

## 20/0091/COU – 429 Linthorpe Road

### Appendix 1 – Comments received

#### **Objection from 426 Linthorpe Road**

ie, retrospective change of use from (A1) retail to (A5) hot food takeaway, single storey extension to rear, installation of flue and new shop front. Located at 429 Linthorpe Road, Middlesbrough. TS5 6HH.

I am writing to you because I want to make objection comments about the proposals. There are two main reasons why I am against the plan and I will state them below.

One reason is regarding the noise. It will cause constant noise pollution and disturbance for the residents near by. They will not be able to rest well due to this, heavily impacting their lives. Another issue this will cause is the decrease of parking spaces in the area. Many complaints related to this have already been expressed by customers and people around this area. If one more hot food takeaway is opened, the problem will only worsen.

In conclusion, I hope you will take these issues into consideration and not change (A1) retail to (A5) hot food takeaway.

I am looking forward to hear from you.

Yours faithfully,

#### **Objection from local resident**

I formally object this Hot Food application, from myself and a group of collective residents and businesses.

The property is not suitable for a hot food takeaway due to the detrimental impact of noise, smell and extensive waste to nearby properties. The new owner has already started works without permission or appropriate building regulation approval and in true cowboy fashion, left a heap of mud and debris to the rear which I invite you to inspect.

Chipchase chippy, Persian Cottage, Kelz restaurant, All Sorts Cafe, Roni's and The Chinese Takeaway as well as Grill Shop, Mr UNO's Pizza, Khans Takeaway (New name), Lucianos already service this area, with numerous articles of breach of environment offences and late night after hours trading from Luciano's.

The change of use would cause increased parking problems, further plastic environmentally hazard waste, loss of a A1 retail unit, late night anti-social behaviour, potential gangs and knife crime, As well as being closed during the day. There would be a cumulative detrimental effect on the amenity of the area, which is against s54 of the Town & Country Planning Act.

The application has no health impact statement.

A Healthy Community

The Council needs to take account of the impact on the health and well-being of local residents and the local primary school/nurseries of yet another fast food outlet.

- These include the many families and children living on the Park Ayresome and LINTHORPE Ward which we reside.

- Nearby nurseries and schools so far as we are aware have not been advised of the planning application.

Middlesbrough has 40 junk food outlets to every school. This compares to the national average ratio of 25 outlets per school.

How does this change of use contribute in a positive way to the health and well-being of local residents?

ACTION: If Planning Policy supports the aims of the Community Plan for a healthy community (as per planning policies) it MUST actively aim to REDUCE the number of A5 outlets not to increase them  
 ACTION: Applicants talking to planning officers about A5 use should be advised about the Council's planning policy - specifically the terms. This avoids a lot of wasted time and effort for the applicant.  
 Active retail frontage - LINTHORPE village and road needs to retain A1 retail units at the junction with and along Benson St LINTHORPE Road if it is to maintain a thriving and active retail frontage.

Local parades serve as focuses for the community and contribute to the individual character and attractiveness of a neighbourhood. The elderly, people who are less mobile, and the parents of young children in particular suffer from the loss of local shops. For these reasons the Council considers that local parades need to be protected.

- Every time a retail use is converted to a fast food outlet it reduces the scope for genuine entrepreneurs to introduce appropriate retail uses to this area and its ability to thrive as a retail centre.
- Converting the use from A1 to A5 is, in our opinion, a very lazy solution to the recession. If people aren't buying it's not because of the recession. It's because businessmen are not identifying market needs and developing outlets selling the right products - residents then need to buy such items elsewhere.
- Given the specialist needs and the huge range of income levels associated with the local community on both sides of the Linthorpe Road and the passing custom associated with the village there are any number of retail uses which could thrive in this location. Consequently this location very definitely has continuing value as a retail unit with A1 use.

We also consider that approval of another A5 use could also have a detrimental impact on the economic wellbeing of existing units leading to a less than active frontage than exists at present. This is contrary to council policy

ACTION: The existing retail A1 use should be protected in line with existing planning policy and this application should be REFUSED

ACTION: The Council's economic development function can advise the applicant about the type retail use which would be attractive to people living in and passing through this area.

ACTION: Planning needs to develop a list of A5 units in an area so that the number and density of A5 use can be properly assessed when planning applications are considered.

Activities incompatible with a residential area. At present LINTHORPE Village and Road is becoming a focus for fast food units, betting shops and late night activity - DESPITE the fact that this area is home to a lot of family housing.

- The area has a large demographic of teenagers. This fact always seems to get ignored and forgotten by Planning when permitting previous changes of use.
- Is this the image that the Council wants to present to the visitors? Don't both visitors and long term residents deserve better than this?

ACTION: This application should be REFUSED as the proposed change of use to A5 serves to over-concentrate in area which is predominantly residential in direct contravention of policy of the Core Strategy.

ACTION: Planning should review the overall mix of existing uses along Linthorpe Road and the and develop location specific guidelines to assist with the development of economic activity in this area. In particular it needs to address the introduction of new activities and deterrents to "more of the same"

ACTION: Planning should develop a guide to the location of A5 units within the borough as a loss of those shops considered to be essential to a thriving parade.

#### Night-time activities

We believe that the intention is that this proposed fast food outlet will want to open very late to provide late night food after the pubs and clubs close.

WE VERY STRONGLY OBJECT to any activity in this area which further contributes to the existing disruptive behaviour which has a very negative impact on the neighbouring streets on both sides of the Linthorpe Road and the quiet enjoyment of existing amenity.

- There is mounting evidence that disruptive behaviour associated with people leaving for their cars parked in neighbouring residential streets is increasing yet again.
- The Council's Licensing section of the Council can provide you with ample evidence of what happens when this area becomes a focus for people after the pubs have shut. Lots of noise and shouting in the streets which wakes up residents in the small hours, fast food left wrappers and food and cans in the streets along with the vomit and urination.
- In part We wish to counteract the way "things just happen" to this area. We are standing up for local residents' right to have a decent standard of life and to be able to sleep in their beds at night without being woken up in the small hours on a regular basis

ACTION: Planning powers should be used to help reduce the level of documented disruption to residents' sleep experienced in streets to the north and south of Linthorpe Road and especially because of recent TS1 Dispersal Area The Safe Neighbourhood Team has introduced a dispersal area in TS1 which is pushing people forward and very close to this unit in TS5.

Planning permission needs to be sensitive to 'safe neighbourhood' issues which spill over into residential areas. Planning permission should NOT allow a proposed change of use which provides a focus for groups to congregate close to an area and to disrupt the sleep of local residents.

Lack of adequate provision for an area to house the commercial waste bin.

It's been our experience that Planning and Environmental Health have allowed developments in economic activity in LINTHORPE without sufficient adequate controls over the negative impact of the storage of commercial waste arising from commercial activities on the area.

Local residents have made a number of complaints to me about the state of the pavements and the refuse which is inappropriately stored and often not collected. As a result we will be actively supporting new government initiatives to clean up the streets and pavements of clutter - not least the unsightly and, when rubbish is not collected, the unsavoury overflowing waste bins which can be seen around and about LINTHORPE again and again and again

We want to see ALL COMMERCIAL WASTE BINS HOUSED OUT OF SIGHT and preferably off the street altogether with fines being imposed for every time a bin is seen on the street when not in the process of being emptied.

In addition, there is no provision for dealing with waste associated with A5 use once the customer has left the unit. There are too few waste bins to contain the amount of waste which gets generated by people at night by who do not live in this area.

ACTION: This planning application should be REFUSED does not comply with policy and does not state how waste associated with A5 use will be handled.

ACTION: Planning should be IMPROVING the amenity of an area and NOT contributing to a reduction in its amenity value.

ACTION: Planning should be taking a vigorous stance on the presence of commercial waste bins on pavements and seek to eliminate them from Linthorpe village at the earliest opportunity.

Applicant's perspective on the impact of this change of use We vigorously dispute the potential assessment of the impact of this change of use The applicant states.

We wish to emphasize as the local residents that we consider that yet another fast food outlet will in no way enhance the character, vitality and viability of the area and street because:

- it will lead to an unhealthy community –not one which is vital in the literal meaning of the word as we keep emphasizing to Planning,
- the residents of Benson Street do not want a "vibrant area". They just want to be able to sleep in their beds at night without being woken up. People who don't get enough sleep are considerably less vital!
- the economic viability of the area is UNDERMINED by the proliferation of A5 /fastfood outlets (and betting shops) because it deters other retailers from coming into the area
- how does a fastfood add to the character of the area except in terms of its diminution?

#### Reasons for refusal

This planning application should be REFUSED on the following grounds:

- the proposed A5 use will have a detrimental impact on residential amenity because of the noise and increased activity caused by the proposed use, and noise and fumes created by the proposed duct.
  
- the submitted information is insufficiently detailed, particularly with respect to the proposed A5 use. In the absence of such information, the full impact upon amenity of surrounding residents cannot be fully assessed. We have endeavoured to remedy that deficiency in this consultation response.

We are copying this objection to Councillors, Ward members for park ward and the local gazette, council with lead responsibility for health. They will doubtless be interested in just how many fast food outlets there are on LINTHORPE Road.

May I remind you of the below interim hot food policy.

#### “Interim Hot Food Takeaways Policy

Proposals for hot food takeaways (A5 Class Use) will only be permitted where the proposed use would not:

- a. result in the proportion of the total units in the centre in A5 uses exceeding 10%; or
- b. result in more than two adjacent hot food takeaway A5 uses; or
- c. be located within designated Shopping Frontage; and in addition to the above criteria, in order to promote healthier communities:
- d. planning permission will not be granted for A5 uses within 400m walking distance of an entry point to a secondary school; and
- e. applications for A5 uses will be required to be accompanied by a Health Impact Assessment, and, where an unacceptable adverse impact on health is established, permission will not be granted.

Hot food takeaway (A5 class use) will not be permitted outside of a defined centre”

I hope you can object, refuse and push this cause.

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## End of Public Comments