JO-ANNE GARRICK LTD
Chartered Town Planner

Planning Statement

Change of use from loan shop to café serving hot and cold food for consumption both on and off the premises. Enclosure of rear yard and installation of extraction flue to rear elevation.

at

199 Prince Edward Road, South Shields, NE34 8PL

May 2020

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Director
Date: 22 May 2020

1. Introduction

1.1 This planning statement has been prepared by Jo-Anne Garrick Ltd to accompany an application for planning permission to change the use of a vacant loan shop to a café serving hot and cold food for consumption both on and off the premises. The application also seeks permission for the enclosure of the rear yard and the installation of extraction flue to the rear elevation.

1.2 This statement assesses the proposed development against the planning policy framework and guidance. It should be read in conjunction with the application plans prepared by Cummings Architects Limited and flue specifications.

1.3 The remainder of the statement is structured as follows:

- Section 2 – provides background to the application site and the need for the proposed development;
- Section 3 – sets the planning policy context;
- Section 4 – addresses conformity of the scheme with the development plan and other material considerations; and
- Section 5 – draws together the conclusions.

2. The site and proposed development

The application site

2.1 The application site comprises the ground floor and rear yard of a two-storey terraced property, sitting within a parade and forming part of a wider well-established retail area. The first floor of the property, which is also leased by the applicant, is empty and uninhabitable due to a lack of toilet and cooking facilities, it is used as storage. The site lies to the north of Prince Edward Road. Residential properties are located opposite the site, on the south of Prince Edward Road and on South Avenue to the north.



Figure 1: Application site

2.2 The unit is approximately 5m wide by 9m in depth and the rear yard covers an area of approximately 54m^2. The unit is vacant and has been since September 2017 when the previous occupants, 'Loans2go' ceased operation from the property, see copy of notice posted on the window of the unit in figure 2. It is understood from the owner of the property that when they purchased it in 2006, it was a sandwich shop and Loans2go began operating from the unit in 2007.



Figure 2: Notice

The proposed development

2.3 Planning permission is sought to change the use of the unit to a café and to undertake works to the rear, including the installation of an extraction flue. The café would sell hot and cold food for consumption both on and off the premises. The proposed plans (figure 3) illustrate a counter area and space for six tables.

2.4 Externally, the existing shop front sign is proposed to be replaced with a new sign, the same size and materials as existing. The application also seeks permission for works to the rear yard area, which have already been undertaken. This has created a covered storage area, by installing a flat felt roof over a timber frame built on the existing side and rear boundary walls, the structure is clad with brick cladding (see figure 4).

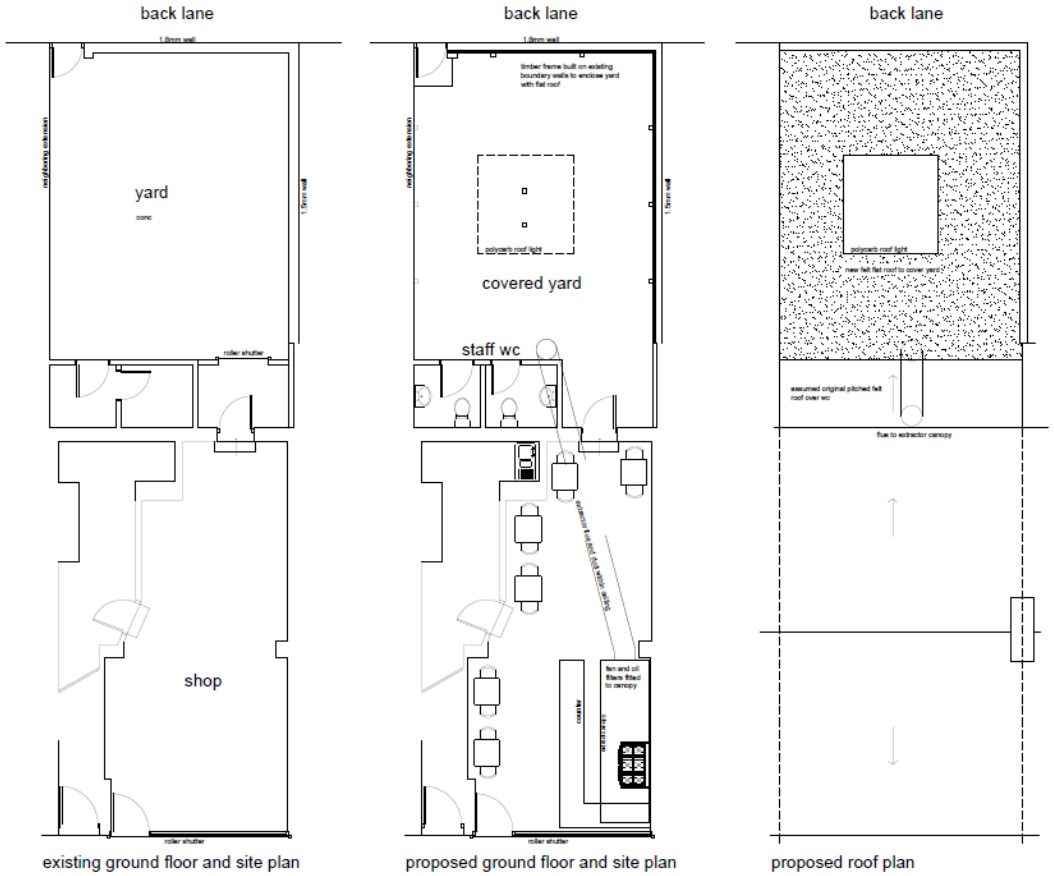


Figure 3: Floor plans and roof plan (not to scale)

2.5 An external flue has been installed at the rear of the property. Planning permission is also sought for this element. Following guidance from the council's environmental health department, work is proposed to extend the height of the flue that has been installed to 1m above eaves level and to install the filters and silencer as detailed on the submitted plans and flue specification document.

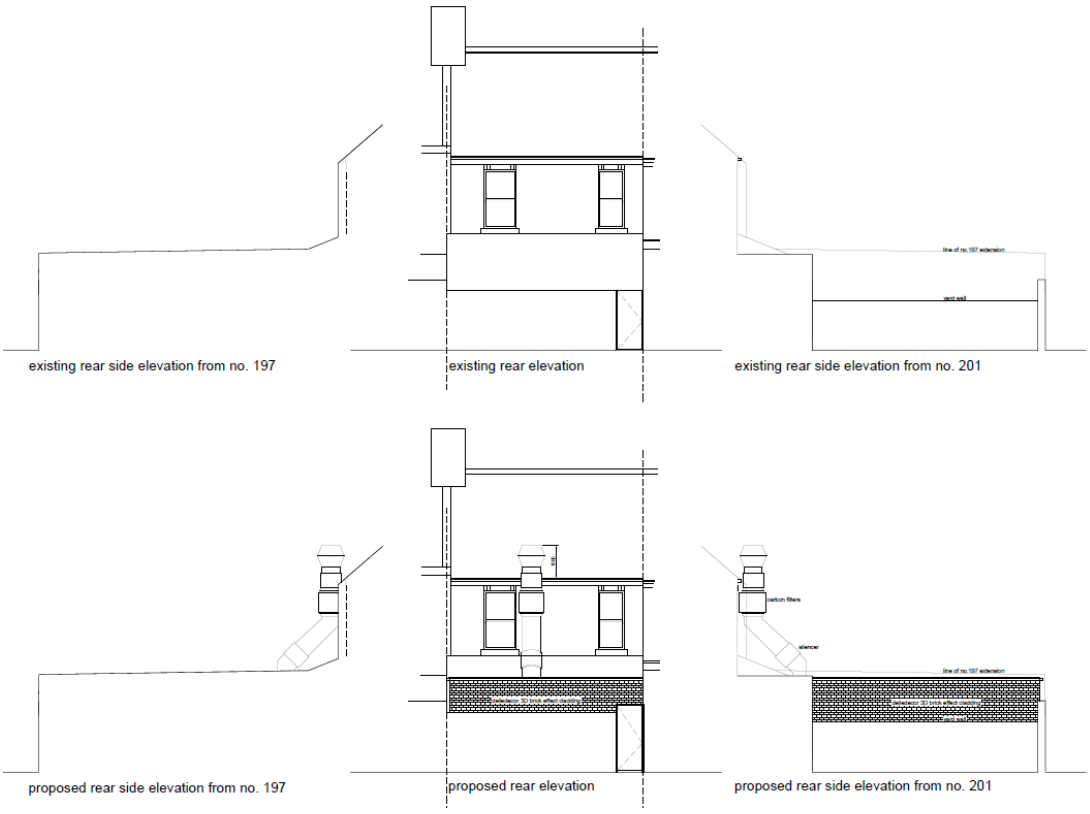


Figure 4: Elevations (not to scale)

2.6 The food offer that is proposed to be sold in the café is seeking to address a gap in the local market by providing the local community with access to healthy Middle Eastern cuisine. The Sultan Café will serve a variety of hot and cold mezzes as well as main meals. The menu is attached at appendix 1.

2.7 The opening hours of the café are proposed to be from 10am to 11pm, this includes weekends and bank holidays.

2.8 Public off street parking is available on Prince Edward Road.

3. Planning policy context

3.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, decisions on planning applications should be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the South Tyneside Local Development Framework: Core Strategy (2007 - CS), Development Management Polices (2011 - DMP) and Site-Specific Allocations (2012 – SSA). Material considerations include the National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the emerging South Tyneside Local Plan (STLP).

3.2 It is submitted that the council's supplementary planning guidance on hot food takeaways is not relevant to the consideration of this application as this relates specifically to proposals that fall within the A5 use class. As explain in section 2, the proposed development is one of mixed use, as it involves both the consumption of hot and cold food on and off the premises. This accords with the approach of the council to the determination of application ST/0636/19/FUL at 121 Roman Road, South Shields, NE33 2AP.

The development plan

Core strategy (2007)

3.3 The core strategy was adopted by the council in 2007 and contains the strategic planning policies for the borough. As a result of the nature of the application proposal, the following CS policies apply:

- ST2 – sustainable urban living, seeks to ensure that high standards of urban design are promoted;
- SC1 – creating sustainable urban areas, seeks to focus new development in the built-up area, revitalise town and main shopping centres and improve the provision of accessible local services;
- SC2 – reviving our town centres and other shopping centres, supports development which complements the regeneration of the centres;
- EA1 – local character and distinctiveness, seeks to ensure the best qualities of the built and natural environment are conserved; and
- EA5 – environmental protection, seeks to manage new development to minimise pollution, environmental risk and nuisance.

Development management policies document (2011)

3.4 The DMP document provides more detailed planning policies to be used to assess planning applications. Given the nature of the proposed development, the following DMP policies apply:

- DM1 – management of development requires all new development to convey sensitive consideration of its surroundings and be acceptable in relation to any impact on residential amenity;
- DM3 – hot food uses in shopping centres, identifies that an assessment of proposals will be made regarding the impact of the development on the vitality and viability of the shopping area, residential amenity, highway safety, as well as crime and anti-social behaviour. The policy seeks to avoid an over concentration of hot food uses in district shopping centres and requires proposals not to result in:
    - The loss of a prominent retail unit;

- More than two hot food outlets adjacent to each other; or
- More than two hot food outlets in any continuous frontage of 10 retail units or less.

The supporting text to policy DM3 explains that where a proposal does not comply with the specific requirements, evidence will be required to demonstrate why the proposal would not adversely impact upon the vitality or viability of the shopping centre. That this should include details of how long the property has been vacant and to what extent it has been marketed for retail shop use.

Site specific allocations document (2012)

3.5 The SSA document identifies specific sites and areas for development. It identifies the site as lying within a district shopping centre. Policy SA5 – retailing opportunities, promotes and encourages proposals that improve the vitality and viability of the boroughs district and neighbourhood centres.

Material considerations

The National Planning Policy Framework

3.6 When it came into effect in March 2012, the NPPF replaced all other national planning policy statements. The current version of the NPPF was published in February 2019. It is a material consideration in the determination of the accompanying planning application.

3.7 At the heart of the NPPF is a 'presumption in favour of sustainable development' (paragraph 11). The NPPF identifies three dimensions to sustainable development: economic, social and environmental. For decision makers the presumption means: approving proposals that accord with an up-to-date development plan without delay; or where there are no relevant policies or they are out of date, granting permission unless the application of the NPPF provides a clear reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

3.8 Section 7 of the NPPF seeks to ensure the vitality of town centres and requires planning policies and decisions on planning applications to support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation.

3.9 Section 8 requires planning policies and decisions to aim to achieve healthy, inclusive and sage places which enable and support healthy lifestyles, this includes access to healthier food.

National Planning Practice Guidance

3.10 NPPG contains a section[1] which explains how the planning system can help create a healthier food environment. It highlights that local planning authorities can have a role by supporting opportunities for communities to access a wide range of healthier food choices. In addition, that planning policies and proposals may need to have regard to issues such as whether there is an over-concentration of certain uses within an area, proximity to schools, odours and noise, traffic impact, as well as levels of obesity and health inequalities.

[1] Paragraph: 004 Reference ID:53-004-20190722

The emerging South Tyneside Local Plan – pre-publication draft (August 2019)

3.11 Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the policies in the emerging plan to the policies in the NPPF. As the STLP has not yet been subject to examination, limited weight can be given to the policies within the pre-publication draft in the determination of this application. The most relevant policies are:

- S3 – promoting health and wellbeing, which seeks to improve and promote strong, vibrant and healthy communities, this includes the management of unhealthy eating outlets;
- R1 – the hierarchy of our centres, identifies that the application site lies within the Harton Nook District Centre. The role of which is to service generally localised needs through the provision of groups of shops as well as other non-retail services such as cafes, financial services and post offices; and
- R2 – ensuring the vitality and viability in our retail centres supports proposals for appropriate town centre uses that maintain the vitality and viability of the centre. The policy identifies the factors to be taken into account when considering whether a proposal will maintain vitality and viability. This includes: whether the proposal would increase footfall in the centre, if it would result in the loss of a key retail unit and would result in a cluster of uses that cumulatively would be harmful to the centre's function and character.

3.12 As policy R8 refers specifically to hot food takeaways, it is not relevant for the assessment of the proposed café development.

4. Planning analysis

4.1 This section provides an assessment of the proposed development against the development plan in the first instance and other material considerations, including the NPPF, NPPG and the emerging STLP.

The principle of the development

4.2 The NPPF requires planning decisions to support the role that town centres play at the heart of local communities by taking a positive approach to their growth and management. The application site lies within Harton Nook District Shopping Centre and development plan policy SA5 seeks to support proposals which improve the vitality and viability of district centres. As a result, policy DM3 seeks to avoid and over concentration of hot food uses in district shopping centres. It specifies that proposals should not result in: the loss of a prominent retail unit; more than two hot food outlets adjacent to each other; or more than two hot food outlets in any continuous frontage of 10 retail units or less.

4.3 Considering the policy against the criteria of policy DM3, the application site does not comprise a prominent retail unit. It is a vacant loan shop, falling within use class A2. The application site is however situated adjacent to another hot food outlet, Ocean Pearl Chop Suey House, which itself is adjacent to The Nook Cafe. The development would therefore result in more than two hot food outlets being adjacent to each other.

4.4 The Harton Nook District Centre comprises two long parades of units. The application site forms part of the western parade which includes approximately 33 units as part of a continuous frontage, with some narrow breaks. The parade contains a wide variety of uses including an opticians (adjacent to the application site), newsagents, card shop, stationers, betting shop, bathroom showroom, travel agents, bed centre, butcher, grocery store, post office, hairdressers, hair and beauty salon, barbers and dog groomers. In the parade there are only five food outlets.

4.5 Proactively, the supporting text to policy DM3 explains that where a proposal does not comply with the specific policy requirements, evidence will be required to demonstrate why it would not adversely impact upon the vitality and viability of the centre. It is considered that the information above illustrates that there is a diverse mix of uses on the parade and therefore the proposed development would not therefore lead to an over-concentration of non-retail uses on the parade.

4.6 It is submitted that the establishment of a café, which would provide the local community with access to healthy Middle Eastern cuisine, a type of food that is not currently available within the local area, would add to the vitality of the district centre. In addition, as the café would be open daily from 10am, it would not result in the creation of a ‘dead’ shuttered frontage during the day.

4.7 Furthermore, as the premises has been vacant since 2017, the development would bring back into use a unit, further improving the vitality and viability of the district centre. Since being vacant in 2017 the application site was actively marketed by the owners (see figure 1).

4.8 It is therefore submitted that the principle of the development accords with development plan policies SC2, DM3, SA5 as well as section 7 of the NPPF and emerging local plan policies R1 and R2.

Residential amenity

4.9 There are residential properties to the north and south of the application site on Prince Edward Road and South Avenue. The proposed development includes the installation of a flue to the rear of the property. The specification identifies that the flue includes a silencer and filters, in addition, the termination of the flue would be 1m above the eaves of the property. As explained in section 1, these works will be undertaken to ensure the flue meets the submitted specification.

4.10 Whilst the flue is located in close proximity to a first floor window, the first floor of the application site is not occupied, nor is it fit for occupation as it does not have washing or cooking facilities (no bathroom or kitchen is installed).

4.11 As a result of the proposed specification and location of the external flue, it is submitted that the proposal accords with the requirements of development plan policies E5 DM1 and DM3, as well as section 8 of the NPPF and emerging local plan policy S3.

Visual amenity

4.12 External works have been undertaken to enclose the rear yard and the installation of the flue. The works to enclose the yard have been undertaken sympathetically and reflect the surrounding development. Given the nature of the development to the rear of the application site, including high boundary walls and distance from other properties the visual appearance is not considered to be prominent or out of keeping with the commercial area. The proposed external works therefore accord with the principles of development plan policies ST2, EA1, DM1, DM3, as well as emerging local plan policy S3.

Health impacts

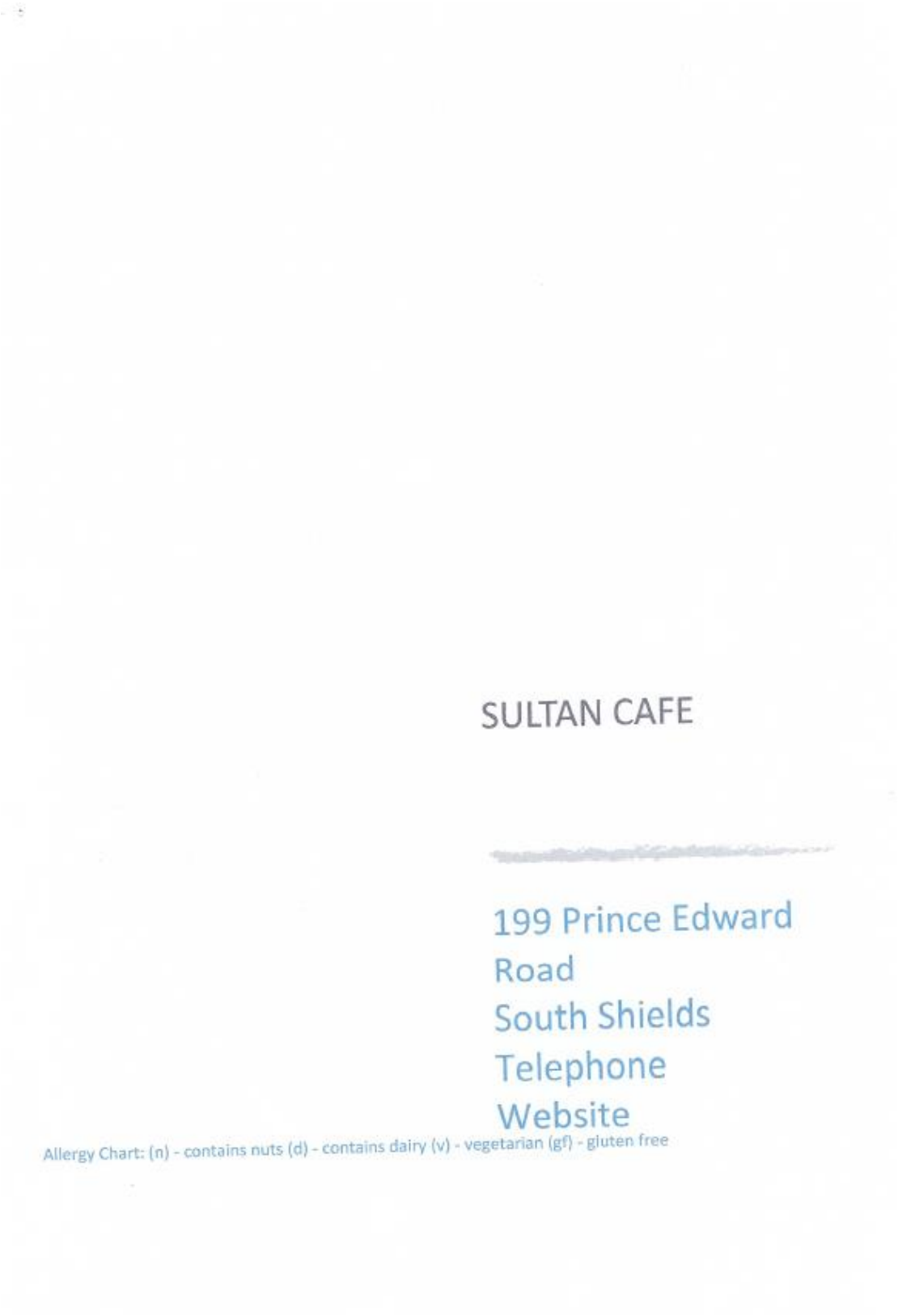
4.13 The menu for the proposed development is included within appendix 1. This illustrates that the establishment of the café would provide the local community with access to healthy Middle Eastern cuisine. It is certainly not proposed to create an unhealthy eating establishment. Both the NPPF and NPPG explain that the planning system has a role in creating a healthier food environment. This approach is reflected within the emerging local plan, policy S3. This proposal will enable communities to access a wider range of healthier food choices, therefore, according with the principles established within national policy and guidance and the emerging local plan.

5. Summary and conclusions

5.1 This planning statement has been prepared in support of the proposed change of use of 199 Prince Edward Road from loan shop to café serving hot and cold food for consumption both on and off the premises. The development also includes the enclosure of rear yard and installation of extraction flue to rear elevation.

5.2 National policy and guidance, as well as the adopted planning policies are clear that the planning system should maintain and enhance the vitality and viability of retail centres. This includes encouraging a balance of retail and supporting uses. This planning statement has demonstrated that the proposed development will maintain and enhance the vitality and viability of the Harton Nook District Centre. It will also provide the local community with access to healthy Middle Eastern cuisine. The proposed development will not have a negative impact on residential amenity, visual amenity or the health of the local community. The development therefore accords with the provisions of both national and local planning policy.

Appendix 1 Sultan Café menu


SULTAN CAFE

199 Prince Edward
Road
South Shields
Telephone
Website

Allergy Chart: (n) - contains nuts (d) - contains dairy (v) - vegetarian (gf) - gluten free

STARTER

COLD MEZZES

- HUMUS (V) (GF)- £4.95

  A CLASSIC MIDDLE EASTERN BLEND OF CHICKPEAS, TAHINI, HINT OF GARLIC AND DRIZZLED WITH OLIVE OIL.

- CACIK (D) (V) (GF)- £4.95

  YOGURT WITH CHOPPED CUCUMBER, DRIED MINT, GARLIC AND OLIVE OIL.

- KISIR (N) (V)- £4.95

  CRUSHED WALNUTS, BULGUR WHEAT, FINELY CHOPPED CELERY, TOMATO, RED BELL PEPPERS, ONION, CORIANDER, LEMON JUICE AND PARSLEY DRESSED IN VIRGIN OLIVE OIL.

- PATLICAN EZME (D) (V) (GF) £4.95

  CHARGILLED AUBERGINE PURÉED, MIXED WITH GARLIC, YOGURT AND OLIVE OIL.

- SAKSUKA (V) (GF) £4.95

  MIXED PEPPERS, POTATOES AND AUBERGINE FRIED IN OLIVE OIL, SERVED WITH OUR SPECIAL TURKNAZ TOMATO AND GARLIC SAUCE.

Allergy Chart: (n) - contains nuts (d) - contains dairy (v) - vegetarian (gf) - gluten free

HOT MEZZES

- SOUP OF THE DAY- £4.95

  CHEF'S SELECTION OF SOUP SERVED WITH FRESH HOT TURKISH BREAD.

- SUCUK- £5.95

  GRILLED SLICES OF TURKISH SPICY SAUSAGE.

- FALAFEL (V)- £5.95

  CHICKPEAS, DRIED BROAD BEANS, FINELY CHOPPED RED PEPPERS, GREEN PEPPERS, FRESH DILL, CELERY, CARROT, ONION AND CORIANDER, DEEP FRIED SERVED WITH HUMUS.

- AVCI BOREGI (D)- £5.95

  DEEP FRIED FILO PASTRY, FILLED WITH MINCE, ONIONS, CHEESE AND PARSLEY.

- ARNAVUT CIGERI- £6.95

  DICED LAMB LIVER LIGHTLY LACED WITH FLOUR, CUMIN AND PAPRIKA THEN FRIED. SERVED WITH ONION SALAD.

Allergy Chart: (n) - contains nuts (d) - contains dairy (v) - vegetarian (gf) - gluten free

MAIN MEALS

ALL MAINS ARE SERVED WITH CHOICE OF RICE OR CHIPS, CHILLI, GARLIC & 1 FRESH BREAD

- ISKENDER (D) - CHICKEN £14.95/ LAMB SHISH £15.95 / ADANA £14.95

  CHOOSE FROM CHAR-GRILLED ADANA, LAMB SHISH OR CHICKEN SHISH ON A BED OF HOMEMADE TURKISH BREAD COVERED WITH SPECIAL TOMATO SAUCE FLAVOURED WITH BUTTER SERVED WITH YOGURT.

- SHAWARMA CHICKEN £12.00

  ROASTED THIN SLICES OF MARINATED CHICKEN BREAST, GARLIC SAUCE, LEBANESE BREAD

- LAMP DONNER £12.00

  ROASTED THIN SLICES OF MARINATED PRIME LAMB, SESAME SAUCE, GARLIC SAUCE, PARSLEY, TOMATOES & PICKLES WRAPPED IN TURKISH BREAD

- MIXED SHAWARMA KEBAB £14.95

  LAMB DONNER & CHICKEN SHAWARMA SERVED WITH FRESH SALAD & CHOICE OF SAUCE.

- HALLOUMI CHEESE £8.00

  HALLOUMI CHEESE, TOMATOES & CUCUMBER, WRAPPED IN TURKISH BREAD SERVED WITH SALAD AND CHOICE OF SAUCE

- SULTAN SPECIAL MIXED GRILL £35.00 (SERVE 4 PEOPLE)

  LAMB CUBES, CHICKEN CUBES, CHICKEN SHAWARMA & LAMB DONNER SERVED WITH ONIONS & TOMATOES GRILLED ON SKEWERS. COMES WITH A SELECTION OF SAUCES, SALAD & CHIPS.

DRINKS

- ARYAN JUICE £2.50
- COKE £1.00
- DIET COKE £1.00
- FANTA £1.00
- 7 UP £1.00
- ÇAY TEA (PRONOUNCED CHAI) TURKISH TEA £1.50
- TÜRK KAHVESI (TRADITIONALLY PREPARED TURKISH COFFEE) £2.00

Allergy Chart: (n) - contains nuts (d) - contains dairy (v) - vegetarian (gf) - gluten free