

DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0135/23/FUL
Proposal: Change of use from 'dog grooming business' (sui generis) to 'food preparation place with no sales to visiting member of the public (sui generis)
Location: 8 Mitre Place
South Shields
NE33 5TB

Site Visit Made: 06/04/2023

Relevant policies/SPDs

- 1 DM1 - Management of Development (A, B)
- 2 DM2 - Safeguarding Employment Uses
- 3 LDF CS E1 - Delivering Economic Growth and Prosperity
- 4 SA3 - Economic Development Opportunities
- 5 SPD6 - Parking Standards

Description of the site and of the proposals

This application relates to an existing dog grooming unit in Mitre Place, a small industrial estate in South Shields.

This application seeks full planning permission to change the use of the unit to a 'food preparation place with no sales to visiting member of the public'. The business would prepare healthy meals and would deliver them to gyms in the local area. Application details state that the site would operate from 09:00 – 17:00 Monday to Friday. Internally the unit would have a domestic style kitchen and there would be a cooker hood extractor flue/vent for ventilation and extraction which would exit from the building's western elevation. One person would be employed at the site (and that person would also carry out the deliveries) and the site would have 1no. car parking space.

Publicity / Consultations (Expiry date: 19/04/2023)

1) Neighbour responses

None received

2) Other Consultee responses

Environmental Health Team

I am happy that given the separation distance and type of cooking to be carried out that there will be no impact on residential amenity

Highways

The details of the application have been examined and are considered acceptable, the Highway Authority therefore has no objections to the proposal.

Assessment

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

The main considerations in assessing this case are:

- The principle of development
- The impact upon the residential amenity of neighbouring properties and the visual amenity of the area
- The impact upon highway safety

The principle of development

The site is located within the Mitre Place Industrial Estate in South Shields. The site is identified on the South Tyneside Local Development Framework Site Specific Allocations Proposals Map as within a Predominantly Industrial Area.

LDF Policy E1 states that viable employment sites, and other employment sites with special attributes will be safeguarded for employment uses only.

LDF Policy DM2 seeks to safeguard employment uses and promote and facilitate economic growth and prosperity, in accordance with regional and local aspirations for growth by safeguarding existing Predominantly Industrial Areas and other employment land allocations in the borough for employment use as opposed to redevelopment for alternative uses.

LDF Policy SA3 states that economic growth and prosperity will be promoted and facilitated, in accordance with local and regional aspirations for growth and the sub-regional Low Carbon Economic Area vision.

The proposed development would result in the change of use of the unit from a dog grooming salon to a food preparation unit. There would be no direct sales to the public from the unit and the prepared food would be delivered by the business owner, who would be the only employee, to the gyms.

Other uses in the industrial estate include a number of car repair garages, gyms and food preparation places. It is considered that a food preparation unit would be a suitable use within this industrial estate.

This proposed use would retain a quasi-employment use at the site and this would be acceptable in principle, having regard to LDF Policies E1, DM2 and SA3.

The impact upon the residential amenity of neighbouring properties and the visual amenity of the area

LDF Policy DM1 seeks to protect visual and residential amenity.

The site is located within an industrial area and the nearest residential properties are set approximately 50m to the south from the application site on Devonshire Street.

Given the proposed use, it is not considered that there would be any significant harm to the residential amenity of those properties in terms of noise, particularly given the existing use of the site as a dog

grooming business which has the potential to be noisy as a result of barking dogs, and the surrounding uses as car repair garages which by their very nature have potential to be noisy.

The proposed development would include the insertion of an extraction vent to the western elevation which would link to a cooker hood via a flue. Given the size of the vent it is considered that the vent itself would be di minimis and would not require planning permission. As set out above, the site is set 50m from those properties on Devonshire Street. The applicant has submitted technical details of the extraction system and flue. The Council's Environmental Health team have considered the application and have not raised any objections. A condition is proposed to stipulate that the proposed extraction and flue system would be installed in accordance with the submitted details and retained as such thereafter.

Application details state that the unit would be operational from 09:00 to 17:00 Monday to Friday. However, given the unit's small size and the site's location in a predominantly industrial area and the low impact of the proposed use in terms of noise, disturbance etc, it is not considered necessary to impose conditions to limit the unit to opening at these times.

Having regard for the above, it is therefore considered that there would be no significant harm to the residential amenity of any neighbouring property.

In terms of the impact on the visual amenity of the area, the only external change would be the insertion of the extraction vent. Given the minor nature of this change, indeed it is considered that this would be di minimis, and the industrial nature of the area it is not considered that this would result in significant harm to the visual amenity of the area.

The impact upon highway safety

LDF Policy DM1 seeks to preserve highway safety. As existing the site has 1no. car parking space and this would be retained. Application details state that 1no. person would be employed at the site. SPD6 sets out car parking standards and whilst no standards are specifically set for this sui generis use, it is considered that the 1no. space provided would be suitable for a unit of this small scale. Furthermore, given that just 1no. employee would be employed at the site this is deemed to be an acceptable level of car parking.

In terms of deliveries to and from the site, the applicant has stated that these would be carried out by the business owner using a domestic vehicle. However, should any deliveries occur it is considered that additional delivery vehicles could park on the surrounding streets which are not covered by any parking restrictions.

The Council's Highways team have raised no objections to the proposed development.

It is not considered that the development would result in significant harm to the highway safety of the area.

Conclusion

In conclusion the proposed development would accord with all relevant local and national planning policies and as such the application is recommended for approval.

Recommendation

Grant Permission with Conditions

Conditions

- 1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

- 2 The development shall be carried out in accordance with the approved plan as detailed below

Dwg No. "MP 02" received 22/02/2023

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

- 3 Prior to the first use of the property as a food preparation unit an extract ventilation system shall be installed and fully operational at the property in full accordance with submitted Dwg No. "MP 02" received 22/02/2023 and the "Ventilation Details" received 25/04/2023 and at all times thereafter this system shall remain in place and shall be maintained in accordance with the manufacturer's specification unless otherwise agreed in writing by the Local Planning Authority.

In order to safeguard the amenity of nearby residential properties in accordance with Policy DM1 of the South Tyneside Local Development Framework 2011.

Informatives

- 1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.

Case officer: Seán Gallagher

Signed:

Date: 04/05/2023

Authorised Signatory: G.Horsman

Date: 04/05/2023

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