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Royal Town
Planning Institute

Carter-Smith
Planning Consultants

Plot A
Land South West of
Telephone Exchange
Claypath Lane
Crossgate
South Shields
NE33 4PG

**Proposed Change of Use from Class E to Sui Generis Hot Food
Takeaway (Domino's Pizza)**

PLANNING STATEMENT

1.0 INTRODUCTION

1.1 This Planning Statement has been prepared by Carter-Smith Planning Consultants in support of a full planning application seeking consent for the change of use of Plot A, one of three approved commercial units at Land South West of the Telephone Exchange, Claypath Lane, Crossgate, South Shields, from Class E to a Sui Generis Hot Food Takeaway.

1.2 The intention is for the premises to be occupied by Domino's Pizza under a national franchise model. The proposal does not involve any external physical changes beyond those already approved under planning permission ST/0746/22/FUL, save for standard extraction equipment, which is minor in scale and fully compatible with the building envelope.

1.3 The Statement provides a comprehensive assessment of the proposal in the context of the Town and Country Planning Act 1990, the National Planning Policy Framework (2023), and the adopted South Tyneside Local Development Framework, including the Core Strategy (2007), Development Management Policies DPD (2011), and relevant supplementary guidance.

1.4 The Statement also draws extensively on recent and directly relevant appeal decisions that confirm, in clear and authoritative terms, that Hot Food Takeaways do not inherently result in planning harm where an established Class E fallback position exists.

1.5 The applicant is willing to accept conditions restricting the use to Domino's Pizza or to a temporary period should this provide greater certainty to the Local Planning Authority, although the evidence presented demonstrates that such a level of control is unnecessary.

2.0 PURPOSE OF STATEMENT

2.1 The purpose of this Statement is to demonstrate that the proposed change of use is fully compliant with the statutory development plan and national policy, and that it attracts substantial material considerations that weigh decisively in favour of approval.

2.2 These considerations include the lawful fallback position afforded by Class E, the commercial and operational characteristics of the proposed Domino's Pizza model, the marketing evidence demonstrating a lack of demand for Class E operators, and the significant body of appeal precedent confirming that Hot Food Takeaways in such locations do not give rise to unacceptable impacts on amenity, health, highways or local character.

2.3 The Statement establishes that the proposal is sustainable, proportionate, compatible with the approved development of which the unit forms a part, and aligned with the strategic ambition for economic growth within South Tyneside. The planning balance weighs strongly in favour of granting permission.

3.0 SITE LOCATION AND DESCRIPTION

3.1 The application site, Plot A, forms part of a recently approved commercial development located to the south west of the Telephone Exchange on Claypath Lane, within an established mixed-use area. The locality is characterised by a blend of employment uses and transport infrastructure.

3.2 The wider site benefits from a new access arrangement, associated parking, landscaping, and cycle storage originally approved under ST/0746/22/FUL. The building containing Plot A has been constructed in accordance with the approved details.

3.2 Claypath Lane is well connected to the surrounding road network and provides an accessible and sustainable location for commercial activity. The immediate environment is urban in nature, and the trip patterns associated with a Domino's Pizza store are entirely compatible with the scale and context of the development.

3.3 Plot A is positioned in a manner that ensures separation from sensitive residential properties, yet remains visible and accessible to passing vehicular and pedestrian movements. It is a logical and suitable location for an operator of this nature, and its occupation will strengthen the commercial viability of the wider development.

4.0 PLANNING HISTORY

4.1 Planning permission ST/0746/22/FUL was granted on 9 August 2023 for a Starbucks coffee shop with drive-through lanes and three commercial units within Use Class E. The proposal included extensive parking provision, landscaping and biodiversity enhancements, drainage works and highway improvements. The permission established a lawful baseline for commercial activity on the site and created a flexible and modern commercial environment suitable for a range of tenants.

4.2 The approved Class E use permits any mixture of retail, café, restaurant, and food-based operations, including hot food prepared on site and sold for consumption on or off the premises.

4.3 This lawful fallback is a significant planning consideration because it establishes that the unit could currently operate in a manner that would, in practical terms, be almost indistinguishable from a takeaway use.

4.4 The current proposal seeks only to regularise the Sui Generis classification required by Domino's Pizza, with no change to the scale, design or layout of the approved building. The planning history therefore reinforces the appropriateness of the location and the commercial character of the wider development.

5.0 PROPOSED DEVELOPMENT

5.1 The application seeks full planning permission for a change of use from Class E to a Sui Generis Hot Food Takeaway to facilitate the occupation of the premises by Domino's Pizza. The proposed operation will be predominantly delivery-led, with the majority of orders fulfilled through home delivery supported by online and telephone ordering systems. National operating data from Domino's indicates that typically in excess of 70% of all transactions are delivery-based, with the remainder comprising short, pre-arranged customer collections.

5.2 This operational model significantly reduces the intensity of on-site customer activity and results in materially lower parking demand when compared with many existing Class E uses such as cafés, restaurants, sandwich shops or small-scale retail units. The nature of the use therefore represents a modest and controlled commercial activity that is compatible with the wider function and character of the area.

5.3 To ensure that the operation functions in a manner consistent with modern environmental standards and remains wholly compatible with the surrounding area, the proposal incorporates a professionally specified extraction and ventilation system designed fully in accordance with DEFRA's *Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems*. The system will utilise high-grade filtration, acoustic attenuation and an appropriately designed discharge point to ensure that odours and noise are effectively mitigated. In addition, the internal layout will now include a small number of seats within the customer area to allow customers to consume food on the premises.

5.4 This limited seating provision replicates the type of activity already permitted under Class E, where cafés, restaurants and food outlets may prepare and serve hot meals for consumption on site without the need for planning permission. The inclusion of this small seating area does not materially intensify the use and, in practice, reinforces the strong Class E fallback position by mirroring the lawful operational characteristics already permitted within the existing use class. The system and layout have been designed to ensure that neither the character of the building nor local residential amenity will be adversely affected.

5.5 This prevents the congregation of customers and ensures that activity is transient and short-duration. As a result, there will be no notable increase in pedestrian or vehicular traffic, and no prolonged customer presence that might otherwise impact residential amenity. The proposal therefore represents a low-intensity form of takeaway use that is typical of modern delivery-based operators.

5.6 To ensure the operation does not give rise to odour or noise impacts, the proposal incorporates a high-quality, professionally specified extraction and ventilation system

designed in full accordance with DEFRA's "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems."

5.7 The system will include appropriate filtration, attenuation and discharge arrangements to control emissions to an acceptable level. All equipment will be positioned sensitively to avoid visual harm, will operate within recognised acoustic thresholds, and will be installed to ensure there is no adverse effect upon the building's appearance, the streetscene or neighbouring occupiers.

5.8 The proposed mitigation measures therefore provide robust protection to local amenity and fully address the environmental considerations commonly associated with takeaway uses.

6.0 PLANNING POLICY FRAMEWORK

6.1 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application, the relevant elements comprise the Core Strategy (2007), Development Management Policies DPD (2011), and Site Specific Allocations DPD (2012). Supplementary Planning Document 22 (Hot Food Takeaways and Health, 2017) is a material consideration but does not form part of the adopted policy framework.

6.2 National guidance is provided by the National Planning Policy Framework (2023). The NPPF emphasises the importance of supporting economic growth, enabling competitive and flexible business sectors, reactivating vacant commercial space, and ensuring that planning decisions respond positively to market signals.

6.3 The Town and Country Planning (Use Classes) Order 1987 (as amended, including major reforms introduced in 2020) is of particular relevance in this case because it establishes that Class E food uses may operate without the need for planning permission, thereby reinforcing the material significance of the fallback position.

7.0 THE CLASS E FALLBACK POSITION

7.1 The lawful fallback position is a central and highly material consideration in the determination of this application. Under the current Use Class E designation, the premises may lawfully operate as a restaurant, café or other food-led establishment capable of preparing and selling hot food for both on-site consumption and takeaway.

7.2 Such a use could legitimately involve longer opening hours, a high volume of customers dining in, increased levels of servicing and deliveries, and significantly greater noise, odour and general activity associated with sit-in food operations. These impacts would, in many

circumstances, be comparable to—or in several respects more intensive than—those associated with a modern Domino’s Pizza unit, which relies predominantly on short-stay collections and deliveries rather than sustained customer occupation.

7.3 The position advanced in this application is firmly supported by national appeal precedent. The Planning Inspectorate has repeatedly confirmed that where Class E already permits the preparation and sale of hot food, the introduction of a Sui Generis takeaway does not inherently give rise to materially different planning impacts.

7.4 In Appeal APP/H4315/W/21/3270869, the Inspector explicitly recognised that the nature of hot food sold within Class E and that sold as takeaway is often indistinguishable in planning terms. The decision states that the planning system cannot attempt to distinguish between the nutritional or operational characteristics of the two unless clear, demonstrable harm is evidenced. Importantly, the Inspector concluded that the lawful fallback position under Class E substantially reduces, if not eliminates, any perceived harm arising from the proposed Sui Generis use.

7.5 A further directly relevant decision, APP/A4520/W/24/3349010, relating to South Tyneside, clarified that Supplementary Planning Document 22 (SPD22) cannot be applied rigidly and does not have the same statutory weight as the adopted development plan. The Inspector found that takeaway uses within established commercial frontages remain acceptable in principle, provided amenity and highway considerations are satisfactorily addressed.

7.6 This reinforces that the Council’s guidance must be applied flexibly and proportionately in the context of the 2020 Use Class reforms, and that a delivery-led takeaway of this nature can be wholly appropriate in a commercial location.

7.7 In APP/M1595/W/20/3249241, the Inspector examined the implications of the 2020 Use Class Order changes and concluded that the significant broadening of activities permitted under Class E must be given substantial weight. The decision confirms that the “planning landscape has changed materially,” such that the historic distinctions between A1, A2 and A3 uses no longer apply.

7.8 As a result, the continuing lawful ability for Class E units to operate in an intensive food-led manner can outweigh perceived conflicts with more restrictive or dated local policies. This principle is highly relevant in the present case, where the authorised Class E use already allows for a wide spectrum of activities that could generate equal or greater impacts than the proposed Domino’s Pizza operation.

7.9 It is also relevant that the proposed internal arrangement will include a modest seated area for customers choosing to consume their food on the premises. This element further strengthens the fallback argument, as it mirrors the activities inherent within a Class E café

or restaurant use, where sit-down consumption of hot food is expressly permitted without the need for planning permission.

7.10 The presence of limited seating does not create any form of intensification beyond what could lawfully occur today: a Class E operator could provide a significantly larger dining area, generate higher footfall, longer dwell times and increased servicing frequency, all without requiring planning consent.

7.11 In contrast, the proposed Domino's operation remains delivery-led, with only incidental seating provided, reinforcing the conclusion that the impacts associated with the proposal are materially no greater—and in many respects substantially less—than those associated with the lawful fallback use.

7.10 Consequently, the proposed Sui Generis use would not intensify the use of the premises, would not increase traffic or parking pressures, and would in several respects reduce the potential amenity impacts when compared to unrestricted Class E operations. The fallback position therefore provides compelling justification that the proposal would not result in any adverse planning consequences and should be supported.

8.0 MARKETING AND COMMERCIAL EVIDENCE

8.1 The applicant has provided letters and documentation from commercial surveyors confirming that the unit has been marketed for Class E occupation without success. National economic trends indicate a contraction in traditional Class E businesses, particularly smaller café and retail units, which are experiencing reduced demand and greater financial risk.

8.2 The marketing evidence demonstrates that the premises has been offered at a competitive rate, across multiple platforms, and through formal professional agency. The lack of interest confirms that reliance on a Class E-only occupant is likely to result in prolonged vacancy. Prolonged vacancy undermines economic vitality, local employment opportunities, and pedestrian activity.

8.3 The NPPF requires planning authorities to respond to market signals and be flexible in applying planning policy when a proposed use would secure economic investment and ensure the occupation of vacant premises.

8.4 Domino's Pizza is a nationally recognised operator with the financial stability to occupy the site in the long term. Their investment would generate new employment opportunities, increase economic activity during evening hours, and contribute to the long-term viability of commercial development.

9.0 ASSESSMENT AGAINST THE DEVELOPMENT PLAN

9.1 Core Strategy (2007)

9.1.1 Policy ST1 encourages sustainable development in accessible urban locations. The site is fully policy-compliant in this regard. The proposed use is entirely compatible with the established mixed-use character of the Claypath Lane area and promotes efficient use of land.

9.1.2 Policy E1 supports the function and vitality of commercial centres. The change of use will ensure that the unit is occupied, contribute to footfall, and support the wider economic aims of the borough.

9.1.3 Policy SC1 supports development that enhances sustainable settlement patterns. The proposal provides a business use that serves local needs and reduces the risk of vacancy.

9.2 Development Management Policies DPD (2011)

DM1 – Management of Development

9.2.1 Policy DM1 requires development to protect amenity, highway safety and the environment. The characteristics of the Domino's Pizza model, particularly the high proportion of deliveries and low customer dwell-time, ensure that the proposal will not create unacceptable impacts. Extraction equipment will be professionally installed to safeguard amenity, and servicing will occur within the approved service yard without generating adverse effects.

DM3 – Hot Food Takeaways

9.2.2 DM3 seeks to ensure that HFTs do not harm local character, amenity or health. The proposal is located within a modern commercial development at a distance from sensitive receptors. No evidence suggests that the use would generate any harm beyond that associated with Class E uses already permitted.

9.2.3 The presence of the Class E fallback, along with clear appeal precedent, strongly mitigates any perceived conflict with DM3. The change of use does not undermine any plan-led objectives.

10.0 NATIONAL PLANNING POLICY FRAMEWORK (2023)

10.1 The NPPF emphasises the importance of economic growth. Paragraphs 81–83 require planning authorities to support flexible commercial environments and proactively encourage sustainable investment. The proposed change of use is a direct example of such encouragement.

10.2 Paragraphs 87–91 promote the vitality of commercial centres, encourage the reuse of existing buildings, and prevent long-term vacancy. The proposal addresses all these objectives.

10.3 Paragraph 97 acknowledges that local health considerations may be relevant to planning decisions but must be proportionate and evidence-based. The three appeal decisions submitted with this application confirm that there is no evidence to demonstrate that a takeaway use at this location would meaningfully affect public health outcomes.

10.4 Overall, the proposal accords with the NPPF's drive for sustainable development.

11.0 HIGHWAYS, TRANSPORT, AND PARKING

11.1 The unit benefits from newly created access arrangements and parking spaces approved under ST/0746/22/FUL. The associated infrastructure was designed to accommodate a range of Class E uses, including cafés and restaurants that typically generate higher peak demand than a Domino's Pizza store.

11.2 Domino's stores predominantly operate via short-stay, rapid turnover trips and delivery vehicles. Delivery drivers park temporarily to collect orders before departing, creating minimal sustained parking pressure. The store's operational model reduces the likelihood of long dwell times or customer congregation.

11.3 There is no evidence to suggest that the proposal will result in highway safety issues. The approved access, turning and visibility arrangements remain suitable. The proposal therefore complies with DM1 and the relevant highways paragraphs of the NPPF.

12.0 ODOUR, NOISE AND RESIDENTIAL AMENITY

12.1 A professional extraction system will ensure that odours are discharged at a high level and treated through filters and carbon systems in accordance with industry guidance. This ensures no unacceptable odour impact on surrounding properties.

12.2 Noise associated with the operation will be minimal, particularly when compared with a Class E restaurant. Delivery vehicle movements are distributed over time and do not create significant peaks. Extraction equipment can be controlled via conditions to ensure compliance.

12.3 The site is located within a commercial environment, and the proposed operation is wholly compatible with the established character. No unacceptable amenity harm is anticipated.

13.0 APPEAL PRECEDENT

13.1 The three appeal decisions submitted alongside this application are directly relevant and carry significant weight as material considerations. Collectively, they demonstrate a clear and consistent approach taken by the Planning Inspectorate towards hot food

takeaway uses, Class E fallback rights, health-based objections, and the status of Supplementary Planning Documents (SPDs).

13.2 In APP/M1595/W/20/3249241 (17 Grover Walk, Corringham), the Inspector allowed a change of use from a retail shop (then Class A1) to a café (A3), notwithstanding conflict with a long-standing local plan policy that restricted non-retail frontages. The Inspector recognised that the 2020 Use Class reforms had fundamentally altered the planning context by creating the new Class E, which groups together former A1, A2 and A3 uses. Crucially, he held that, because the premises could now move freely between shop and café/restaurant uses within Class E without planning permission, the development plan conflict had to be seen in light of this very broad lawful flexibility.

13.3 The Inspector concluded that these “material considerations arising from the amending Regulations” outweighed the identified policy conflict, and that the Council could not reasonably resist a use which, in practice, could be carried out without further consent under the current Use Class framework.

13.4 This decision firmly establishes that Class E fallback rights can significantly diminish the strength of objections based on older, more restrictive retail frontage policies.

13.5 In APP/A4520/W/24/3349010 (79–81 Fowler Street, South Shields), the Inspector allowed the change of use of a vacant shop to a hot food takeaway within the South Shields town centre, where the Council’s sole reason for refusal was based on Policy HFT1 of SPD22 (Hot Food Takeaways and Health).

13.6 The Inspector made several key findings:

- First, she confirmed that SPD22 is guidance only and “cannot be considered as an adopted development plan policy”. It therefore cannot, in itself, form the primary basis for refusal in the absence of conflict with the statutory development plan.
- Second, she accepted that whilst obesity levels in the relevant ward were high, the Council had not demonstrated that the presence or location of hot food takeaways in that area was a defining or causative factor in those levels, especially given that obesity had risen since adoption of the SPD.
- Third, she concluded that the proposal complied with Policy DM3 of the Development Management Policies DPD, which remains the overarching development plan policy for hot food takeaways in established shopping centres.

13.7 The lack of any identified policy conflict, combined with the central town centre location and absence of substantive amenity or highway harm, led the Inspector to allow the appeal notwithstanding conflict with SPD22.

13.8 This decision is particularly important as it relates directly to South Tyneside and confirms that SPD22 cannot be applied rigidly or treated as if it were part of the adopted development plan.

13.9 In APP/H4315/W/21/3270869 (278 Mill Lane, Sutton Leach, St Helens), the Inspector dealt expressly with a proposal to change a former Class E convenience store to a hot food takeaway (pizza operator) close to both a primary and secondary school, in an authority with a health-focused SPD and identified childhood obesity concerns. The Inspector accepted that the SPD sought to impose a 400m exclusion zone around schools, but found that this exceeded the scope of the adopted development plan policy and that there was no clear policy basis for such a rigid locational ban.

13.10 He went on to draw several important conclusions:

- The lawful Class E fallback meant the premises could operate as a shop, café or restaurant without planning permission, selling similar types of food (including high-calorie, low-nutritional items such as sweets, crisps and sugary drinks, or hot food) for consumption on or off the premises.
- There was no clear evidence that the food sold from a hot food takeaway at this location would be materially less healthy, or more harmful to children's health, than that which could be sold from an alternative lawful Class E use.
- The Inspector acknowledged the operator's steps to promote healthier choices and provide nutritional information, and concluded there was no convincing evidence that the takeaway would cause demonstrable harm to the health and well-being of local school children when compared with the existing lawful uses.
- On parking and highway safety, the Inspector accepted that around 60% of custom would be via delivery and that many remaining orders would be pre-booked, resulting in short-stay visits and trip patterns not significantly different to the previous shop use. He therefore found no justification for refusal on highway grounds.

13.11 Taken together, these three appeals establish a consistent set of principles that are directly applicable to the current proposal:

13.12 Hot food takeaway uses are not inherently harmful - Both the St Helens and South Tyneside decisions confirm that hot food takeaways cannot be treated as inherently unacceptable land uses. The Inspectors emphasised that their acceptability turns on demonstrable amenity, highway, or policy harm in each specific case—not on generalised assertions about the nature of takeaway food.

13.13 Class E fallback rights substantially weaken objection based on perceived impacts - In both Corringham (APP/M1595/W/20/3249241) and St Helens (APP/H4315/W/21/3270869), the Inspectors gave significant weight to the fact that the premises already benefitted from

wide-ranging Class E rights. They could lawfully operate as shops, cafés or restaurants selling hot or unhealthy food without any further permission. Where that is the case, it is very difficult for an authority to argue that a Sui Generis takeaway, selling broadly similar food, will cause a materially greater planning harm than the fallback use. The Inspectors expressly recognised that Class E has “changed the planning landscape” and that this change can outweigh conflicts with dated or restrictive local policies.

13.14 Public health concerns must be supported by robust, site-specific evidence - In both the South Shields and St Helens decisions, health-based objections were carefully examined and ultimately rejected because the Councils could not show a clear, evidence-based causal link between the specific proposal and actual harm to public health. The Inspectors accepted that obesity and poor diet are important issues, but found that:

- Many other Class E food outlets can sell equally unhealthy food;
- The nutritional profile of Class E food and takeaway food is often indistinguishable; and
- Local authorities must demonstrate specific harm arising from the particular development, rather than relying on generic statistics or untested assumptions.

13.15 Town centre and commercial locations are appropriate for such uses - In South Shields, the Inspector highlighted that the appeal site lay within a defined shopping centre and that, in such locations, Policy DM3 supports hot food takeaway uses in principle where amenity and highway impacts are acceptable. Similarly, the St Helens site lay in a mixed commercial/residential area where such uses are commonly found. These decisions confirm that town centres and established commercial parades are, in principle, suitable and sustainable locations for hot food takeaways, particularly when they occupy existing units and bring vacant premises back into active use.

13.16 SPD guidance cannot override the development plan - Both the South Shields (SPD22) and St Helens (Hot Food Takeaways SPD) appeals make it clear that SPDs are advisory documents, intended to provide guidance on how adopted policies will be implemented. They do not carry the same weight as development plan policies and cannot introduce rigid exclusion zones or absolute prohibitions that go beyond the scope of the development plan. In each case the Inspector gave limited weight to SPD conflict where the proposal complied with the overarching development plan policies and no specific harm was demonstrated.

13.7 The parallels between these appeals and the current proposal are exceptionally strong. In each case, the Inspector was faced with a hot food takeaway in premises with an existing or potential Class E fallback; with concerns about health or policy conflicts; and with reliance on SPD-level guidance to resist the development.

13.18 In each case, permission was granted because (a) the lawful fallback significantly reduced the scope for objection, (b) the location was an appropriate commercial setting,

and (c) the authority could not evidence any specific, demonstrable harm in terms of amenity, highways or public health.

13.19 Applying the same reasoning here, refusal of this Domino's proposal on the basis of SPD22, generic health concerns or perceived "principle" alone would be inconsistent with this clear body of recent appeal precedent. In the absence of robust evidence of actual harm—and given the strong Class E fallback, town centre/commercial location, and robust mitigation proposed—the logical and consistent outcome is that permission should be granted.

14.0 Employment Benefits and Economic Growth

14.1 The proposed occupation of the premises by Domino's Pizza will deliver significant and sustained economic benefits for the local area. The operation of a Domino's store typically requires a diverse staffing model including delivery drivers, food preparation staff, customer service operatives, shift supervisors and a management team.

14.2 Based on comparable sites nationwide, it is anticipated that the proposed development will create between 20–30 long-term jobs, comprising a mix of full-time and part-time positions. These roles represent meaningful employment opportunities for local residents and will contribute to the economic resilience of the area.

14.3 The importance of job creation is recognised throughout national planning policy. Paragraph 82 of the National Planning Policy Framework (NPPF) is explicit that planning decisions should "help create the conditions in which businesses can invest, expand and adapt," and should support "a strong, responsive and competitive economy."

14.4 The introduction of a national operator into the site, creating dozens of sustainable jobs, aligns squarely with these objectives. The proposal will bring an underutilised commercial unit back into active use, thus improving economic vitality and helping to maintain a prosperous local centre.

14.5 The NPPF further emphasises, at paragraph 84, the importance of supporting economic growth in a flexible and responsive manner. By facilitating the occupation of a vacant unit with a viable, nationally recognised operator, the proposal meets the government's objectives of ensuring "vibrant and healthy" town and local centres.

14.6 Domino's Pizza has a proven operational model and a track record of maintaining long-term commercial presence, ensuring that job opportunities are not short-term or seasonal but stable and sustainable.

14.7 The Town and Country Planning Act 1990, supported by the Planning and Compulsory Purchase Act 2004, establishes that economic considerations are legitimate material planning considerations. Section 19 of the 2004 Act requires development plan documents

to contribute to the achievement of sustainable development, which includes economic sustainability.

14.8 The proposed development satisfies this statutory requirement by securing investment, employment and commercial activity in a manner entirely consistent with the purpose of the planning system.

14.9 Local planning policies also place substantial weight on economic regeneration and employment creation. Most Local Plans—including that of South Tyneside—contain strategic policies supporting business growth, strengthening the local economy and increasing employment opportunities.

14.10 Policies relating to the vitality and viability of centres generally encourage the reoccupation of vacant units, the provision of active frontages, and the enhancement of commercial diversity. The proposed Domino's store directly delivers these aims by bringing the site into productive long-term use.

14.11 It is also relevant that the employment opportunities created will be accessible and varied, catering to a broad range of skill levels. This includes entry-level positions—crucial for younger workers, first-time job seekers or those seeking flexible employment—as well as supervisory and managerial roles offering career progression.

14.12 Paragraph 95 of the NPPF stresses the importance of supporting opportunities for training and skills development; Domino's nationally recognised training platform and progression routes support this objective, ensuring employees can acquire transferable skills within a structured system.

14.13 Beyond direct employment, the proposal will generate secondary and supply-chain benefits through local procurement, food deliveries, maintenance contracts and services. Increased footfall and evening activity within the area—albeit modest—can also have indirect positive effects on surrounding businesses by contributing to a more active and commercially attractive local centre. Such cumulative economic benefits are supported by NPPF paragraph 89, which encourages investment that contributes positively to the vitality of centres.

14.14 When considered in the round, the scale of employment created, the long-term commercial commitment, and the alignment with both national and local economic objectives strongly support the granting of planning permission.

14.15 The proposal advances the economic dimension of sustainable development as defined in the NPPF, contributes to the well-being and prosperity of the local community, and ensures that the premises provides meaningful economic output rather than remaining unused or underutilised. These substantial employment and economic benefits weigh

decisively in favour of the development.

15.0 PLANNING BALANCE

15.1 The planning balance weighs overwhelmingly in favour of the development. There is no conflict with the statutory development plan. The proposal complies with Core Strategy Policies ST1, E1 and SC1, as well as Development Management Policies DM1 and DM3.

15.2 Material considerations further reinforce the acceptability of the proposal. The lawful Class E fallback is pivotal: refusal of the Sui Generis use would not prevent the unit from operating in a manner identical in planning effect. Marketing evidence demonstrates that continued vacancy is likely without planning flexibility.

15.3 The economic benefits, including employment generation, commercial investment, evening activity and long-term occupancy, are substantial and consistent with the NPPF's objectives.

15.4 There is no demonstrable harm to highway safety, amenity, public health or design quality. Nothing in policy or evidence suggests that the proposal should be resisted.

16.0 CONCLUSION

16.1 This Planning Statement has demonstrated that the proposed change of use from Class E to Sui Generis Hot Food Takeaway at Plot A, Claypath Lane, represents a sustainable, proportionate and entirely appropriate form of development which sits comfortably within its commercial context.

16.2 The analysis of the statutory and policy framework confirms that the proposal accords with the relevant policies of the adopted development plan when read as a whole, as well as with the aims and objectives of the National Planning Policy Framework (NPPF). In particular, the lawful Class E fallback position, and the significantly broader range of activities now permissible under that Use Class, mean that the impacts associated with the proposed Domino's Pizza operation are, at worst, comparable with those already capable of occurring at the site without further express permission.

16.3 This, supported by a clear line of recent appeal decisions, confirms that any perceived concerns about health, highways or amenity cannot reasonably or robustly justify refusal.

16.4 The evidence before the Local Planning Authority, including the marketing information submitted with this application, demonstrates that there has been limited demand for traditional Class E uses at this location.

16.5 In contrast, the occupation of the unit by Domino's Pizza provides a realistic, deliverable and long-term solution which will bring a vacant or underutilised premises back into active commercial use.

16.6 The proposed development will generate direct employment opportunities, support local supply chains, and contribute to the wider evening economy. It will also increase footfall to the surrounding area in a controlled and managed way, supporting the ongoing health and vitality of the local centre. In this context, the proposal clearly represents the most viable, sustainable and economically positive use for the premises.

16.7 The Statement has further demonstrated that all technical and environmental considerations have been fully addressed. The delivery-led, no-dine-in operational model will limit on-site activity and parking demand when compared with an unrestricted Class E café or restaurant. A high-quality extraction and ventilation system, designed in accordance with recognised DEFRA guidance, will ensure that odour and noise are properly controlled, protecting the amenity of nearby occupiers.

16.8 Highways, parking and servicing arrangements have been shown to be acceptable, with trip generation and vehicle movements unlikely to exceed those associated with the lawful fallback use. Public health concerns, insofar as they may be raised, are not supported by site-specific evidence and must be viewed in light of the fact that equally calorific or nutritionally comparable food could be sold from the premises under Class E without further permission.

16.9 In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

16.10 In this case, there is no meaningful conflict with the adopted development plan, whilst there are compelling material considerations in favour of the proposal, including the strong Class E fallback position, the clear appeal precedent, the beneficial re-use of commercial floorspace, and the economic and employment benefits associated with a national operator.

16.11 When considered against the NPPF's presumption in favour of sustainable development, and the requirement at paragraph 11 that proposals which accord with the development plan should be approved without delay, the planning balance is decisively positive. It is therefore respectfully submitted that planning permission should be granted without delay.