children and young people congregate such as schools, community centres and playgrounds
 - evidence indicating high levels of obesity, deprivation and general poor health in specific locations
32. In view of the concerns raised by the Council Public Health Officer the proposal is considered to contribute to the proliferation of hot food takeaway facilities in the area to the detriment of the Health and well-being of local residents contrary to national policy and the emerging local plan
- Other matters**
33. Other matters raised by objectors such as anti-social behaviour are not material planning considerations and can have no bearing on the outcome of this application.
- Summary**
34. The proposal has been assessed against local policy and guidance and it is considered that, due to its location outside of the district centre and lack of evidence to show no other more suitable site area available, the principle of a restaurant/ drive-thru use in this location is unacceptable and will undermine the vitality and viability of nearby centres contrary to Policy CS13. The use will result in noise and disturbance to nearby residents contrary to Policy DC1(test c). Due to the layout of vehicle circulation within the site, increased use of the existing access and undesirable layout of car parking provision, the proposal will have detrimental impact on the safe operation of the surrounding highway network contrary to Policy DC1 (test d). The proposed use will contribute to the proliferation of hot food takeaways within the area thereby undermining the Councils aspirations for improved Health and Well-being of the local population contrary to the NPPF (Paragraph 92b) and the emerging local plan.
- Conclusion**
35. In view of the above, the proposal is considered to be an unacceptable form of development contrary to both national and local policy and is therefore recommended for refusal.

RECOMMENDATIONS AND CONDITIONS

Refuse for the following reasons

1. Failure of Sequential Test

In the opinion of the Local Planning Authority, it is considered that, due to its location outside of the district centre and lack of evidence to show no other more suitable sites are available, the principle of a restaurant/ drive-thru use in this location is

unacceptable and will undermine the vitality and viability of nearby centres contrary to Local Plan Policy CS13 and para 91 and 92 of the NPPF.

2. Noise Impact

In the opinion of the Local Planning Authority, the proposed use will, as a result of its location relative to residential properties and associated opening hours, result in noise and disturbance to nearby residents contrary to Local Plan Policy DC1(test c).

3. Highway Implications

In the opinion of the Local Planning Authority, the proposed layout will result in an awkward arrangement for vehicle circulation within the site, increased use of the existing access and provides an undesirable layout of car parking provision, failing to provide an optimum solution for the site and will therefore have a detrimental impact on the safe operation of the surrounding highway network, associated with a main highway within the town, the combination of which is considered to be contrary to Local Plan Policy DC1 (test d).

4. Location of Use

In the opinion of the Local Planning Authority, the proposed use will contribute to the proliferation of hot food takeaways in an area with already high levels of such uses and is located in close proximity to a nursery and school, thereby undermining the Councils aspirations for improved Health and Well-being of the local population contrary to the NPPF (Paragraph 92b) and the emerging local plan.

Case Officer: Maria Froggatt

Committee Date: 1st February 2019

